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**ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT**

NOTIFICATION

Sri Vijaya Puram, dated the 16th February, 2026.

No. 43/2026/F. No. M-2530973/1/2025-ALC (SA)-LAB_AN/661. — In exercise of powers conferred by Section 99 of the Industrial Relation Code, 2020 (Act No. 35 of 2020) read with Notification S.O. 26 (E) dated 02.01.2026 issued by the Ministry of Home Affairs issued by the GOI, Ministry of Home Affairs, the Lieutenant Governor (Administrator), Andaman and Nicobar Islands, hereby proposes to make the Rules to carryout the provisions of the said Code.

WHEREAS, the draft Industrial Relations (A & N Islands) Rules, 2024 was earlier published vide Gazette Notification No.111 dated 09.10.2024 in A & N Gazette for inviting objections and suggestions from the persons to be affected thereby and now after implementation of the Industrial Relation Code, 2020 (Act No. 35 of 2020) w.e.f. 21.11.2025 by the Govt. of India, it has been considered necessary to pre-publish the following Rules afresh.

Accordingly, in exercise of powers conferred by Section 99 of the Industrial Relation Code, 2020 (Act No. 35 of 2020) read with Notification S.O. 26 (E) dated 02.01.2026 issued by the Ministry of Home Affairs issued by the GOI, Ministry of Home Affairs, the following Draft Rules are hereby pre-published for inviting objections and suggestions thereupon from the persons to be affected thereby. Any objections and suggestions should reach within a period of 45 days from the date of the draft publication to the Office of Labour Commissioner, Labour Department, Andaman and Nicobar Administration, Supply Line, Sri Vijaya Puram-744101, email-lcdet@and.nic.in.

**DRAFT RULES
CHAPTER I
PRELIMINARY**

1. Title and Commencement : —

- (1) These rules may be called the Industrial Relations (A & N Islands) Rules, 2026.
- (2) They shall come into force on the date of their final publication in the Official Gazette.

2. Definitions : —

- (1) In these rules, unless the context otherwise requires:-
 - (a) "Andaman & Nicobar Administration" means Lieutenant Governor (Administrator) of the Union Territory of A & N Islands ;
 - (b) "Code" means the Industrial Relations Code, 2020 (Central Act, 35 of 2020) ;
 - (c) "Electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;
 - (d) "Form" means a form appended to these rules;

- (e) "Section" means Section of the Code;
- (f) "Similar industrial establishment" means a class of industrial establishments recognized to be similar on factors like the nature of activity performed by the industrial establishment or any other deemed appropriate by the A & N Administration; and

3. Written Agreement for the settlement under clause (zi) of Section 2 :—

The written agreement under clause (zi) of Section 2 between the employer and the worker in the course of conciliation proceeding shall be in **Form-I**. In case of written agreement otherwise than in the course of conciliation shall be in **Form-I-A** and it shall be signed by the parties to the agreement and a copy thereof shall be sent to the concerned Conciliation Officer.

CHAPTER II

BI-PARTITE FORUMS

4. Constitution of Works Committee under Sub-Section (1) of Section 3 :—

- (1) Every employer to whom an order made by the A & N Administration under Sub-Section (1) of Section 3, shall forthwith proceed to constitute a Works Committee.
- (2) The number of members constituting the Works Committee shall be fixed so as to afford representation to the various categories, groups and class of workers engaged in, and to the Sections, Shops or Departments of the 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 Committee shall not be less than the number of representatives of the employer therein.
 - Provided that the industrial establishment in which women workers are employed shall have adequate representation of women workers in Works Committee and such representation shall not be less than the proportion of women workers to the total workers employed in the industrial establishment.
- (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 Labour Commissioner or any other officer nominated by him, not below the rank of a Assistant Labour Commissioner, in writing, who shall, after hearing the parties, shall decide the matter and his decision shall be final.
- (5) On receipt of the information called for under Sub-Rule (4), the employer shall provide for the selection of worker's representative on the Works Committee in two following groups, namely :-
 - (a) Registered Trade Union 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.
- (6) (a) The Works Committee shall choose among its office-bearers a Chairman, a Vice- Chairman, a Secretary and a Joint-Secretary. The Secretary and the Joint Secretary shall be elected every year ;
 - (b) The Chairman shall be nominated by the employer from amongst the employer's representatives on the Works Committee and he shall, as far as possible, be the head of the industrial relations;
 - (c) The Vice-Chairman shall be elected by the members, on the Works Committee representing the workers, from amongst themselves:

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

- (d) The Works Committee shall elect the Secretary and the Joint Secretary provided that where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the worker and vice versa :
- Provided 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 worker 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 lot.
- (7) (a) The term of office of the representatives on the Works Committee other than a member chosen to fill a casual vacancy shall be three years;
- (b) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor;
- (c) A member who without obtaining leaves from the Works Committee, fails to attend three consecutive meetings of the Committee shall forfeit his membership ;
- (d) 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.
- (8) (a) The Works Committee may meet as often as necessary but not less than once in three months.
- (b) The Works Committee shall at its first meeting regulate its own procedure.
- (9) (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 to carry 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 meeting and work of the Works Committee on the notice board of the industrial establishment.
- (10) Annual Return: The employer shall submit the details of the constitution and the functioning of the Committee as a part of unified annual return provided in the rules made in this behalf under the Occupational Safety, Health and Working Condition Code, 2020 (37 of 2020).
- (11) Dissolution of Works Committee: The Andaman & Nicobar Administration, or the officer authorized in its behalf, may after making such inquiry as it or he may deem fit, dissolve any Committee at any time, by an order for reasons to be recorded in writing, on being satisfied that the Committee has not been constituted in accordance with the provisions of this rule or that not less than two-thirds of the number of representatives of the workers have without any reasonable justification failed to attend three consecutive meetings of the Committee or that the Committee has, for any other reason, ceased to function :

Provided that where the Committee is dissolved under this Sub-Rule, the employer may, and if so required by the Andaman & Nicobar Administration or, as the case may be, by such officer, shall take steps to re-constitute the Committee in accordance with this rule.

5. Manner of choosing members from the employers and the workers for Grievance Redressal Committee under Sub-Section (2) of Section 4 :—

- (1) The Grievance Redressal Committee (hereinafter in this rule referred to as the Grievance Committee) in an industrial establishment employing twenty or more workers, shall consist of equal number of members representing the employer and 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 or Sections of the industrial establishment.
- (3) The representatives of the workers shall be chosen by the registered Trade Union and where a negotiating council exists, such representatives shall be chosen in the same proportion as the Trade Unions respectively represents in the negotiating council. In cases where there is no registered Trade Union or negotiating council, the members may be chosen by the workers of the establishment :
- Provided that the employer may, deploy an electronic platform for choosing workers' representatives under this clause, over an information technology application, online platform or such other like platform :
- Provided further that there shall be adequate representation of women workers in the Grievance Committee and such representation shall not be less than the proportion of women workers to the total workers employed in the industrial establishment.
- (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 –
- (a) how many of the workers are members of such Trade Union;
 - (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 Labour Commissioner, or any other officer nominated in writing, by the Labour Commissioner, not below the rank of Assistant Labour Commissioner, who shall, after hearing the parties, decide the matter and his decision shall be final.
- (5) On receipt of the information called for under Sub-Rule (4), the employer shall provide for the selection of worker's representative on the Committee by the following groups, namely :-
- (a) Registered Trade Union may choose their representatives as members for Grievance Redressal Committee in the proportion of their membership; or
 - (b) Where there is a negotiating Council, the negotiating council may choose their representatives as members for Grievance Redressal Committee; or
 - (c) Where there is no registered Trade Union or negotiating council, the workers may choose amongst themselves representatives for the Grievance Redressal Committee.
- (6) The term of office of the representatives of the Grievance Redressal Committee other than a member chosen to fill a casual vacancy shall be three years. A representative chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor.

6. Application in respect of any dispute to be filed before the Grievance Redressal Committee by any aggrieved worker under Sub-Section (5) of Section 4 :—

Any aggrieved worker may file an application as per **Form II** 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. Grievance may be raised within one year from the date on which the cause of action of such dispute arises.

7. Manner of filing application before 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 to the Conciliation Officer in **Form-II-A** electronically or manually through speed post within sixty days from the date of 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, through a Trade Union of which he is a member. In case of non-member, a request to a registered Trade Union to espouse his dispute is deemed sufficient.

In case of manual receipt of such application through speed post, the Conciliation Officer shall get the same digitalized and enter the particulars of the application in the official portal under intimation to the applicant.

CHAPTER - III TRADE UNIONS

8. Payment of subscription by members to Trade Union under clause (f) of Section 7 :—

- (1) A registered Trade Union may collect the subscription from its members, office bearers or from others, as provided under the rules approved by the Registrar on monthly, quarterly, half yearly or yearly basis subject to such amount as specified under sub rule (2).
- (2) The payment of a minimum subscription by members of the Trade Union shall be as provided under the rules of the Trade Union approved by the Registrar but shall not be less than :-
 - (a) Twenty Rupees per annum for rural workers ;
 - (b) Thirty Rupees per annum for workers in other unorganized sectors ; and
 - (c) Fifty Rupees per annum for workers in any other case.

9. Manner of Annual Audit of the Trade Union under Clause (j) of Section 7 : —

- (1) Save as provided in Sub-Rule (2), (3), (4) and (5), the Annual Audit of the accounts of any registered Trade Union shall be conducted by an auditor having the qualifications specified in Section 141 of the Companies Act, 2013 (Central Act, 18 of 2013).
- (2) Where the membership of a registered Trade Union did not, at any time, during the year ending on the 31st of December, exceed 50,000, the Annual Audit of the accounts may be conducted,-
 - (a) by an auditor authorized by the A & N Administration to examine public accounts; or
 - (b) any person who holds an appointment under the Government in any audit or accounts of any Department of A & N Administration, is in receipt of a pension of not less than Rs. 5000 per month; or
 - (c) by a Chartered Accountant having the qualifications specified in Section 141 of the Companies Act, 2013 (Central Act, 18 of 2013).
- (3) Where the membership of a registered Trade Union did not, at any time, during the year ending on the 31st day of December, exceeded 1,000 the Annual Audit of the accounts may be conducted,-
 - (a) by any person who, having held an appointment under the Government in any Audit or Accounts Department or Co-operation Department , is in receipt of a pension from the Government of not less than Rs. 5000 a month, or
 - (b) by any auditor appointed to conduct the audit of Co-operative Societies by the Government or by the Registrar of Co-operative Societies or by any Co-operative Organization recognized by the Government for this purpose.
- (4) Where the membership of a registered Trade Union did not at any time, during the year ending on the 31st December exceeds 250, the annual audit of the accounts may be conducted by any two ordinary members having practical knowledge or expertise, provided they were not on the executive during the period to which the accounts pertain.
- (5) Where the registered Trade Union is a federation of Trade Unions and the number of such unions affiliated to it at any time during the year ending on the 31st December, did not exceed 50, 15 or 5, respectively, the audit of the accounts of the federation may be conducted as if it has not exceeded membership specified under Sub-Rules (2), (3) and (4) of the Rule 9 respectively.
- (6) Notwithstanding anything contained in these rules, no person who, at any time, during the year for which the accounts are to be audited, was entrusted with any part of the funds or securities belonging to a registered Trade Union shall be eligible to audit the accounts of that union.
- (7) While conducting the audit the auditor shall be given access to all the books of the registered Trade Union concerned and shall verify the general statement with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration in **Form III**, 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, not, supported by vouchers or not in accordance with the Code. The particulars given in the statement shall indicate —

- (a) every payment which appears to be unauthorized by the rules of the registered Trade Union concerned or contrary to the provisions of the Code ;
- (b) the amount of any deficit or loss which appears to have been incurred by the negligence or misconduct of any person ;
- (c) the amount of any sum which ought to have been, but is not brought to account by any person.

10. Application for Registration of Trade Union and Cancellation thereof under Section 8 and 9 :—

- (1) Every application for registration of a Trade Union shall be made in **Form IV** electronically or otherwise alongwith payment of fee as specified under Sub-Rule (5), to the Registrar / Additional Registrar or Deputy Registrar having jurisdiction.
- (2) **General statement of the assets and liabilities of the Trade Union prepared in such form and containing such particulars under Sub-Section (2) of Section 8 :—** Where a Trade Union has been in existence for more than one year before making application for its registration, the general statement of the assets and liabilities of the Trade Union as required under Sub-Section (2) of Section 8 shall be delivered in **Schedule- III of Form IV** to the Registrar together with the application for its registration.
- (3) An affidavit shall be attached with the application filed for registration or cancellation of registration under sub rule (1) by the applicant in **Form IV-A**. Application shall be enclosed with assets and liability of Trade Union prepared in accordance with double entry book keeping only in instances of cancellation of registration or when the Trade Union has previously existed for a period of more than one year as under Sub-Section (2) of Section 8 of the Code.
- (4) On receipt of an application for the registration of a Trade Union, the Registrar may require from the applicant to produce such evidence, as may be necessary to prove that the applicants have been duly authorized to make such application on behalf of the Trade Union in **Form -V**.
- (5) The fee payable for registration of a Trade Union shall be Rupees two hundred or as fixed by the A & N Administration from time to time by a Notification and shall be paid electronically or otherwise in the appropriate head of accounts.
- (6) The register for every registration and cancellation of Trade Union by the Registrar shall be maintained electronically or otherwise in **Form VI**.
- (7) The Registrar, on receipt of an application for registration, withdrawal or cancellation, shall before initiating any action verify that the application was approved in a general body meeting of the Trade Union, or if it was not so approved, that it has the approval of a majority of the members of the Trade Union. For this purpose, the Registrar may call for such further particulars as he may deem it necessary and may examine any officer of the union.
- (8) The Certificate of Registration in **Form VII** shall be issued electronically or otherwise by the Registrar after due verification of the information and particulars submitted with the application, either by himself or through any other officer authorized by him and found proper. The certificate shall be issued by the Registrar within forty-five days from the date of receipt of application. If no decision is taken and communicated electronically or otherwise on such application by the Registrar within forty-five days, the registration shall be deemed to be issued.
- (9) **Cancellation or withdrawal of certificate of registration of the Trade Union under Sub-Section (5) of Section 9:— (a) -** Every application by a Trade Union for withdrawal or cancellation of its certificate of registration shall be sent electronically or otherwise to the Registrar in **Form VIII**.

