



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LABOUR WELFARE DEPARTMENT :: RESEARCH (RC) BRANCH

NOTIFICATION

The 17th November, 2021

No. GLR(RC)71/2020/208 : The following draft of certain rules, which the Governor of Assam proposes to make in exercise of the powers conferred by section 99 of the Industrial Relations Code 2020 (35 Of 2020) is hereby published, as required under sub-section (1) of said section 99, for information of all persons likely to be affected thereby and notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of 45 (forty five) days from the date of application of the draft rule in the Official Gazette published are made available to the public;

Any objections and suggestions, which may be received from any person or organization with respect to the said draft rule before expiry of the period specified above, shall be considered by the Governor.

Objections and suggestions, if any, may be sent to the Secretary to the Government of Assam, Labour Welfare Department, 3rd Floor, F-Block, Janata Bhawan, Dispur, Guwahati-781006 or by email – labour.assam@gmail.com.

DRAFT**THE ASSAM INDUSTRIAL RELATIONS RULES, 2021****CHAPTER-I
PRELIMINARY**

- Short title, and commencement
1. (1) These rules may be called The Assam Industrial Relation Rules, 2021.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- Definition
2. (1) In these rules, unless the context otherwise requires,-
- (a) "Code" means the Industrial Relations Code, 2020 (Central Act, 35 of 2020);
- (b) "Form" means a form appended to these rules;
- (c) "electronically" means any information submitted by email or uploaded on the designated portal or digital payment in any mode for the purpose of the Code;
- (d) "section" means a section of the Industrial Relations Code, 2020(Central Act, 35 of 2020);
- (e) "State Government" means the Government of Assam.
- (2) All words and expressions used in these rules but not defined herein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.
- Written Agreement between employer and worker during conciliation Proceeding
3. (1) The Settlement arrived at in the course of conciliation proceeding shall include a written Agreement between employer and worker as per clause (zi) of section 2 of the Act, as specified in FORM-I and shall be signed by the parties in the agreement and a copy thereof shall be sent to the concerned Conciliation Officer.
- (2) The written agreement for settlement shall be signed by
- (i) in case of employer, by the employer himself, or by his authorized agent, or when the employer is an incorporated company, or other body corporate, by the agent, manager of that company;
- (ii) in case of worker, any of the following Officer of the trade union, namely :-

- (a) The President;
- (b) The Vice President;
- (c) The Secretary;
- (c) Joint Secretary; or
- (e) Any other Officer authorized in this behalf by the President and Secretary of the Union.

CHAPTER - II
BI-PARTITE FORUMS

Constitution of
Works
Committee etc.
under section 3

4. (1) Every employer as per provision under sub-section (1) of section 3 shall forthwith proceed to constitute a Works Committee to promote measures for securing and preserving amity and good relations between the employer and workers.
- (2) The number of members constituting the Committee shall be fixed so as to afford equal representation to the various categories, groups and classes 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 worker in the Works Committee shall not be less than the number of representatives of the employer.
- (3) Subject to the provisions of these rules, the representatives of the employer shall be nominated by the employer and shall as far as possible, be officials in direct touch with, or associated with, the working of the industrial/ business establishment.
- (4) (i) Where any workers of the industrial/ business establishment are members of a registered Trade Union/ negotiation union, the employer shall ask such unions to inform him in writing as to how many of the workers are members of such unions and the process of distribution of their membership among the sections, shops or department of the establishment.
- (ii) Where an employer has reason to believe that the information furnished to him under clause (i) by any Trade Union is false, he may, after informing such unions, refer the matter to the Conciliation Officer concerned for his decision, and the Conciliation Officer, 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) above the employer shall provide for the selection of worker's representative on the Works Committee in two following groups, namely:-