- (a) The Registrar on application for the withdrawal or cancellation shall, before granting the application satisfy himself that the withdrawal or cancellation of a registration was approved by a general meeting the Trade Union, or if it was not so approved that it has the approval of the majority of the members of the Trade Union and for this purpose, the Registrar may call for such further particulars as it may deemed necessary and may examine any officer of the Union.
- (b) The Registrar shall, before withdrawing or cancelling the certificate of registration of a Trade Union under clause (ii) of Sub-Section (5) of Section 9, cause to be served notice in **Form-IX** on the Trade Union through its Secretary electronically or by speed post or in person.
- (c) The certificate of registration issued to Trade Union under Sub-Rule (8) of rule 10 shall be surrendered by the Secretary of the Union when the Registrar withdraws or cancels such certificate under Sub-Section (5) of Section 9.

11. Appeal against refusal to Grant Registration to a Trade Union or Cancellation of a Certificate of Registration under Section 10 : — An appeal against the order of the Registrar for refusal to grant registration to a Trade Union or cancellation of a certificate of registration shall be filed within sixty days from the date of receipt of the order to the Industrial Tribunal, A & N Islands by filing an application mentioning the grounds of the appeal accompanied with a certified copy of the order of the Registrar.

12. Communication to Trade Union by the Registrar and by Trade Union to Registrar under Sub-Section (1) and Sub-Section (3) of Section 11:—

- (1) All communication and notices to a registered Trade Union shall be sent electronically or otherwise to by the Registrar through the approved postal address or E-mail address as mentioned in the register.
- (2) All communication and notices by a registered trade union with respect to any change in any particulars of trade union or its rules or membership shall be sent electronically or otherwise to the Registrar to his official postal address and / or e-mail address within thirty days from such date of such change or event.
- (3) On receipt of any communication under Sub rule (2), the Registrar shall, unless he has reason to believe that such communication has not been made in the manner provided by the rules of the Trade Union and is not in accordance with the provisions of the Code, register such communication or alteration in a register to be maintained for this purpose and shall notify the fact that he has done so, to the Secretary of the Trade Union in the manner specified under Sub rule (1).
- (4) The fee payable for such communication or alteration of rules shall be Rupees one hundred or as fixed by the A & N Administration from time to time by notification and be paid electronically or otherwise for each set of alterations made at one time.
- (5) The notice of any change in the particulars given by the Trade Union shall be sent electronically or otherwise to the Registrar in **Form X**.
- (6) When the Registrar registers a change in any other particulars, he shall certify under his signature at the foot of the certificate issued that the new change in the particulars has been registered and communicate the same electronically or otherwise.

13. Matters on which negotiating union or negotiating council may negotiate with the employer under Sub-Section (1) of Section 14:—

- (1) The matters pertaining to workers which the negotiating union or the negotiating council, as the case may be, shall negotiate with the employer of the industrial establishment under Sub-Section (1) of Section 14 are specified, as below :-
 - (a) Classification of grades and categories of workers;
 - (b) order passed by an employer under the standing orders applicable in the industrial establishment;

- (c) wages of the workers including their wage period, dearness allowance, bonus, increment, customary concession or privileges, compensation and other allowances;
- (d) hours of work of the workers, rest days, number of working days in a week, rest intervals, working of shifts;
- (e) leave with wages and holidays;
- (f) promotion and transfer policy and disciplinary procedures;
- (g) quarter allotment policy for workers;
- (h) safety, health and working conditions and related standards;
- (i) such matters pertaining to conditions of service and terms of employment of the workers which are not covered in the foregoing clauses; and
- (j) any other matter which is agreed between employer of the industrial establishment and negotiating union or negotiating council, as the case may be.

14. Criteria for recognizing a single registered Trade Union of workers as sole negotiating union of workers under Sub-Section (2) of Section 14 :— If there is only one registered Trade Union of workers in an Industrial Establishment, which is having membership of thirty percent or more workers of that Establishment, such union shall be entitled to negotiate with the employer as a Sole negotiating union.

15. Verification of workers on the muster roll of the industrial establishment, under Sub-Sections (3) and (4) under Section 14 :— Verification of workers on the muster roll of the industrial establishment, as required under Sub-Sections (3) and (4) of Section 14, shall be made in the following manner namely : —

- (a) The employer of the industrial establishment shall be the Verification Officer for the purpose of verification of membership of the Trade Unions in the industrial establishment.
- (b) The Verification Officer can appoint Additional Verification Officer(s) depending upon the quantum of work of membership verification.
- (c) Additional Verification Officer shall be neutral person, who must not have any interest with any of the Trade Union, whose membership verification to be carried out.
- (d) The Verification Officer shall carry out the work of membership verification in the industrial establishment in time bound manner.
- (e) The employer of the industrial establishment shall be responsible for expenditure and arrangement in connection with the verification of membership of Trade Union.
- (f) The employer of the industrial establishment shall initiate action before expiry of the tenure of incumbent negotiating union or negotiating council in advance so that process of verification of membership of Trade Unions is completed before expiry of tenure of incumbent negotiating union or negotiating council as the case may be.
- (g) Trade Unions which satisfy the following condition shall first request the employer of the industrial establishment to participate in the process of verification of membership of the workers :
 - (i) the trade union must be holding valid registration of trade union under the Industrial Relations Code, 2020 (35 of 2020) or the Trade Unions Act, 1926 (16 of 1926), as the case may be,
 - (ii) the membership of the Trade Union must be confined to the particular industrial establishment only.
- (h) Request from Trade Union for recognition shall be accompanied with the copy of the registration Certificate, copy of list of members, details of the membership subscription and copy of latest annual return submitted to the Registrar of Trade Unions and any other relevant document the Trade Union wishes to submit in support of claim.
- (i) On receipt of request from trade unions for granting recognition, the employer of the industrial establishment shall appoint Additional Verification Officer(s).

- (j) On receipt of the documents or records, the Verification Officer shall scrutinize the records, documents submitted by the Trade Union to ascertain the status of registration of Trade Union, etc.
- (k) The Verification Officer shall hold meeting with representative of employer of industrial establishment and all participating Trade Unions to decide the method of verifying membership of Trade Unions by any of the following method or procedure, on which majority of participating Trade Unions are agreed upon—
- (i) Trade Union membership verification through record verification or ;
 - (ii) Trade Union membership verification through check-off system or ;
 - (iii) Trade Union membership verification through secret ballot ;
- The date of reckoning shall also be decided in the above meeting.
- (l) In case of no decision over the method of verification, or date of reckoning or other modalities or any dispute arise during the verification process, the employer of the industrial establishment or participating Trade Unions may submit written application to the Labour Commissioner, A & N Administration to intervene in the matter. On receipt of such written application, the Labour Commissioner, A & N Administration or any officer authorized by him shall after hearing the parties, decide the matter and his decision shall be final. Further, the Labour Commissioner, A & N Administration may appoint Verification Officer to conduct verification of membership of Trade Unions in the industrial establishment or appoint an observer under whose supervision membership verification of Trade Unions shall be conducted.
- (m) **A. Trade Union membership verification through record verification :** The Verification Officer shall ask all participating unions to submit following documents and records within a stipulated time namely :—
- (i) List of members along with all other particulars of the workers, whose name is on the muster roll of the industrial establishment where the verification is to be carried out.
 - (ii) Details of subscription paid by the member to the trade union for any three months immediately preceding twelve months from the date of reckoning along with counterfoil of the receipts.
 - (iii) Details of accounts or cash book or bank account of the Trade Union;
 - (a) The Verification Officer shall check the list of membership with the membership register and receipts / counterfoils of subscription and exclude those names, who have not paid three months subscription during the period of twelve months preceding the date of reckoning.
 - (b) The examination of records shall be done in the presence of the office bearers of the trade union concerned, but not in presence of the office bearers of other participating Trade Union(s).
 - (c) The Verification Officer shall scrutinize the cash or account books as well as the bank pass book maintained by the trade union to ascertain that amount of subscription shown to have been received, has been properly accounted for and that the amount received in subscription are not incompatible with the total number of members shown in the register and the list of membership furnished by the Trade Union.
 - (d) The Verification Officer shall also ensure that only those workers are included in the list of members of Trade Unions, who are or were on the muster roll of the industrial establishment on the date of reckoning.
 - (e) The Verification Officer shall thereafter intimate in writing to the Trade Union concerned that verified list of their respective members are ready for their inspection by the Trade Union representatives at an appointed time and place.

- (f) The trade unions shall also be informed that after inspections of the verified list of members of the participating Trade Unions, they shall send in writing their specific objections if any, to the entries in the list within fifteen days or larger period (as agreed by participating unions) of the date of inspection.
- (g) Objection shall be given with name of person whose membership of Trade Union is objected and reason thereof.
- (h) The Verification Officer shall then recheck the records like membership register, receipt book, etc. to ascertain the correct position and if necessary personal interrogation of members shall be done.
- (i) The Verification Officer shall maintain a list of members personally interrogated, result of personal interrogation, etc.
- (j) While conducting personal interrogation, the verification officer or Additional Verification Officer shall not allow the representative of any Trade Union to be present.
- (k) Where the personal interrogation of selected person denies membership of particular Trade Union, list of members of that Trade Union shall be modified accordingly and final list of verified members shall be prepared and copy of the same shall be shared with all the participating Trade Unions.

(B) Trade Union membership verification through check-off system :

- (i) Under the check off system, verification of membership of Trade Union shall be done on the basis of deduction of subscription for trade union made from the salary or wages of workers based on the check off mandate on date of reckoning fixed in the meeting with the verification officer.
- (ii) The employer of the industrial establishment shall prepare a Certificate of membership strength indicating the data or details, as the case may be, in **Form XI** along with list(s) showing name of the members of each Trade Union operating in the industrial establishment along with designation, Section, department, station, etc.
- (iii) A worker of the industrial establishment shall be considered as a member of particular trade union subject to the condition that the worker can only give one check off mandate in favour of one particular trade union at a given point of time and the industrial establishment shall only reckon check off mandate form for the salary / wages on the date of reckoning fixed in the meeting with the Verification Officer.
- (iv) The Verification Officer shall within a period of ten days from the date of receipt of list(s) showing the name of members of Trade Union along with **Form XI** from the employer of the industrial establishment, forward a copy of the list(s) along with notice in **Form XII** to the Trade Unions and call upon them to accept or object its authenticity, if any, within a period of thirty days from the receipt of such communication.
- (v) If any objection is received from the Trade Union(s), the Verification Officer shall verify the same and if any reason to modify or alter the list(s) of member of Trade Union(s) is found, he shall get altered.
- (vi) The Verification Officer / Additional Verification Officer shall verify the name objected by the contested union, he may enquire from the concerned worker(s) about his or her or their affiliation to one or any other Trade Union.
- (vii) In the course of such personal enquiry by the Verification Officer or the Additional Verification Officer, no representative of any of the Trade Union shall be allowed to be present.
- (viii) Subject to clause (v) above, the Verification Officer shall finalize the list of members of Trade Union(s) and submit his report to the employer of the industrial establishment.
- (ix) A copy of the final list of member shall also be distributed to all participating Trade Union(s).

(C) Trade Union membership verification through secret ballot :

(i) The Verification Officer shall convene meeting of representatives of all registered Trade Unions functioning in the industrial establishment at least two months before the date of actual voting to decide the date, time, mode of voting, place of voting, date time and place of counting and other modalities relating to secret ballot. The minutes of the meeting shall be prepared and signed by all the participants.

(ii) The symbol to all participating Trade Unions shall be allotted in the same meeting.

(iii) All workers whose names are borne on the muster roll of the industrial establishments on the date of reckoning shall be eligible to cast their votes.

(iv) The voter list shall be prepared by the employer of the industrial establishment on the basis of name of the workers borne on the muster roll on the date of reckoning mutually decided in meetings held under clause (j) of rule 15. The voter list shall contain the name, father's name, designation, Employee Code, if any, and place of posting of the worker.

(v) The final voter list shall be published by the employer after obtaining the approval of the Verification Officer and shall be displayed at all notice boards of the industrial establishment. The copy of the voter list shall also be sent to the participating union by hand or by speed post or by electronic mode.

(vi) The Verification Officer shall display the name of the participating union with the symbol allotted to them on the notice board as soon as it is finalized.

(vii) Counting of votes will be held on the date, time and place fixed by the Verification Officer under the supervision of the Verification Officer and during the counting, agents of all participating Trade Unions shall be allowed to remain present.

(viii) After final counting of votes, the result shall be declared by the verification officer. The result sheet shall contain the names of all Trade Unions which have participated in the secret ballot election, total number of votes polled, and the number of votes cast in favour of each Trade Union. The result shall be signed by the representatives of all participating unions and the Verification Officer. The Verification Officer shall hand over the copy of the result to all participating unions and to the employer of the industrial establishment.

(n) The Verification Officer shall submit his report with results of verification of membership of the Trade Union to the employer of the industrial establishment.

(o) On the basis of report of the Verification Officer, the employer of the industrial establishment shall grant recognition to Trade Union as a sole negotiating union or shall constitute negotiating council under the provisions of Sub-Sections (2), (3) and (4) of Section 14.

(p) Any recognition either as negotiating union or the negotiating council shall be valid for three years from the date of recognition or constitution or such further period not exceeding five years, in total, as may be mutually decided by the employer and the Trade Union, as the case may be,

16. Facilities to be provided to Negotiating Union or Negotiating Council under Sub-Section (7) of Section 14 :— An industrial establishment shall provide the following facilities to a Negotiating Union or Negotiating Council, namely :-

(a) The officers of Negotiating Union or members of Negotiating Council shall have the right and be permitted by the employer to hold discussions on the premises of the undertaking with the employees concerned who are the members of such union :

Provided that,—

(i) the union shall intimate, in advance to the employer the name or names of the officer or officers authorized for the purpose and the name of the department or departments in which the members concerned are employed; and

- (ii) the discussions shall be held in such manner as not to interfere with the normal working of the undertaking.
- (b) The officers of a Negotiating Union or member unions of Negotiating Council shall have the right to meet the employer or any person appointed by him for the purpose and discuss with him the grievances of its members employed in his undertaking subject to the following conditions, namely :-
 - (i) the discussion shall ordinarily be held on one day in a week during such working hours of day shift from 11 AM to 5 PM as may be fixed by the employer and the union except in urgent cases when it may be held on any day and at any time by previous appointment;
 - (ii) the union shall ordinarily communicate, in advance, the nature of the grievances which it desires to discuss;
 - (iii) the name of the officer or member authorized in this behalf shall either be communicated to the employer in advance or such officer shall carry a letter of authority.
- (c) Employer to deduct subscription of the members of the trade union on the basis of the written consent of the worker. All sums payable as subscription to the trade union shall be through electronic transfer.
- (d) The President of the Negotiating union or an office bearer authorized by the President shall be entitled to put up or cause to be put up a notice board outside the time-keeper's office or at any other conspicuous place mutually agreed upon between the employer and the union and affix notices therein during the hours the undertaking is open :
Provided that,-
 - i) the notice board to be put up shall be of a reasonable size;
 - ii) the notices to be affixed shall be signed either by the President, the Vice-President when carrying on the duties of the President during this absence, the General Secretary, the Secretary, and
 - iii) such notices shall relate to lawful activities of the union and shall not be of an offensive or provocative nature.
- (e) Employer of an industrial establishment having three hundred or more workers shall provide suitable office accommodation with necessary facilities to the Negotiating Union or Negotiating Council as the case may be.

17. Objects under sub-sections (1) and sub-section (2) of section 15 and the subscription payable under sub-section (4) thereof :- (1) The general funds of a registered Trade Union shall not be spent on any other objects other than those of the following, namely :—

- (a) the payment of salaries, allowance and expenses to office bearers of the Trade Union;
- (b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;
- (c) the prosecution of defense of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution of defense is undertaken for the purpose of securing or protecting any rights of the Trade Union as such any rights arising out of the relations of any members 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 or their dependents on account of death, old age, sickness, accidents or unemployment of such members;
- (g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment;
- (h) the provisions of educational, social or religious benefits for the members (including the payments of the expenses on 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 contribution to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contribution 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 objects notified by the A & N Administration in the Official Gazette.
- (2) The following objects are of the separate fund constituted under rule 9 for promotion of civic and political interests under Sub-section (2) of Section-15, 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 of any local authority; or
 - (d) the registration of electors or the election of a candidate for any legislative body constituted under the Constitution or for any local authority; or
 - (e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.
- 18. Composition of separate fund under Sub-Section (2) and subscription payable under Sub-Section (4) of Section 15 :—**
- (1) The Registered Trade Union may constitute a separate fund for the promotion of the civic and political interest of its members with the prior approval of the Registrar.
 - (2) Audit for such funds shall be done in the same manner as specified under the Code and these rules.
 - (3) Any complaint of misappropriation of any funds of the registered Trade Union shall be entertained by the Registrar, and the Registrar shall enquire and pass an appropriate order to the Trade Union, if any misappropriation is proved and such order shall be binding upon the Trade Union.
 - (4) The registered Trade Union shall not compel any of its members to contribute to the fund constituted under sub rule (1) and the subscription to any such fund shall not be more than Rupees Five Hundred per annum per member.
- 19. Manner of making application for adjudication before the Tribunal under Sub-Section (1) of Section 22 :—** Under Section 22 of the Code, the aggrieved person may make application to the Tribunal having jurisdiction, in **Form XIII** within a period of one year from the date on which the dispute arises, electronically or by registered post or by speed post or in person. The Tribunal shall give an opportunity of hearing to all concerned parties and shall pass the order. This order shall be final and binding upon all the parties and the Registrar. The Registrar shall make entries in the relevant records maintained in his office in accordance with the order of the Industrial Tribunal, A & N Islands.
- 20. Manner of amalgamation under Sub-Section (2) and change of name of Trade Union and sending it to the Registrar thereof under Sub-Section (3) of Section 24 :—**
- (1) Notice of every amalgamation shall be sent to the Registrar electronically or otherwise in duplicated in **Form XIV** by the applicant Trade Union.

- (2) When the Registrar registers the amalgamation, he shall certify under his signature of such amalgamation and issue the certificate electronically or otherwise to both the Trade Unions and shall make entry in all appropriate records of such amalgamation.
- (3) The notice of any change of the name of the Trade Union shall be sent to the Registrar electronically or otherwise in **Form XV**.
- (4) When the Registrar registers a change of name, he shall certify under his signature of such change of name of the Trade Union and shall issue the certificate to the applicant Trade Union and shall make entry in all appropriate records of such change of name.
- (5) The fee payable for the registration of an amalgamated Trade Union shall be Rs. 200/- and shall be deposited electronically.

21. Manner of dissolution of Trade Union and distribution of funds thereof under Section 25 :—

- (1) When a registered Trade Union is dissolved, notice of the dissolution signed by seven members and by the Secretary of the Trade Union shall, within fourteen days of the dissolution, be sent to the Registrar, and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the Trade Union and the dissolution shall have effect from the date of such registration by the Registrar.

Provided due adherence with the by-laws of the Trade Union regarding dissolution must be sought. In the absence of such by-laws, majority of the members of the Trade Union agree on such dissolution.

- (2) When a registered Trade Union is dissolved, notice of the dissolution shall be sent to the Registrar in **Form-XVI**
- (3) Where it is necessary for the Registrar, under Sub-Section (2) of Section 25, to distribute the funds of a registered Trade Union which has been dissolved, he shall divide the funds among the members in proportion to the amounts contributed by them by way of subscription during their membership:

Provided, the registered trade union shall submit all records, documents and any material facts the Registrar deems fit for the purpose of distribution of funds of a dissolved Trade Union.

- (4) The Registrar has sole discretion to appoint any person of relevant expertise he deems fit to get aid in distribution of funds under Sub-Rule (1) of Rule 20, which may include a liquidator.

22. Annual Return (General Statement) of Trade Union and its audit under clause (a) of Sub-Section (1) of Section 26 :—

- (1) The general statement to be furnished under Section 26 shall be submitted to the Registrar electronically or otherwise by the 31st day of March each year and shall be in **Form XVII**.
- (2) The audit of the general statement shall be done in the manner specified under rule 9.
- (3) Upon a written demand by the Registrar, report of any audit done under these rules shall be presented before the Registrar within such time limit as mentioned by the Registrar.
- (4) The Registrar may ask in writing any other particulars about the general statement and the audit report, as he deems fit, for ascertaining the facts mentioned in such general statement and audit report.

23. Manner and purpose of recognition of a Trade Union or a federation of Trade Unions by the State Government as a State Trade Union at the State level and the authority and the manner of deciding dispute by it under Sub-Section (2) of Section 27-

- (1) The A & N Administration or Officer authorized in this regard may recognize any Trade Union or Federation of Trade Union as State Trade Union if the Trade Union or Federation of Union has at least a combined verified membership of ten thousand or more and the membership presence is in at least four types of industries in the Union Territory.
- (2) The A & N Administration may give preference to those Trade Unions which are recognized as State Trade Union for the purpose of constitution of any tripartite forum formed under the provision of different codes or otherwise.

- (3) In case of any dispute in relation to the recognition of State Trade Union, the Tribunal constituted under the provision of the said code, shall be the final authority for adjudicating the dispute.

**CHAPTER IV
STANDING ORDERS**

24. Manner of forwarding information to Certifying Officer as under Sub-Section (3) of Section 30 :—

- (1) If the employer adopts the model standing order of the Central Government referred to in Section 29 with respect to matters relevant to his industrial establishment or undertaking, then, he shall intimate the concerned Certifying Officer electronically or otherwise the specific date from which the provisions of the model standing order which are relevant to his establishment have been adopted.
- (2) On receipt of information in Sub-Rule (1) the Certifying Officer within a period of thirty days from the date of such receipt may give his observation that the employer is required to include certain provisions which are relevant to his establishment and indicate those relevant provisions of the model standing orders which have not been adopted and shall also direct the employer to amend the standing order so adopted, by way of addition, deletion or modification within a period of thirty days from the date of the receipt of such direction and ask for compliance report only in respect of provisions which the Certifying Officer seeks to get so amended and such report shall be sent electronically or otherwise by the employer.
- (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.

25. Manner of choosing representatives of workers and issue of notice under Clause (i) and (ii) of Sub-Section (5) of Section 30 : — Where there is no such Trade Union and negotiating union or negotiating council, as is referred to in clause (i) of Sub-Section (5) of Section 30, then, the Certifying Officer shall direct the workers to choose three representatives. The name of these representatives shall be sent to the Conciliation Officer for verification, who shall, upon their being chosen, forward a copy of the standing order calling for objections, if any, which the workers may desire to make to the draft standing order to be submitted within fifteen days from the date of receipt of the notice.

26. 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 maybe, and shall be sent electronically or otherwise within a week to all concerned, but there shall not be any requirement of certification in cases of deemed certification under Sub-Section (3) of Section 30 and in cases where the employer has certified adoption of model standing orders.

27. Statement to be accompanied with Draft Standing Orders under Sub-Section (9) of Section 30 :—

A statement to be accompanied with,—

- (1) draft standing order shall contain the particulars such as name of the industrial establishment or undertaking concerned, address, e-mail address, contact number and strength and details of workers employed therein including particulars of Trade Union to which such workers belong; and
- (2) draft modification in the existing standing orders, shall be submitted in a tabular format with the existing provisions sought to be modified, the proposed modification and the reason to seek such modification. Such statement shall be signed by a person authorized by the industrial establishment or undertaking.

- 28. Conditions for submission of Draft standing Orders in similar establishments under Sub-Section (10) of Section 30 :—** A group of employers engaged in similar industrial establishment may submit a joint draft of standing order under Section 30 and for the purpose of proceedings specified in Sub-Sections (1), (5), (6), (8) and (9) thereof after consultation with the concerned Trade Unions, negotiating union or negotiating council or representatives of workers, if any:

Provided that the joint draft standing orders, in cases of groups of employers engaged in similar industrial establishments, will be drafted and submitted to the concerned Certifying Officers who in turn may certify or refuse to certify the said joint standing orders after recording the reasons thereof.

- 29. Manner of disposal of appeal by appellate authority under Section 32 of the Code :—**

- (1) An employer or Trade Union or negotiating union or negotiating council desirous of preferring an appeal against the order of the Certifying Officer given under Sub-Section (5) of Section 30 shall within sixty days from the date of 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 otherwise to the appellate authority.
- (2) The appellate authority shall, after giving the appellant and the opposite parties an opportunity of being heard, pass an order within sixty days from the date of the filing of appeal, either confirming the standing orders or directing the employer to modify the standing orders.
- (3) Where the appellate authority does not confirm the standing orders, it shall fix a date for the hearing of the appeal and direct notice thereof to be given,—
 - (i) where the appeal is filed by a Trade Union or the negotiating union or negotiating council, to the employer and all other Trade Unions of the workers of the industrial establishment; and
 - (ii) where the appeal is filed by the representative of the workers, to the employer and any other worker whom the appellate authority joins as a party to the appeal.
 - (iii) where the appeal is filed by the employer or a worker, to Trade Union or the negotiating union or negotiating council of the workers of the industrial establishment or to the representative body of the workers concerned;
- (4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.
- (5) The appellate authority may at any stage of the proceeding call for any evidence, if it is considered necessary for the disposal of the appeal.
- (6) On the date fixed under Sub-Rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called or consider to be relevant if produced and after hearing the parties shall by order in writing confirm the standing orders either in the form certified by the Certifying Officer or by amending the said standing orders by making such modifications thereof or by additions to thereto as he deems fit.
- (7) The order of the appellate authority shall be sent electronically or otherwise within three days of the disposal of appeal to the employer or Trade Union or the negotiating union or negotiating council or any union or representative body of the workers, as the case may be, by whom the appeal has been filed.

- 30. The language and the manner of maintaining Standing Order under Sub-Section (2) of Section 33 :—**

- (1) The standing order finally certified by Certifying Officer shall be sent electronically (except in the case of deemed certification under clause (3) and (5) of Section 30 of the Code or otherwise.
- (2) The text of the standing order as finally certified or deemed to have been certified or adopted model standing order under this Chapter shall be maintained by the employer in Hindi and or in English and displayed conspicuously at the premises of the establishment as well as in its website or intranet, if any

31. Register for final certified copy of Standing Order under Section 34 :—

- (1) The Certifying Officer shall maintain electronically or otherwise, a register of all standing orders certified or deemed to have been certified or adopted model standing orders of all the concerned industrial establishments, inter-alia, containing the details of,—
 - (a) the unique number assigned to each standing order;
 - (b) name of industrial establishment;
 - (c) nature of industrial establishment;
 - (d) date of certification or deemed certification or date of adoption of model standing order by 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 creating a data base of such all standing orders.
- (2) The Certifying Officer shall furnish a copy thereof to any person applying there for on payment of two rupees per page of the certified standing orders or deemed certified standing orders, as the case may be.
- (3) The payment of fee for getting certified standing orders may also be made through electronic mode.

- 32. Application for modification of Standing Order under Sub-Section (2) of Section 35 :—** The application in **Form XVIII** for modification of an existing standing order under Sub-Section (2) of Section 35 shall be submitted electronically or otherwise and contain the particulars of such standing orders which are proposed to be modified along with a tabular statement containing details of each of the relevant provisions of standing order in force, and proposed modifications therein, reasons thereof and the details of registered Trade Union(s) operating therein, and such statement shall be signed by the applicant / the person authorized on this behalf. Such application shall be dealt in the same manner as provided under rule 26 to 31 this rules.

CHAPTER - V

NOTICE OF CHANGE

- 33. The manner of giving notice for changes in conditions of service proposed to be affected 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-XIX** to such worker or workers
- (2) The notice referred to in Sub-Rule (1) shall be displayed conspicuously by the employer on the notice board at the main entrance gate of the industrial establishment and the office of Manager and shall also be published on the intranet or website of the industrial establishment or otherwise as the case may be :

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 or secretary of the negotiating union or constituent of negotiating council, electronically or otherwise as the case may be.

CHAPTER - VI

VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

- 34. 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-XX** and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent either in writing or electronically of arbitrator or arbitrators.

- (2) The Arbitration Agreement referred to in Sub-Rule (1) shall be signed. -
- (a) In case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other officer of the corporation authorized for such purposes.
 - (b) In the case of the workers by the officer of the registered Trade Union authorized on this behalf or by three representatives of the workers duly authorized in this behalf at a meeting of the concerned workers held for such purpose;
 - (c) In the case of an individual worker, 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 authorized for such purpose;
 - (2) In this rule, 'officer' means any of the following officers, namely :-
 - (a) the President;
 - (b) the Vice-President;
 - (c) the Secretary (including the General Secretary);
 - (d) a Joint Secretary (including Assistant Secretary); and
 - (e) any other officer of the Trade Union authorized in this behalf by the President and Secretary of the union.
- 35. Manner of issue of Notification under Sub-Section (5) of Section 42 : —** Where an industrial dispute has been referred to arbitration and the Secretary (Labour), A & N Administration or an officer authorized him by are satisfied with the arbitration agreement and that the persons making the reference represent the majority of each party, shall publish a notification to this effect; further, if there are employers and workers who are not parties to the arbitration agreement but are concerned in the dispute, they may present their case before the arbitrator or arbitrators appointed for such purpose. The above Notification shall be communicated to the employers concerned, workers and the arbitrators either manually or electronically.
- 36. Manner of choosing representatives of workers where there is no Trade Union under Section 42 (5)(i)(c) :—** 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 and the form of authorization shall be in **Form-XXI** to represent their case. Such workers shall be bound by the acts of representatives who have been authorized to represent before the arbitrator or arbitrators, as the case may be.

CHAPTER VII

MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES

- 37. Manner of holding conciliation proceedings under Sub- Section(1), full report under Sub-Section (4), and application and the manner of deciding such application under Sub-Section (6) of Section 53 :—**
- (1) Where the Conciliation Officer receives any—
 - (a) notice of a strike or lockout given under rule 39 or rule 40; or
 - (b) application in respect of an existing industrial dispute; or
 - (c) information regarding apprehended industrial dispute, then, he shall—
 - (i) in case of clause (a), enter the details on the designated portal and hold conciliation proceedings and inform the concerned parties the date of sitting for such purpose;
 - (ii) in case of clause (b), enter the details on the designated portal or otherwise and examine the application and if he finds that such dispute pertains to the jurisdiction of Central Government, transfer the application to the concerned authority or otherwise proceed with the application and hold the conciliation in respect thereof; and

- (iii) in case of clause (c), enter the details on the designated portal or otherwise and issue a fresh notice to the parties concerned declaring his intention to commence conciliation proceedings.
- (2) The employer's representative and the worker's representative shall, on receipt of the notice referred to in Sub-Rule (1), submit their respective statements in respect of the said dispute in the first meeting of the conciliation proceedings
- (3) The Conciliation Officer shall, without delay, ascertain the facts and circumstances relating to the dispute and enquire into all matters affecting the merits and right settlement thereof and hold conciliation proceedings between the parties to 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 of the dispute.
- (4) If no such settlement is arrived at in the conciliation proceeding referred to in Sub-Rule (1), the Conciliation Officer shall upload a report on designated portal of the Labour department and forward a copy thereof through electric mode or otherwise to the parties to the dispute and to the appropriate Government. The report shall be made accessible to the parties concerned on the said designated portal by the Labour department within seven days from the date on which the conciliation proceedings are concluded.
- (5) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings, the Conciliation Officer shall, apart from submitting a report thereof to the appropriate Government or an officer authorized in this behalf by that A & N Administration along with a memorandum of the settlements signed by the parties to the dispute, also upload such report and memorandum of settlement on the designated portal of the Labour department.
- (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 the amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion of the Conciliation Officer.
- (7) The Conciliation Officer shall send his report to the concerned parties within a period of forty-five days from the commencement of the conciliation proceedings.
- (8) All the evidence before the Conciliation Officer, except the documentary evidence, shall be filed in the form of affidavit and the parties to the dispute shall also file the application or, as the case may be, reply or rejoinder thereof in the form of an affidavit.

38. Application for recovery of dues : —

- (1) Where any money is due from an employer to a worker or a group of workers under a settlement or an award or under the provisions of Chapter IX or Chapter X of the Code, the worker or the group of workers, as the case may be, may apply in **Form XXII** for the recovery of such money due :

Provided that in the case of a person authorized in writing by the worker, or in the case of the death of the worker, the assignee or heir of the deceased worker shall make the application in **Form XXIII**.

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

Provided that in the case of the death of a worker referred to in this Sub-Rule, the application shall be made in **Form XXV** by the assignee or heir of the deceased worker.

CHAPTER – VIII
STRIKES AND LOCK-OUTS

39. Number of persons by whom the notice of strike shall be given, the person or persons to whom such notice shall be given and the manner of giving such notice under Sub-Section (4) of Section 62 :—

- (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-XXVI** by the Secretary and five elected representatives of the registered Trade Union in the letter head of the union, which is either a negotiating union or member Trade Union of the negotiating council relating to such industrial establishment endorsing the copy thereof electronically or otherwise to the concerned Conciliation Officer, Labour Commissioner and Secretary (Labour), A & N Administration :

Provided that every notice of strike shall be accompanied by resolution passed by majority of the workmen who are members of the union proposing to go on strike and selection of five workmen to sign the notice of strike together with the secretary of the union.

- (2) The date of receipt of the notice referred to in Sub-Section (1) shall be the date of receiving the notice for the purposes of clause (a) of Sub-Rule (1) of rule 37.
- (3) If the employer of an industrial establishment receives any notice of strike as referred to in Sub-Section (1) of Section 62 from any person employed by him, then he shall, within five days from the date of receiving of such notice, intimate the same electronically or otherwise to the concerned Conciliation Officer and Labour Commissioner, A & N Administration.

40. Manner of giving notice of lock-out under Sub-Section (5) and authority under Sub-Section (6) of Section 62 :—

- (1) The notice of lock-out referred to in Sub-Section (2) of Section 62 shall be given by the employer of an industrial establishment in **XXVII** to the General Secretary or Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof to the concerned Conciliation Officer, Labour Commissioner and the Secretary (Labour), A & N Administration electronically or otherwise. The notice shall be displayed conspicuously by the employer in the notice board or on electronic board at the main entrance to the industrial establishment.
- (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 of the date of receiving such notice, intimate the same electronically or otherwise to the concerned Conciliation Officer and Labour Commissioner.
- (3) If the employer gives any person employed by him a notice of lock-out, then he shall within five days from the date of such notice, intimate electronically or otherwise the same to the concerned Conciliation Officer and the Labour Commissioner and Trade Unions and representatives of the Trade Union.

CHAPTER - IX
LAY-OFF, RETRENCHMENT AND CLOSURE

41. 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 XXVIII** to the A & N Administration and copy to Secretary (Labour), the Labour Commissioner and to the Conciliation Officer concerned electronically or by speed post in the following manner:

- (a) where notice is given to a worker, notice of retrenchment shall be sent within three days from the date on which notice is served on the worker;
- (b) where no notice is given to the worker and he is paid one month's wages in lieu thereof, notice of retrenchment shall be sent within three days from the date on which such wages are paid; and

- (c) where retrenchment is carried out under an agreement, which specifies a date for the termination of service, notice of retrenchment shall be sent so as to reach the A & N Administration and a copy thereof to the Labour Commissioner, at least one month before such date :

Provided that if the date of termination of service agreed upon is within thirty days of the agreement, the notice of retrenchment shall be sent to A & N Administration along with a copy thereof to the Secretary (Labour) and Labour Commissioner and to the Conciliation Officer concerned within three days of the agreement.

42. Manner of giving an opportunity for re-employment to the retrenched worker under Section 72 :—

- (1) The employer shall prepare a list of all workers in the particular category from which retrenchment is contemplated, arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.
- (2) 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 15 days before by speed post and electronically to such retrenched workers who are citizens of India with a copy to the Conciliation Officer and the Labour Commissioner electronically and by registered or speed post. If such workers give their willingness for employment then, the employer shall give them preference over other persons in filling up of such vacancy.
- (3) The employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment the details of vacancies at least fifteen days before the date on which such vacancies are to be filled and shall also give intimation of those vacancies by registered post or speed post or through e-mail to every one of all the retrenched workers eligible to be considered therefor, to the latest address or e-mail, given by each of them at the time of retrenchment or at any time thereafter :

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

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

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

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

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

43. Manner of serving notice by the employer for closing down under Sub-Section (1) of Section 74 :—

1. If any employer intends to close down an undertaking he shall give notice of such closing down in **Form XXIX** to the A & N Administration and a copy to the Secretary (Labour), Labour Commissioner and the Conciliation Officer concerned electronically and by speed post.
2. A copy of the notice referred to in Sub-Rule (1) shall also be sent to the registered Trade Unions or authorized representatives of workers, as the case may be, operating in the Industrial establishments.

CHAPTER - X**SPECIAL PROVISIONS RELATING TO LAY-OFF RETRENCHMENT AND CLOSURE IN CERTAIN ESTABLISHMENTS**

- 44. Manner of making application to the A & N Administration by the employer for the intended lay-off and the manner of serving copy of such application to workers under Sub-Section (2) of Section 78:—** An application for permission under Sub-Section (1) of Section 78 shall be made to the A & N Administration or an officer authorized by him in this regard, by the employer of an Industrial Establishment in **Form - XXX** stating clearly therein the reasons for the intended lay off and a copy of such application shall also be served simultaneously to the worker(s) concerned and the Labour Commissioner electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.
- 45. Manner for applying for permission to continue the lay-off under Sub-Section (3) of Section 78 :—**The employer shall in case of an industrial establishment being a mine specified in Sub-Section (3) of Section 78 where the workers (other than Badli workers or casual workers) have been laid-off under Sub-Section (1) of Section 78 for reasons of fire, flood or excess of inflammable gas or explosion, within a period of thirty days from the date of commencement of such lay-off, apply to the A & N Administration or an officer authorized by him in this regard electronically and by registered or speed post with a copy to the Labour Commissioner and the Conciliation Officer for permission to continue the lay-off-
- 46. Time-limit for review under Sub-Section (7) of Section 78 :—**
- (1) The A & N Administration may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under Sub-Section (4) of the Section 78.
 - (2) The employer or any worker concerned, along with the order referred to in Sub-Rule (1), may make an application, within thirty days from the date on which the order is made, to the A & N Administration for reviewing the order and that the A & N Administration shall within two months from the date on which the application is made, dispose of the same after providing the concerned parties an opportunity of being heard.
 - (3) Where the A & N Administration decides to review the order referred to in Sub-Section (1) on its own motion, it may take necessary steps within one month from the date on which the order is made and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.
- 47. Manner of making application to the A & N Administration by the employer for the intended retrenchment and manner of serving copy of such application to workers under Sub-Section (1) and (2) of Section 79 :—**
- An application for permission referred to in Sub-Section (1) (b) of Section 79 shall be made by the employer in **Form-XXXI** to the A & N Administration stating clearly therein the reasons for the intended retrenchment electronically and by speed post and a copy of such application shall also be sent to workers and Labour Commissioner electronically and by speed registered post or speed post. Such application shall also be displayed electronically or otherwise conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.
- 48. Time-limit for review under Sub-Section (6) of Section 79 :—**
- (1) The A & N Administration may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under Sub-Section (4) of the Section 78.

- (2) The employer or any worker concerned, along with the order referred to in Sub-Rule (1), may make an application, within thirty days from the date on which the order is made, to the A & N Administration for reviewing the order and that the A & N Administration shall within two months from the date on which the application is made, dispose of the same after providing the concerned parties an opportunity of being heard.
- (3) Where the A & N Administration decides to review the order referred to in Sub-Section (1) on its own motion, it may take necessary steps within one month from the date on which the order is made and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

49. Manner of making application to the A & N Administration by the employer for intended closing down of an industrial establishment and the manner of serving copy of such application to the representatives of workers under Sub-Section (1) of Section 80 :—

1. An employer who intends to close down an industrial establishment to which Chapter X of the Code applies shall apply electronically or otherwise in **Form XXXII** for prior permission at least ninety days before the date on which intended closure is to become effective to the A & N Administration, 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 and the Labour Commissioner electronically and by registered post or speed post.
2. The notice or as the case may be the application shall be made in triplicate.
3. The Employer concerned shall furnish to the A & N Administration to whom the notice of intended closure has been given or the application for permission to close down has been made such further information as the Administration considers necessary and calls for from such employer, for arriving at a decision on the notice, or, as the case may be.

50. Time-limit for review under Sub-Section (5) of Section 80 :—

1. The A & N Administration may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under Sub-Section (4) of the Section 78.
2. The employer or any worker concerned, along with the order referred to in Sub-Rule (1), may make an application, within thirty days from the date on which the order is made, to the A & N Administration for reviewing the order and that the A & N Administration shall, within two months from the date on which the application is made, dispose of the same after providing the concerned parties an opportunity of being heard.
3. Where the A & N Administration decides to review the order referred to in Sub-Section (1) on its own motion, it may take necessary steps within one month from the date on which the order is made and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

**CHAPTER - XI
WORKER RE-SKILLING FUND**

51. Contribution from other sources into the worker re-skilling fund under clause (b) of Sub-Section (2) of Section 83 : — In addition to contribution of employer under clause (a) of Sub-Section (2) of Section 83, the fund shall consist of,-

- (a) The contribution from Central Government or any authority of the Central Government;

- (b) The contribution from A & N Administration or any authority of the A & N Administration;
- (c) Any contribution from CSR fund and
- (d) The contribution from such other sources as specified by A & N Administration by general or special order.

52. Manner of utilization of fund under Sub-Section (3) of Section 83 :—

- a. Every employer who has retrenched a worker or workers under this Code, shall, within ten days, at the time of retrenching a worker or workers shall electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in to the account(s)[name of the account shall be displayed on the official website of Labour Department, A & N Administration]. The fund so received shall be transferred by the Labour Commissioner, A & N Administration to each worker or worker's account electronically within forty five days of receipt of funds from the employer and the worker shall utilize such amount for his re-skilling. The employer shall also submit the list containing the name of each worker retrenched the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the Labour Commissioner, A & N Administration to transfer the amount in their respective account.
- b. The Labour Commissioner, A & N Administration shall transfer the amount equivalent to fifteen days of last drawn wages of such retrenched worker(s) only if the above said amount is transferred electronically or via bank by every employer who has retrenched a worker or workers under the Code within ten days of such retrenchment to the account maintained by the Labour Department, Andaman & Nicobar Administration.

CHAPTER - XII
OFFENCES AND PENALTIES

53. Manner of composition of offence by a Gazetted Officer and the manner of making application for compounding of any offence.— (1) The Officer Notified by the A & N Administration for the purposes of compounding of offences under Sub-Section (1) of Section 89 (hereinafter referred to as the compounding Officer) shall, if he is of the opinion that any offence under the Code for which the Compounding is permissible under the said Section and in respect of which prosecution is not instituted, send a notice to the accused in **Form XXXIII** consisting of three parts in hand or by speed post or through the designated portal of the Labour Department.

- (2) In Part I of **Form XXXIII**, the Compounding Officer shall, inter alia, specify—
 - (a) the name of the offender and his other particulars;
 - (b) the details of the offence and the Section under which the offence has been committed; and
 - (c) the compounding amount required to be paid towards the composition of such offence.
- (3) In Part II of the **Form XXXIII**, the Compounding Officer shall specify the consequences if the offence is not compounded, and Part III of the said Form shall contain the application to be filed by the accused, if he desires to compound the offence.
- (4) Each notice referred to in Sub-Rule (1) shall have a continuous unique number containing alphabets or numerical and other details such as compounding officer concerned, industrial establishment, year, place and type of inspection for the purpose of easy identification.
- (5) The accused to whom the notice referred to in Sub-Rule (1) is served, may send the duly filled up application in Part III of the notice, in the account specified by the Compounding Officer in the notice, **Form XXXIII** to the Compounding Officer electronically and deposit the compounding amount electronically, or by cash, or demand draft, as the case may be, within fifteen days of the receipt.

- (6) Where the prosecution has already been instituted against the accused in the court of competent jurisdiction, the accused may make an application to such court to allow composition of the offence against him and that court may, after considering the application, allow composition of the offence by the Compounding Officer in accordance with the provisions of Section 89 and procedure specified in this rule.
- (7) If the accused complies with the requirement of Sub-Rule (5), the compounding officer shall compound the offence for the amount of money deposited by the accused and—
 - (a) if the offence is compounded before the institution of prosecution, then, no complaint for prosecution shall be instituted against the accused;
 - (b) if the offence is compounded pending proceeding under Section 85, the Compounding Officer shall intimate the composition to the Officer referred to in that Section, who shall, after intimation, close the proceeding in respect of the accused person of such offence; and
 - (c) if the offence is compounded after the institution of prosecution under Sub-Rule (6) with the permission of the court, then, the compounding officer shall treat the case as closed and intimate the composition of the offence to the competent court by which such composition was allowed and after receiving such intimation, the court shall discharge the accused person and close the prosecution.
- (8) The Compounding Officer shall exercise the powers to compound offence under this rule, subject to the direction, control and supervision of the A & N Administration.

**CHAPTER - XIII
MISCELLANEOUS**

- 54. Protected workers : —** (1) Every registered Trade Union connected with an industrial establishment, to which the provisions of the Code apply, shall communicate to the employer before the 30th April of every year, the names and addresses of such of the officers of such Trade Union who are employed in that establishment and who, in the opinion of such Trade Union should be recognized as protected workers.
- (2) Any change in the incumbency of any officer of the Trade Union referred to in Sub-Rule (1) shall be communicated to the employer by such Trade Union within fifteen days of such change.
 - (3) The employer shall, within fifteen days of the receipt of the names and addresses from the Trade Union under Sub-Rule (1) and subject to the provisions of Sub-Section (3) and Sub-Section (4) of Section 90, recognize such workers to be protected workers for the purposes of the said Section and communicate to such Trade Union, in writing, the list of workers recognized as protected workers for a period of twelve months from the date of such communication.
 - (4) Where the total number of names received by the employer under Sub-Rule (1) exceeds the maximum number of protected workers, admissible for the industrial establishment under Sub-Section (4) of Section 90, the employer shall recognize only such maximum number of workers as protected workers:

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

Provided further that where the number of protected workers allotted to such a Trade Union under this Sub-Rule falls short of the number of officers of such Trade Union seeking protection, then that Trade Union shall be entitled to select the officers to be recognized as protected workers; and such selection shall be made by that Trade Union and communicated to the employer within five days of the receipt of written intimation of the employer in this regard.

- (5) Where a dispute arises between an employer and any registered Trade Union in any matter connected with the recognition of protected workers under this rule, such dispute shall be referred to the any Assistant Labour Commissioner concerned, whose decision thereon shall be final.
- 55. Complaint by an aggrieved employee :** – (1) Every complaint of an aggrieved employee under Section 91 shall be made electronically, or speed post in **Form XXXIV** and shall be accompanied by as many copies thereof for each of the opposite parties mentioned in such complaint.
- (2) Every complaint under Sub-Rule (1) shall be verified by the aggrieved employee making the complaint or by the authorized representative of such 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.
- 56. Authorisation of worker for representing in any proceeding :** – Where the worker is not a member of any Trade Union, then, any member of the executive or other office-bearer of any Trade Union connected with or by any other worker employed in the industry in which the worker is employed, may be authorized in **Form- XXI** by such worker to represent him in any proceeding under the Code relating to a dispute in which that worker is a party.
- 57. Authorisation of employer for representing in any proceeding :** – Where an employer is not a member of any association of employers, then, such employer may authorize in **Form XXI**, 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 that employer is a party.
- 58. Enquiry.–** (1) On receipt of a complaint of the offence committed under Sub-Sections (3), (5), (7), (8), (9), (10), (11) and (20) of Section 86 and Sub-Section (7) of Section 89, the same shall be enquired into by an officer not below the rank of Assistant Labour Commissioner of the Labour Department appointed by the A & N Administration for such purpose under Sub-Section (1) of Section 85 (hereinafter referred to as the Enquiry Officer).
- (2) On receipt of the complaint, the Enquiry Officer shall call upon the person or persons through a notice to be sent electronically, or speed post and upload a copy of the same on the designated portal of the Labour Department, to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the complainant of the date so specified. Where a party so desires, he may request in writing to the Enquiry Officer to issue notice in the enquiry only by post and also in cases where the Enquiry Officer feels that no electronic means of communication are available to the parties concerned, he may send such notice by registered post or speed post.
- (3) If the person, to whom notice has been issued under Sub-Rule (2), or his representative fails to appear on the specified date, the Enquiry Officer may proceed to hear and determine the complaint ex-parte.
- (4) If the complainant fails to appear on the specified date without any intimation to the Enquiry Officer on two consecutive dates, the Enquiry Officer may dismiss the complaint:
- Provided that not more than three adjournments may be given on the joint application made by complainant and the opposite party :
- Provided further that the Enquiry Officer shall at his discretion permit hearing the parties or any of the party, as the case may be, through video conferencing.
- (5) The authorisation to appear on behalf of any person, under Sub-Section (2) of Section 85 shall be given by a Certificate or Electronic Certificate, as the case may be, which shall be presented to the Enquiry Officer during the hearing of the complaint and shall form part of the record.

- (6) Any person who intends to appear in the proceeding on behalf of complainant shall present himself before the Enquiry Officer and submit a brief statement in writing explaining the reason for his appearance.
- (7) The Enquiry Officer shall record an order on the statement referred to in Sub-Rule (6) permitting the person referred to in that Sub-Rule to appear in the proceeding on behalf of complainant, and in the case of refusing such permission, the Enquiry Officer shall include reasons for the same, and incorporate it in the record.
- (8) The complaint or other documents relevant to the complaint may be presented in person to the Enquiry Officer at any time during hours fixed by the Enquiry Officer, or may be sent to him electronically, or by registered post or speed post and the opposite party shall have the right to reply the complaint and such other documents.
- (9) The Enquiry Officer shall endorse, or cause to be endorsed, on each document the date of its presentation or receipt as the case may be, and if the documents are submitted electronically, no such endorsement shall be necessary.
- (10) The Enquiry Officer may refuse to entertain a complaint, if he considers that the complaint is incomplete and may ask the complainant to rectify the defects within the time specified by him for such purpose:

Provided that if the Enquiry Officer finds that it is not possible to rectify the defects in the complaint, he may at once return such complaint indicating the defects.
- (11) Where the complaint is presented again, after rectification of the defects, the date of such re-presentation shall be deemed to be the date of presentation for the purpose of Sub-Section (1) of Section 85.
- (12) The Enquiry Officer may, after giving the complainant an opportunity of being heard, refuse to entertain a complaint presented under Sub-Section (1) of Section 85, if he is satisfied for reasons to be recorded in writing that—
 - (a) the complainant is not entitled to present the complaint; or
 - (b) the complainant has filed the complaint beyond six months from the date on which the offence complained is committed;
 - (c) the complainant fails to comply the directions given by the Enquiry Officer under Sub-Section (2) of Section 85.
- (13) The Enquiry Officer shall, in all cases, mention the particulars at the time of passing of order containing the details, such as, the date of complaint, name and address of the complainant, name and address of the opposite party or opposite parties, Section-wise details of the offence committed, plea of the opposite party, findings and brief statement of the evidence taken including cross examination, reasons and penalty imposed with his signature, date and place.
- (14) The Enquiry Officer shall, in respect of procedure, be guided by the provisions of the relevant Orders of the First Schedule of the Code of Civil Procedure, 1908 (5 of 1908), with such alterations as the Enquiry Officer may deem fit, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of the Code or these rules.
- (15) The Enquiry Officer shall, after the case has been heard, pass an order or give a direction on the same day or on a future date to be fixed for this purpose.
- (16) Any person, who is either a complainant or an opposite party or his representative, or any person permitted under Sub-Rule (7) shall be entitled to inspect any complaint, or any other document filed with the Enquiry Officer, in a case to which he is a party or representing a party.

59. Expenses of witness: — Every person, who attends or otherwise appears on receipt of a summon, as a witness before a Tribunal or an arbitral tribunal, shall be entitled to an allowance for expenses on the same rates as applicable to witnesses in the civil court in the State where such enquiry, adjudication or arbitration, as the case may be, is being conducted.

- 60. Submission of a copy of certain Forms to office of Director General, Labour Bureau :** – A copy each of **Form XXVI** (notice of strike), **Form XXVII**(notice of lockout), **Form XXVIII** or **Form XXIX** (notice for intimation of retrenchment or closure to the A & N Administration, **Form XXX** or **Form XXXI** or **Form XXXII** (application for permission of lay-off or retrenchment or closure) and **Form XXXIII** (compounding of offences), shall be shared electronically with the Director General, Labour Bureau.
- 61. Publication for communication–** For the purposes of communication to effect service of messages and documents under these rules, the A & N Administration, Tribunal, every employer for which the A & N Administration is the appropriate Government, every Trade Union, negotiating union or the constituents of negotiating council and every authority referred to in these rules, shall specify their e-mail id or website or portal or any or all of them, as the case may be, in their respective letter-heads.
- 62. Maintenance of records, registers, forms, notice and display board :** – (1) All records, registers, forms, notices, display boards and other documents which are required to be maintained under the Code and under these rules shall also be maintained in electronic manner in the required format or containing the information as is required.
- (2) The records, registers, forms, notices, display boards and other documents referred to in Sub-Rule (1) shall comply with the requirement of retention of records and shall be produced or shown as and when required by the Inspector-cum-Facilitator or the concerned authority specified in this behalf under the Code or these rules.
- 63. Appointment of Commissioner :—** Where it is necessary to appoint a Commissioner under Sub-Section (3) of Section 59 for the purposes of computing the money value of a benefit referred to in Sub-Section (2) of the said Section, the Tribunal may appoint a —
- (a) person with experience in the particular industry, trade, business or field encompassing the question referred to in Sub-Section (2) of the said Section; or
 - (b) person who had been a judge of a civil court; or
 - (c) stipendiary magistrate; or
 - (d) Registrar or secretary of a Tribunal constituted under any Central Act or a Tribunal or a National Industrial Tribunal constituted under the Code.
- 64. Fees for Commissioner, etc.:**— (1) The Tribunal shall, after consultation with the parties, estimate the probable duration of enquiry by the Commissioner referred to in rule 48 and fix the amount of his fees and other incidental expenses incurred by him.
- (2) The Tribunal shall direct the payment of fees and other incidental expenses to the Commissioner into the nearest treasury, within a specified time, by such party or parties and in such proportion, as it may deem fit.
- (3) The Commissioner shall not submit his report until the receipt of deposit into the treasury of the sum referred to in Sub-Rule (2) is filed before the Tribunal:
- Provided that the Tribunal may, for reasons to be recorded in writing, direct that any further sum or sums be deposited into the treasury within such time and by such parties as it may deem fit:
- Provided further that the Tribunal may in its discretion, extend the time for depositing such sum into the treasury.
- (4) The Tribunal may, at any time, for reasons to be recorded in writing, vary the amount of the Commissioner's fees in consultation with the parties.
- (5) The Tribunal may direct that the fees shall be disbursed to the Commissioner in such installments and on such date as it may deem fit.
- (6) The undisbursed balance, if any, of the sum deposited under this rule shall be refunded to the respective party or parties who deposited the sum in the same proportion as that in which it was deposited.

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

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

Provided that the Tribunal may, if it deems fit for sufficient cause, grant extension of time even where no application for such extension has been received from the Commissioner within the time limit allowed under Sub-Rule (1).

66. Repeal and Savings :— The A & N Islands Trade Union Regulations, 1957 is hereby repealed :

Provided that the said repeal shall not affect,—

- (a) the previous operation of the said Regulation or anything duly done or suffered there under, or
- (b) affect any right, liability or obligation acquired, accrued or incurred under the said rules.

Form I
(See rule 3)

Memorandum of Settlement

(Written agreement between the employer and workers arrived in the course of conciliation proceeding) Names of the Parties :

..... Representing employer(s);

..... Representing workers; Short recital of the case

.....

Terms of settlement

.....

Signature of the Parties / Authorized Representatives of the Parties

Witnesses for the Employer

Witnesses for the Workers

Date:

Place:

Signature and seal of the Conciliation Officer

FORMI – A

(See rule 3)

Memorandum of Settlement

(Written agreement between the employer and workers arrived at otherwise than in the course of conciliation proceeding)

Names of the Parties :

..... Representing employer (s);

..... Representing workers; Short recital of the case

.....

Terms of settlement

.....

Signature of the parties / Authorized Representatives of the Parties

Witnesses for Employers :

Witnesses for Workers :

Signature

Signature

Date:

Place:

Copies to

- (1) Conciliation Officer having jurisdiction.
- (2) Labour Commissioner.
- (3) Secretary (Labour), Andaman & Nicobar Administration.

FORM II

(See rule 6)

**MANNER OF FILING APPLICATION BEFORE THE GRIEVANCE REDRESSAL COMMITTEE BY ANY
AGGRIEVED WORKER UNDER SUB-SECTION (5) OF SECTION 4**

To,

The Members of the Grievance Redressal Committee

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

Application No :

Reference No :

1. Name of the worker aggrieved
2. Address, Contact No. and E-mail ID
3. Designation and Employee ID / Code
4. Department / Section
5. Date of joining
6. Category of work*
7. Nature of grievance
8. Date of occurrence of the grievance
9. Relief sought
10. Whether applied within time limit
11. Date and Signature of the worker
12. Electronic submission of the Application / Manual filing

(Please prefer your choice of filing)

Place :

Date :

Signature of Worker

* Un- skilled / Semi-skilled / Skilled / Highly skilled

FORM II-A

(See rule 7)

Manner of filing application under Sub-Section (8) of Section 4 for the Conciliation of grievance as against the decision of the Grievance Redressal Committee through the Official Portal of the Labour Department

Jurisdiction of the Conciliation Officer

(Enter the Official Address of the Conciliation Officer)

1. Name and address of the worker / applicant

Name of the worker(s).....Applicant

Vs

Name of the Establishment Respondent -1

Grievance Redressal Committee Respondent -2

1. Name and address of the establishment where working

2. Date of order or the decision by the GRC

3. Matter in dispute

4. Grievance not resolved / partially resolved

5. Relief sought before the Conciliation Officer

6. Whether applied within time limit

7. Name of the Trade Union espousing the dispute

8. Whether member of the above said Trade Union*.....

9. *If no, a request by the concerned worker to a Registered Trade Union to espouse his dispute is considered sufficient

10. Any other matter to be referred to the Conciliation Officer

11. Date and Signature of the applicant filing the dispute

12. Date and Signature of the office bearers of the Trade Union

13. Electronic submission of the Application / Manual filing

Signature of Worker

FORM III

(See sub rule 7 of rule 9)

AUDITOR'S DECLARATION

The undersigned having had access to all the books and accounts of the..... (Name of the Trade Union) and having examined the foregoing statements and verified the same with the account 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..... (Name of the Trade Union) has properly maintained its membership register and its accounts and the members have paid their membership subscription Rs.....to the..... (Name of the Bank with Account Number) as shown in the foregoing statement of the general fund account of the Trade Union, subject to the remarks, if any, appended hereto.

Signatures of Auditors

Place:

Date:

Note : - Each Auditor should state below his Signature in what capacity with reference to Rule 9 he is qualified to audit the Trade Union's accounts.

FORM IV
 (See sub rule(1) of rule 10)
Application for Registration of Trade Unions

Name of the Trade Union.....

Address and E-mail ID.....

Contact No. of Authorized person :

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

1. This application is made by the persons whose names are subscribed at the foot hereof.
2. The name under which it is proposed that the 'Trade Union on behalf of which this application is made shall be registered, is.....as set forth in Rule No.....A copy of the resolution approving the name of the union passed in a meeting of.....on. is enclosed.
3. The.....Union came into existence on the.....day of..... 20.....
4. The address of the head office of the union and E-mail ID to which all communications and notices may be addressed, is.....
5. The union is a union of employers / workers engaged in the.....industry or /..... Professions / or..... (Establishment) and has.....members. (Strike that which is not applicable)
6. The particulars required by Section 6 of the Code are given in Schedule I. A copy of the manner and proceedings of appointment / election as officers of the unions is enclosed.
7. The particulars given in Schedule II show the provision made in Rules for the matters detailed in Section 7 of the Code. A copy of the resolution passed in a meeting of theon..... approving the Rules is enclosed. (To be struck out in the case of unions which have not been in existence for one year before the date of application).
8. The particulars required by Section 8 (2) of the Code are given in Schedule III.
9. Two copies of the Rules of the union are attached to this application duly subscribing the names of seven or more members as required under Section 6 of the Code.
10. The balance of the General Fund Account of the Trade Union on the day of registration is Rs
11. We have been duly authorized by the Trade Union to make this application on its behalf such authorization consisting of *

Name	Age	Occupation	Address	Signature	E-mail ID
(1)	(2)	(3)	(4)	(5)	(6)

*State here whether the authority to make this application was made by a resolution of a general body meeting of the Trade Union or if not, the procedures followed.

To,
 The Registrar of Trade Unions, A & N Islands.

SCHEDULE I

List of Office Bearers of the Trade Union

Serial No.	Office held in the Union	Name	Age	Occupation	Address
(1)	(2)	(3)	(4)	(5)	(6)
1					
2					
3					

Schedule II

Reference to Rules

The numbering of the rules for several matters detailed in Column (1) are given in Column (2) :-

Sl. No.	Matter (1)	Number of Rules (2)
1.	Name of Union	.....
2.	The whole of the object for which the union has been established.	.....
3.	The whole of the purposes for which the general funds of the union shall be applicable.	.....
4.	The maintenance of a list of members.	.....
5.	The facilities provided for the inspection of the list of members by officers and members.	.....
6.	The admission of ordinary members.	.....
7.	The admission of honorary or temporary members.	.....
8.	The conditions under which members are entitled to benefits assured by the Rules.	.....
9.	The conditions under which fines or forfeitures can be imposed or varied.	.....
10.	The manner in which the Rules shall be amended, varied or rescinded.	.....
11.	The manner in which the members of the executive and the other officers of the union shall be appointed and removed.	.....
12.	The safe custody of the funds.	.....
13.	The annual audit to the accounts.	.....
14.	The facilities for the inspection of the account books by officers and members.	.....
15.	The manner in which the union may be dissolved.	.....
16.	Any other matter as prescribed under the Rules	.....

Schedule III

(To be filled in by those unions that came into existence for more than one year before the date of Application for Registration as specified under Sub-Section (2) of Section 8)

Statement of Assets and Liabilities on the day of..... 20

Assets	Rs.	Liabilities	Rs.
(1)	(2)	(3)	(4)
Cash		Amount of general fund...	
In hands of Treasurer		Amount of political fund...	
In hands of Secretary		Loans from...	
In hands of any other office bearers		Debts due to...	
In the Bank		Other liabilities (to be specified)	
Securities as per list below			
Unpaid subscriptions due loans to-			
Immovable property			
Goods and furniture			
Others assets (to be specified)			
Total assets		Total Liabilities	

List of Securities

Particulars	Face Value	Cost price	Market value
(1)	(2)	(3)	(4).

Place :

Signature

FORM IV- A

(under sub- rule(3) of rule 10)

Affidavit for Registration or Cancellation of Registration

I, S/o, D/o, W/o Shri / Smt. Address.....
 OccupationAgeYears truly declare in writing that on this
 date..... in this region / jurisdiction for the Union under the chairmanship of
 in which (Name of the Union) has been registered under the Trade Union Act, 1926/IR Code
 2020.

The name and the registration details is as follows :

S.N.	Name	Age	Occupation	Address	Email ID	Phone
1.						
2.						
3.						

The above-mentioned registrants and their deputation still stand valid and are still valid members of the Union.

On this date the executive committee was elected in the general body election dated

The above-mentioned persons have filed the application regarding registration / cancellation of registration (whichever is applicable). According to my information, the applicant has been included in the list of members, attached membership list is true.

I swear and believe that the above statement is true to my information and knowledge.

Signature of the Applicant

Date :

Place :

FORM V

(See sub - rule (4) of rule 10)

Authorization on behalf of Trade Union

1. Name of the Trade Union.....
2. List of members and their names applying for registration of a Trade Union :
 1.
 2.
 3.
 4.
 5.
 6.
 7.

Officers authorizing the above members :

Sl. No.	Office held in the Union	Name	Age	Occupation	Address	Signature
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.						
2.						
3.						
4.						
5.						
6.						
7.						
etc.						

3. Attach certified copy of the resolution passed about the authorization of the applicant(s).

Signature of the Authorized Persons / Office Bearers

Date:

Place :

Form VI

(See sub - rule (6) of rule 10)

**Register of Trade Unions Office of the Registrar of Trade Unions
Andaman & Nicobar Administration**

Name of the Union	Address of Office and E-mail ID	Date of Registration	Name of present Office Bearer	Number of Members	Date of Cancellation	Date of dissolution	Date of amalgamation	Name of the Trade Union with which amalgamated	Date of changing in office bearers	Date of change in rules	Any other information	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM VII

(See sub - rule (8) of rule 10)

**Office of the Registrar of Trade Unions
Andaman & Nicobar Administration****Certificate of Registration of Trade Union**

1. Registration No. and Date.....

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

It is hereby certified that the (Name of the Trade Union) has been registered under Sub-Section 1 of Section 9 of the Code on thisday of 20..... at Sri Vijaya Puram.

Given under my seal and designation

(SEAL)

Registrar of Trade Unions

FORM VIII

(See sub - rule (9) of rule 10)

Application for Withdrawal / Cancellation of Certificate of Registration

Name of the Trade Union
Registration Number
Date of Registration
Address and E-mail ID
Dated the day of 20 at Sri Vijaya Puram.

To,

The Registrar of Trade Unions,
Andaman & Nicobar Administration.

The above-mentioned Trade Union desires that its Certificate of Registration obtained under the Code, be withdrawn / cancelled as approved at the general body meeting* duly held on day of 20..... it was resolved as follows :

“
.....” (Attach the copy of the resolution)

Authorized Signature

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

FORM-IX

[See clause (c) of Sub-Rule 9 of rule 10]

(Office of the Registrar of Trade Unions in the UT of A & N Islands)

Place -----

Notice before withdrawal or cancellation of Certificate of Registration under Sub-Section (5) of Section 9 of the Industrial Relations Code, 2020 (No. 35 of 2020)

Name of the Trade Union:Register No.

Notice is hereby given to the above-mentioned Trade Union that it is the intention of the Registrar to proceed the date* of 20....., to withdraw (or cancel) 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 you have submitted the application for the withdrawal (or cancellation) as per sec. 9(5)(1) // you have willfully contravened the provisions of the Code or the rules made there under or the constitution or rules of the Trade Union as per sec. 9(5)(2) // the members of the Trade Union has fallen below 10% of total workers (or 100 workers, whichever is less) as per sec. 9(5)(3). (The facts should be briefly specified where practicable.)

(Seal & Signature)
Registrar

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

To,

The Secretary of

(Here enter name of Trade Union)

* The date entered here shall not be less than two months from the date of notice.

FORM X

(See sub-rule (5) of rule 12)

Notice of Change of particulars of the Trade Union

Name of Trade Union registered.....

Number and Date of Registration.....

Address.....

Dated this.....day of.....20..... at Sri Vijaya Puram.

To,

The Registrar of Trade Unions, Andaman & Nicobar Administration Notice is hereby given that the provisions of Section 11 of the Code, 2020, having been complied with the name of the above-mentioned Trade Union, the following particulars (constitution / rules etc.) have been changed to

The consent of the members was obtained by* (Signed)

1. Secretary
2. Member
3. Member
4. Member
5. Member
6. Member
7. Member
8. Member

* i.e., by referendum, resolution of a general body meeting, etc. If the procedure followed is covered by rules, quote the rule number of the by-law.

SCHEDULE I**AMENDMENT IN RULES**

The amendment in the Rules for the matters detailed in Column (1) and (2) are given in Column (3) as follows :-

S. No.	Matter (1)	Original Rules (2)	Amendment proposed (3)
1.	Name of Union.	.....
2.	The whole of the object for which the union has been established.	.....
3.	The whole of the purposes for which the general funds of the union shall be applicable.	.....
4.	The maintenance of a list of members.	.....
5.	The facilities provided for the inspection of the list of members by officers and members.	.....
6.	The admission of ordinary members.	.....
7.	The admission of honorary or temporary members.	.....
8.	The conditions under which members are entitled to benefits assured by the Rules.	.....
9.	The conditions under which fines or forfeitures can be imposed or varied	.....
10.	The manner in which the Rules shall be amended, varied or rescinded.	.....
11.	The manner in which the members of the executive and the other officers of the union shall be appointed and removed.	.....
12.	The safe custody of the funds.	.....

Date:

Signature

Place:

FORM XI

[See clause (ii) of Sub-Rule (m) (B) of Rule 15]

Certificate of membership strength of Trade Unions functioning in

..... **(Name of Industrial Establishment)**

1. Total number of workers employed in the industrial establishment as on
.....(date of reckoning)
2. Total number of workers covered by the check off system :
3. The membership strength of each union of workers in the industrial establishment based on check of mandate for the salary/wages for the monthof relevant year,(as fixed in the meeting) is as follows :-

Sl. No.	Name and Address of the Union	Registration No. and Date of registration of Union	Affiliation		Name of the President, General Secretary, Treasurer of the Union with their postal Address	Total Membership in Industrial Establishment as check off mandate
			Central Organization	State / All India Federation		
1	2	3	4	5	6	7

Certified that the above information is true and correct as per records available in and maintained by the employer of the industrial establishment.

Date :

Place :

Authorized person / Employer of Industrial Establishment

Enclose copy of the list(s) of members of trade unions.

FORM XII
[See clause (iv) of Sub-Rule (m) (B) of Rule 15]
(Notice to Trade Unions under Check off System)

First Notice / Second Notice

By Regd.

AD / Email / Speed Post / by hand

No.

Datedthe 20.....

To,

The General Secretary,

.....

Subject : Verification of membership of Union operating in industrial establishment.

Dear Sir,

I am to invite the reference to the procedure for verification of membership of union operating in the industrial establishment / copy enclosed and I am enclosing herewith a detailed list of membership of Union based on the salary for the month of for the relevant year showing the name of each member designation section or office where working, as provided by the employer based on the check off mandates given by the workers.

I request you to peruse the list and convey your acceptance thereof as to the correctness of the list, within 30 days from the date of receipt of this letter.

In case you have any objection to the presence or otherwise of a worker in the list, you may raise objection by stating your specific objections and forward it to the undersigned within a period of 30 days from the date of receipt of this letter. Please note that you shall not raise any general or vague objection like inflated membership and the objection should give names of persons, whose membership of the union is not reflected in the list as also the name of persons, whose membership in the union is objected to and the reason therefore.

Kindly acknowledge receipt of this letter.

Yours faithfully,

Verification Officer

Copy forwarded to :

- (1) The president (Name and address of the Union)
- (2) The Treasurer (Name and address of the union)
- (3) The employer of the industrial establishment

Enclosure : As Above

FORM – XIII

(See-rule 19)

Before the Jurisdictional Industrial Tribunal ----- (place of the Industrial Tribunal having jurisdiction where dispute arises)

(A) Name and Address of Applicant(s)

Versus

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

Brief facts of the dispute (statement regarding specific issues of dispute may be mentioned) which are connected with and relevant to the dispute under Sub-Section (1) of Section 22 of Industrial Relation Code, 2020 (35 of 2020).

Prayer :

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

Date :

Name and signature of the worker(s) or

Place :

Officer of Trade union, raising the dispute

FORM XIV

(See sub rule (1) of rule 20)

Notice of Amalgamation of Trade Union

A. Name of Registered Trade Union

B. Number of Registration

S. No.	Name of the Trade Union	Registration Number	Address and E- mail ID
(1)	(2)	(3)	(4)
1			
2			
3			

C. Dated the day of 20 at

To,

The Registrar of Trade Unions,
Andaman & Nicobar Administration.

Notice is hereby given that in accordance with the requirements of Section 24 of the Code, the members of each of the above-mentioned Trade Unions have resolved to become amalgamated together as one Trade Union. Copies of the resolution approving the amalgamation are enclosed.

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

..... (State the terms)

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

Accompanying this notice is a copy of the Rules intended to be henceforth adopted by the amalgamated Trade Union.

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

(Signed)

- 1. Secretary
- 2. Member
- 3. Member

Place :

Date :

FORM XV

(See sub- rule (3) of rule 20)

Notice of Change of Name after amalgamation

Name of Trade Union already registered.....
Registration Number.....
Address.....
Dated this.....day of.....20..... at Sri Vijaya Puram

To,

The Registrar of Trade Unions,
Andaman & Nicobar Administration

Notice is hereby given that the provisions of Section 24 of the Code, having been complied with the name of the above-mentioned Trade Union has been changed to.....

The consent of the members was obtained by* (Signed)

- 1 Secretary
- 2 Member
- 3 Member
- 4 Member
- 5 Member
- 6 Member
- 7 Member
- 8 Member

*i.e., by referendum, resolution of a general body meeting, etc. If the procedure followed is covered by rule, quote number of the rule.

FORM XVI

(See sub - rule (2) of rule 21)

Notice of the Dissolution of a Trade Union

Name of Trade Union
Registration number.....
Dated the day of 20.....

To,

The Registrar of Trade Unions,
Andaman & Nicobar Administration.

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

or

Notice is hereby given that the following rules of the Trade Union given under Schedule-I are proposed to be amended in pursuance of the Rules thereof on the day of 20.....

We have been duly authorized by the union to forward this notice on its behalf, such authorization consisting of a resolution passed at a general body meeting on the* day of..... 20....., copy of which is enclosed.

(Signed)

- 1 Secretary
- 2 Member
- 3 Member
- 4 Member

*Here insert the date, or, if there was no such resolution, procedures followed for authorization

Note: (1) Strict adherence with the bye-laws of the Trade Union regarding dissolution.
(2) In the absence of such bye-laws, at least majority of the members of the Trade Union agree with their dissolution.

Place :

Date :

Signature of the Applicant(s)

FORM XVII

(See sub-rule (1) of rule 22)

Part A**General Statement prescribed under Section 26 of the Code**From 1st January, 20..... to 31st December 20

1. Name of the Trade Union.....
2. Address.....
3. Registered Head Office.....
4. No. and Date of Certificate of Registration.....
5. To which category of industry, the union belongs viz., the Public Sector or Private Sector.....
6. Under whose jurisdiction the above-mentioned Industry falls? viz., Central Government or A & N Administration.
7. Is the union affiliated to any All-India Body ? If so, state its name and No.
Affiliation Number
8. Affiliation fee Rs.
9. Number and date of payment of affiliation fee to the All-India Body. Receipt No.....& date
10. Number of members of the Working Committee
11. Number of outsider members, if any, in the Working Committee
12. Name of the industry to which the union belongs
13. Details about the jurisdiction of the union
14. Monthly subscription for the members
15. This information need not be given by Federations of Trade Unions :-
 - (a) Number of members on books at the beginning of the year
 - (b) Number of members admitted during the year
 - Total of (a) and (b)
 - (c) Number of members leaving the union during the year
 - Balance by deduction from the
Total of (a) and (b)
 - (d) Total number of members on books at the end of the year (i.e., on 31st December) :-
 - Men :.....
 - Women :.....
 - Total :
 - (e) Number of members contributing to Political fund
 - (f) Number of members paying their subscription for the whole year
16. Return to be made by Federations of Trade Unions :-
 - (a) Number of unions affiliated at the beginning of the year
 - (b) Number of unions joining during the current year
 - (c) Number of unions disaffiliated during the year
 - (d) Number of unions affiliated at the end of the year
 - (e) Membership fee realized from the affiliated unions
 - (f) Number of affiliated unions from whom membership fee was received during the year
 - (g) Number of affiliated unions contributing to Political fund
 - (h) Number of members of affiliated unions.
 - Men
 - Women
 - Total

Note :- Information in regard to -

1. (a) Columns 1 to 13 of Part A of this statement to be filled in by both the categories, i.e., unions and federations.
- (b) Columns 14 and 15 are to be filled in only by the Trade Unions, not by federations.
- (c) Column No.16 is to be filled in only by the federations.
2. A copy of the rules of the Trade Union corrected up to the date of dispatch thereof to be enclosed with the statements of annual return in accordance with clause (b) of Sub-Section (1) of Section 26.

Part B
General Fund Account

Income			Expenditure		
S. No.	Details	Rs.	S. No.	Details	Rs.
1.	Opening Balance		1.	Salaries, Allowances and Office expenses.	
2.	Subscription received from members as per the following details : -		2.	Salaries, Allowances and other expenses of the establishment	
	(a) received for the Subscription current year.		3.	Auditors' fees.....	
	(b) Subscription in arrears for the current year -		4.	Legal expenses.....	
	(1) Subscription in for 3 months or less.		5.	Expenses in conducting trade disputes.	
	(2) Subscription in arrears for 6 months or more than 6 months.		6.	Compensation paid to members for loss arising out of trade disputes	
	(c) Subscription in arrears for more than one year		7.	Expenditure towards Social Security like funeral, old age, sickness, unemployment benefits, etc.	
	Total		8.	Educational, social and religious benefits.	
3.	Donations.		9.	Cost of publishing periodicals	
4.	Interest on investments		10.	Rents, rates and taxes	
5.	Sales of periodicals, books and rules, etc.		11.	Stationery, printing and postage.	
6.	Income from miscellaneous sources (to be specified).		12.	Expenses incurred under Section 15 (1) of IR Code, 2020	
			13.	Other expenses (to be specified) -	
	(1).....			(1).....	
	(2).....			(2).....	
	(3).....			(3).....	
	(4).....			Total expenditure.	
	(5).....			Balance at the end of the year	
	(6).....			Total.....	
	Total.....				

Treasurer

Part C**Statement of Assets and Liabilities of Trade Union On 20**

S. No.	Assets	Rs	S. No.	Liabilities	Rs
	(1)	(2)		(3)	(4)
1	Cash		1	Amount of general fund	
	(a) In hands of Treasury		2	Amount of political fund	
	(b) In hands of Secretary		3	Loans from	
2	In hands of any other office bearers		4	Arrears to be paid	
3	In the Bank		5	Other liabilities (to be specified)	
4	Securities (as per list in Part D)				
5	Unpaid subscription due [as shown in Part B in Columns 2 (b) and (c)]				
	(a) Amount of the current year's subscription				
	(b) Amount of the last year's subscription				
6	Loans:				
	(a) Officers				
	(b) Members				
	(c) Others				
7	Goods and furniture				
	(a) Of the current year				
	(b) Of last year				
8	Immovable property				
9	Other assets (to be specified)				
	Total assets			Total liabilities	

Part D**List of Securities**

Particulars	Face Value	Cost Price	Market price at date on which accounts have been made up	Deposited with
(1)	(2)	(3)	(4)	(5)

Part E**Political Fund Account**

Income			Expenditure		
	Details	Rs.		Details	Rs.
1.	Opening Balance		1.	Payments made on objects specified in Section 15(2) of IR Code, 2020	
2.	Contributions from members		2.	Expenses of management (to be fully specified)	
				Total	.....
				Balance at the end of the year	
	Total			Total	.....

Part F
Auditors' Declaration

The undersigned having had access to all the books and accounts of the and having examined the foregoing statements and verified the same with the account 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 they had properly maintained its membership register and its accounts and the members had paid their membership subscription Rs..... to the as shown in the foregoing statement of the General fund account of the Trade Union, subject to the remarks, if any, appended hereto.

1. Auditor
2. Auditor

Note :- Each Auditor should state below his signature in what capacity with reference to Rule 9 he is qualified to audit the Trade Union's accounts.

Part G
Officers appointed by election or nomination

Name	Date of Birth	Home Address	Occupation	Office held in the Union	Whether by election or nomination	Date on which appointment in Column (5) was taken up
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Part H

The following changes of officers have been made during the year of submission of the annual returns

Officers relinquishing office

No.	Name	Office	Date of relinquishing office	Reasons for relinquishing
(1)	(2)	(3)	(4)	(5)

Signature of Authorized Person

FORM XVIII

(See - rule 32)

Form seeking modification of Standing Order as under Sub-Section (2) of Section 35

To,
Jurisdictional Certifying Officer

I, _____ (name), the _____ (designation) of _____ (name of the industrial establishment / Employer / Trade Union / Workers Representative, (write whichever is applicable),

- (a) the unique number assigned to the certified standing order
- (b) name of industrial establishment ;
- (c) nature of industrial establishment ;
- (d) date of certification or deemed certification or date of adoption of model standing order by each establishment or undertaking
- (e) the addresses of the premises of the operations of the industrial establishment, I would like to inform that I am seeking for modifications to the Certified Standing Orders as given in the below table :—

Table

Sl. No.	Provisions of the certified Standing Order Sought to be modified / Deleted	Suggested Modifications / Additions / Deletions	Reasons for such Modifications /Additions / Deletions
(1)	(2)	(3)	(4)

Place: _____ Signature of the applicant
Date : _____ (Name of the Industrial establishment / Employer / Trade Union / Workers Representative, write whichever is applicable)

FORM XIX

(See sub - rule (1) of rule 33)

Notice of change of service conditions proposed by an employer

Name of the Employer.....
Name of the Establishment.....
Address.....
Dated.....day of 20

In accordance with Section 40(i) of the Code, I / We hereby give notice to all concerned worker(s) that it is my / our intention to affect the change / changes specified in the Annexure, with effect from in the conditions of service applicable to worker(s) in respect of the matters specified in the Third Schedule for this code.

Place : _____ Signature.....
Date: _____ Designation.....

ANNEXURE

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

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

To : All Worker(s)

Copy forwarded to :

1. The Secretary of Registered Trade Union(s), if any.
2. Labour Commissioner.
3. Conciliation Officer concerned.

FORM XX

(See sub - rule (1) of rule 34)

Arbitration Agreement for Voluntary Reference of Disputes

BETWEEN

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

And

..... Representing worker(s)

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

- (i) Specify matters in industrial 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 was affected.
- (v) Estimated number of workers affected or likely to be affected by the dispute.

We further agree that the majority decision of the arbitrator(s) shall be binding on us. In case the arbitrator(s) are equally divided in their opinion, an umpire* shall be appointed whose award shall be binding on the parties to this agreement.

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 through Notification by the A & N Administration. 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 arbitration.

Signature of the parties representing employer(s)

Witnesses

1.
2.

Signature of the parties representing worker(s)

Witnesses

1.
2.

Place :

Date :

*See Sub-Section (2) of Sec. 42 of the Code. Copy to:

- (1) The Conciliation Officer (here enter office address of the Conciliation Officer for the area concerned).
- (2) Labour commissioner, Andaman & Nicobar Administration.

Secretary (Labour), Andaman & Nicobar Administration, with a request to issue Notification.

FORM XXI

(See rule 36, 56& 57)

**AUTHORISATION BY A WORKER, GROUP OF WORKERS, EMPLOYER OR GROUP OF EMPLOYERS
TO BE REPRESENTED IN A PROCEEDING BEFORE THE AUTHORITY UNDER THE
INDUSTRIALRELATIONS CODE, 2020).**

Before the Authority

(Here mention the authority concerned)

In the matter of : (Mention the name of the proceedings / dispute)
.....Worker(s) / Employer(s) v/s Employer(s) / Worker(s)

I / We hereby authorize the following representatives of worker(s) / employer(s) to represent me / us in the above matter.

1.
2.
3.

Dated this day of 20 at

Signature of person(s) Nominating the Representative(s)

*Attach a copy of the resolution passed to this form.

**FORM -XXII
(SEE SUB RULE (1) OF RULE 38)**

**(APPLICATION UNDER SUB-SECTION (1) OF SECTION 59 OF THE INDUSTRIAL RELATIONS
CODE, 2020)**

To,

- (1) The Secretary (Labour), Andaman & Nicobar Administration.
- (2) The Labour Commissioner, Andaman & Nicobar Administration
- (3) Conciliation Officer having jurisdiction

Sir,

I/Wehave to state that I am/we are entitled to receive from M/s a sum of Rs. (in words) on account of under the provisions of Chapter IX and X of the Industrial Relations Code, 2020 (35 of 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 workers through the duly elected representatives.

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

I/We request that the said sum may kindly be recovered for the management under Sub-Section (1) of Section 59 of the Industrial Relations Code, 2020 (35 of 2020) and paid to me/us as early as possible.

Signature of the Applicant(s)

Address(es)

Station:

Date:..

ANNEXURE

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

FORM- XXIII
(See sub - rule (1) of rule 38)

(APPLICATION BY A PERSON AUTHORISED BY A WORKER OR BY THE ASSIGNEE OR HEIR OF A DECEASED WORKER UNDER SUB-SECTION (1) OF SECTION 59 OF THE INDUSTRIAL RELATIONS CODE, 2020)

To

- (1) The Secretary (Labour), Andaman & Nicobar Administration.
- (2) Labour Commissioner, Andaman & Nicobar Administration.
- (3) Conciliation Officer having jurisdiction.

Sir,

I Shri / Shrimati / Kumari.....have to state that Shri / Shrimati / Kumari..... is/was entitled to receive from M/s..... a sum of Rs.(in words) on account of under the provisions of Chapter IX and X of the Industrial Relations Code, 2020 (35 of 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 workers through the duly elected representatives.

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

I request that the said sum may kindly be recovered from the management under Sub-Section (1) of Section 59 of the Industrial Relations Code, 2020 (35 of 2020), and paid to me as early as possible.

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

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

Signature of Authorized persons/ assignee/ heirs
Address.....

Station

Date.....

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

FORM—FORM XXIV
(See sub-rule (2) of rule 38)

(APPLICATION UNDER SUB-SECTION (2) OF SECTION 59 OF THE INDUSTRIAL RELATIONS CODE, 2020)

Before the Industrial Tribunal at between and

(1) Name of the applicant(s)

(2) Name of the employer

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

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

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

Address(es).....

Place.....

Date.....

ANNEXURE

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

Form XXV

(see sub-rule (2) of rule 38)

(APPLICATION BY A PERSON WHO IS AN ASSIGNEE OR HEIR OF A DECEASED WORKER UNDER SUB-SECTION (2) OF SECTION 59 OF THE INDUSTRIAL RELATIONS CODE, 2020)

Before the Industrial Tribunal at Between

- i. Name of the applicant / applicants
- ii. Name of the employer

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

Name and Address of worker.....

Signature of the assignee / heirs

Address(es).....

Place.....

Date.....

ANNEXURE

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

Form XXVI

(See Sub-Rule (1) of rule 39 & 60)

Notice of Strike to be given by Union (Name of Union / Group of Workers)

Name of five elected representatives of workers : 1)

2)

3)

4)

5)

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

To,

(The Name of the Employer)

Dear Sir / Madam,

In accordance with the provisions contained in sub-section (4) of section 62 of the code, We hereby give you notice that we propose to call a strike / propose to go on strike on20....., for the reasons explained in the Annexure- I and a copy of the resolution to go on strike in Annexure-II

Five representatives of the workers were duly elected at a meeting held on (date), vide resolution attached as per proviso to rule 39.

Yours faithfully,

(Signature of Secretary of the Union)

Signature of five elected representatives of workers 1)

2)

3)

4)

5)

Annexure – I : Statement of the reasons of going on strike

Annexure – II : Copy of resolution to go on strike

Copy to:

- 1) Conciliation Officer having jurisdiction.
- 2) Labour Commissioner, Andaman & Nicobar Administration.
- 3) Secretary (Labour), Andaman & Nicobar Administration.
- 4) Labour Bureau.

Form XXVII

(See sub rule (1) of rule 40& 60)

Notice of Lock-out to be given by an Employer of an industrial establishment

Name of Employer / Industrial

Establishment.....

Address.....

Dated the day of 20

In accordance with the provisions contained in Sub-Section (5) of Section 62 of the Code, I / we hereby give notice to all concerned that it is our intention to affect lock-out in Department(s), Section(s) of my / our establishment with effect from for the reasons explained in the Annexure.

Place : Signature

Date : Designation

Annexure : Statement of Reasons for lock-out

Copy forwarded to :

- (1) The Secretary of the Registered Union, if any
- (2) Conciliation Officer
- (3) Labour Commissioner
- (4) Secretary (Labour), Andaman & Nicobar Administration.
- (5) Labour Bureau

Form XXVIII

(See rule 41& 60)

Notice of intimation of Retrenchment to be given by an Employer

To

The Secretary (Labour), A & N Administration

Sir,

Under Rule 41 of the Industrial Relations (A & N Islands) Rules, 2023, I / we hereby inform you that I / we intend to retrench (number of workers) out of a total of workers employed in the establishment with effect from....., for the reasons explained in the Annexure.

Such of the workers retrenched are entitled to be paid compensation under clause (b) of Section 70 of the Code.

Annexure : Statement of Reasons.

Signature of the Employer / Authorized person

Date :

Place :

Copy forwarded to:

- (1) The Secretary (Labour), Andaman & Nicobar Administration.
- (2) The Labour Commissioner, Andaman & Nicobar Administration.
- (3) The Conciliation Officer, Andaman & Nicobar Administration.

Form XXIX

(See rule 43 & 60)

Notice of intimation of closing down to be given by an Employer as per Sub-Section (1) of Section 74 of the Code

Name of Industrial Establishment or Undertaking / Employer

Address

Dated (DD/MM/YYYY).

To,

The Secretary (Labour), The Andaman & Nicobar Administration.

Sir / Madam,

Under Sub-Section (1) of Section 74 of the Code, I / we hereby inform you that I / we have decided to close down (name of the industrial establishment or undertaking) with effect from(DD/MM/YYYY) for the reasons explained in the **Annexure I**.

The number of workers whose services would be terminated on account of the closure of the industrial establishment or undertaking are(number of workers)

Such of the workers are entitled to be paid compensation under Section 75 of the Code.

Annexure I : Statement of Reasons for closing down of an undertaking.

Place :

Date :

Signature of the Employer / Authorized person

Copy to:

- (1) Secretary (Labour)
- (2) Labour Commissioner
- (3) Conciliation Officer having jurisdiction.
- (4) Labour Bureau

Form XXX**(See rule 44 & 60)****Application for permission of Lay-off in Industrial establishments under Sub-Section (2) of Section 78 of the Code**

To,

The Secretary (Labour), Andaman & Nicobar Administration

Sir / Madam,

Under Sub-Section (2) of Section 78 of the Code, I / we hereby apply for permission to lay-off..... number of workers (indicate number in figures and words) out of total of.....workers (indicate number in figures and words) employed in my / our establishment with effect from (DD/MM/YYYY) for the reasons set out in the Annexure-I and permission is solicited for the lay-off, in the said establishment (details which are annexed in Annexure-II).

All such workers permitted to be laid-off due to closure will be paid such compensation, to which they are entitled under Section 67, read with Sub-Section (10) of Section 78 of the Code as per the details given below.

Signature of the Employer / Authorized person

Date :

Place :

Annexure I

	Total No. of workers to be laid off	Unskilled (Total No. of workers to be laid off)	Semi-skilled (Total No. of workers to be laid off)	Skilled (Total No. of workers to be laid off)	Highly skilled (Total No. of workers to be laid off)
1.					
2.	Reasons for lay- off				

Annexure II

Sl. No.	Particulars	Remarks, if any
1.	Name of the industrial establishment / undertaking with complete postal address along with PIN Code, e-mail, telephone number(s).	
2.	Status of undertaking— (i) Whether Central Public Sector / State Public Sector / Foreign Majority Company / Joint Sector Company, etc., (In case of foreign holding company then indicate the extent of foreign holding)	Indicate the status of the company
	(ii) Whether a Private Limited company / Partnership Firm or Proprietorship Firm	
3.	(a) MCA Number	
	(b) GSTN Number	
	(c) Registration Number of the Labour Department	
4.	Names and identification number of the affected workers proposed to be laid-off.	The Identification Number UAN of EPFO or under Social Security Code.
5.	Product(s) of the undertaking	
6.	Details relating to installed capacity, licensed capacity and utilized capacity	
	(i) Annual production, item wise for preceding two years	
	(ii) Production figures, month-wise, for the preceding twelve months,	
7.	Work in progress, if any, item-wise, value-wise	
8.	Any agreement regarding off-loading or sub-contracting of products or any components thereof.	
9.	Position of the order book, item-wise and value-wise for a period of 6 months, and one year next following.	
10.	Number of working days in a week with the number of shifts per day and the strength of workers per each shift.	
11.	Balance sheets, Profit and Loss accounts and audit reports for the last two years.	To be annexed
12.	Net worth of the company.	
13.	Names of the inter-connected companies or companies under the same management.	
14.	Administrative, general and selling cost in absolute terms per year in the last 2 years and percentage thereof to the total cost.	
15.	Details of lay-off resorted to in the last two years (other than the lay-off for which permission is sought), including the periods of such lay-offs, the number of workmen involved in each such lay-off.	
16.	Anticipated savings due to the proposed lay-off	
17.	Any proposal for effecting savings on account of reduction in :-	
	(a) Managerial remuneration	
	(b) Sales promotion cost; and	
	(c) General administration expenses.	
18.	Any specific attempts made so far to avoid the proposed lay-off	
19.	Any other relevant details which have bearing on lay-off.	

Form XXXI
(See rule 47 & 60)

Application for permission of Retrenchment in Industrial establishments or Undertaking under Sub-Section (2) of Section 79

To,

The Secretary (Labour), Andaman & Nicobar Administration,

Sir / Madam,

Under Sub-Section (2) of Section 79 of the Code, I / we hereby apply for permission for proposed retrenchment of number of workers (indicate number in figures and words) with effect from (DD/MM/YYYY) for the reasons set out in the Annexure-I and permission is solicited for retrenchment in the said establishment (details which are annexed in Annexure-II).

The workers concerned have been given notice in writing as required under clause (a) of Sub-Section (1) of Section 79.

The number of workers whose services will be terminated on account of the retrenchment is.
(Number of workers)

Permission is requested for the retrenchment of the workers of the said establishment.

All such workers permitted to be retrenched will be paid such compensation, to which they are entitled under Sub-Section (9) of Section 79.

Date:

Place:

Signature of the employer

Annexure I

	Total No. of workers / No. of to be retrenched	Unskilled (Total No. of workers / to be retrenched)	Semi-skilled (Total No. of workers / to be retrenched)	Skilled (Total No. of workers / to be retrenched)	Highly skilled (Total No. of workers / to be retrenched)
1.					
2.	Reasons for retrenchment				

Annexure II

Sl. No.	Particulars	Remarks, if any
1.	Name of the industrial establishment / undertaking with complete postal address along with PIN Code, e-mail, telephone number(s).	
2.	Status of undertaking— (i) Whether Central Public Sector / State Public Sector / Foreign Majority Company / Joint Sector Company, etc., (In case of foreign holding company then indicate the extent of foreign holding) (ii) Whether a Private Limited company / Partnership Firm or Proprietorship Firm	Indicate the status of the company
3.	(a) MCA Number (b) GSTN Number (c) Registration Number of the Labour Department	
4.	Names and identification number of the affected workers proposed to be retrenched.	The Identification Number UAN of EPFO or under Social Security Code.
5.	Product(s) of the undertaking	
6.	Details relating to installed capacity, licensed capacity and utilised capacity (i) Annual production, item wise for preceding two years (ii) Production figures, month-wise, for the preceding twelve months,	
7.	Work in progress, if any, item-wise, value-wise	
8.	Any agreement regarding off-loading or sub-contracting of products or any components thereof.	
9.	Position of the order book, item-wise and value-wise for a period of 6 months, and one year next following.	
10.	Number of working days in a week with the number of shifts per day and the strength of workers per each shift	
11.	Balance sheets, Profit and Loss accounts and audit reports for the last two years.	
12.	Net worth of the company.	
13.	Names of the inter-connected companies or companies under the same management.	
14.	Administrative, general and selling cost in absolute terms per year in the last 2 years and percentage thereof to the total cost.	
15.	Details of lay-off resorted to in the last two years (other than the retrenched for which permission is sought), including the periods of such retrenched, the number of workmen involved in each such retrenched.	
16.	Anticipated savings due to the proposed retrenched	
17.	Any proposal for effecting savings on account of reduction in :- (a) Managerial remuneration (b) Sales promotion cost; and (c) General administration expenses.	
18.	Any specific attempts made so far to avoid the proposed closure.	
19.	Any other relevant details which have bearing on closure.	

Form XXXII
(See Sub-Rule(a) of rule 49& 60)

Application for permission of Closure of an Industrial establishment or Undertaking under Sub-Section (1) of Section 80 of the Code

To,

The Andaman & Nicobar Administration,

Sir,

Under Sub-Section (2) of Section 80 of the Code, I / we hereby inform you that I/we propose to close down the undertaking of an industrial establishment specified below of (name of the industrial establishment) with effect from (DD/MM/YYYY) for the reasons set out in the Annexure-I and permission is solicited for closure of the said establishment (details which are annexed in Annexure-II).

The workers representatives concerned have been served with a copy of application as required under Sub-Section (1) of Section 80.

The number of workers whose services will be terminated on account of the closure of the undertaking is (Number of workers)

Permission is solicited for the closure of the said establishment.

All such workers permitted to be terminated due to closure will be paid such compensation, to which they are entitled under Sub-Section (8) of Section 80.

Date :

Signature of the Employer

Place :

Annexure I

	Total No. of workers / No. of to be retrenched	Unskilled (Total No. of workers / to be retrenched)	Semi-skilled (Total No. of workers / to be retrenched)	Skilled (Total No. of workers / to be retrenched)	Highly skilled (Total No. of workers / to be retrenched)
1.					
2.	Reasons for Closure				

Annexure II

Sl. No.	Particulars	Remarks, if any
1.	Name of the industrial establishment / undertaking with complete postal address along with PIN Code, e-mail, telephone number(s).	
2.	Status of undertaking— (i) Whether Central Public Sector / State Public Sector / Foreign Majority Company / Joint Sector Company, etc., (In case of foreign holding company then indicate the extent of foreign holding)	Indicate the status of the company
	(ii) Whether a Private Limited company / Partnership Firm or Proprietorship Firm	
3.	(a) MCA Number	
	(b) GSTN Number	
	(c) Registration Number of the Labour Department	
4.	Names and identification number of the affected workers proposed to be retrenched.	The Identification Number UAN of EPFO or under Social Security Code.
5.	Product(s) of the undertaking	
6.	Details relating to installed capacity, licensed capacity and utilized capacity	
	(i) Annual production, item wise for preceding two years	
	(ii) Production figures, month-wise, for the preceding twelve months,	
7.	Work in progress, if any, item-wise, value-wise	
8.	Any agreement regarding off-loading or sub-contracting of products or any components thereof.	
9.	Position of the order book, item-wise and value-wise for a period of 6 months, and one year next following.	
10.	Number of working days in a week with the number of shifts per day and the strength of workers per each shift	
11.	Balance sheets, Profit and Loss accounts and audit reports for the last two years.	To be annexed
12.	Net worth of the company.	
13.	Names of the inter-connected companies or companies under the same management.	
14.	Administrative, general and selling cost in absolute terms per year in the last 2 years and percentage thereof to the total cost.	
15.	Any proposal for effecting savings on account of reduction in:-	
	(a) Managerial remuneration	
	(b) Sales promotion cost; and	
	(c) General administration expenses.	
16.	Any specific attempts made so far to avoid the proposed closure.	
17.	Any other relevant details which have bearing on closure.	

Form XXXIII

(See Sub-Rule (1) of rule 53& 60)

Notice to the Employer who committed an offence for the first time under this code, for compounding of offence under Sub-Section (4) of Section 89 of the Code.

The undersigned and the Compounding Officer under Sub-Section (1) of Section 89 of the Code, hereby intimates that the allegation has been made against you for committing offence(s) for the violation of various provisions of this Code as per the details given below :-

PART – I

1. Name and Address of the offender Employer-
2. Address of the Establishment
3. Particulars of the offence(s)
4. Section of the Code under which the offence is committed
5. Compounding amount required to be paid towards composition of the offence
6. Date and Particulars of the previous offence(s)
7. Section of the Code under which the previous offence was committed
8. Whether the previous offence was compounded or not ?

PART – II

You are advised to deposit the above-mentioned amount within fifteen days from the date of issue of this notice for compounding the offence as per Section 89 (1) of the Code, along with an application dully filled in Part – III of this notice.

In case you fail to deposit the said amount within the specified time, no further opportunity shall be given and necessary direction for filing of prosecution under Section 86 of the Code shall be proceeded with.

Date :

Place : (Signature of the Compounding Officer)

PART – III

(Application under Sub-section (4) of Section 89 of the Industrial relations Code, 2020 read with rule 53 for compounding of offence)

1. Name of Applicant (name of the employer who committed the offence(s) under the Code to be mentioned
2. Address of the applicant
3. Particulars of the offence(s)
4. Section of the Code under which the offence has been committed
5. Details of the compounding amount deposited (electronically or otherwise generated receipt to be attached)
6. Details of the prosecution, if filed for the violation of above-mentioned offences may be given
7. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence
8. Any other information which the applicant desires to provide

Date :

Place : Applicant (Name and Signature)

Copy to: Labour Bureau

Form XXXIV
(See Sub-Rule (1) of rule 55)
Complaint under Section 91 of the Code

Before the Conciliation Officer / Arbitrator / Tribunal or, National Tribunal

In the matter of : Reference No.

A.....

Address

Complainant(s) ;

Vs

B.....

Address :

Opposite Party(ies).

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 Code, as shown below :

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

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

The number of copies of the complaint and its annexure required under Section 91 of the Code are submitted herewith.

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

Verification

I do solemnly declare 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 it to be true. This verification is signed by me at..... on day of 20

Signature or Thump impression of the person verifying.....

By Order

**(Admiral D.K. Joshi, PVSM, AVSM, YSM, NM, VSM (Rtd.)
Lieutenant Governor (Administrator)**

By Order and in the Name of the Lt. Governor,

(.....)
Additional Secretary (Labour)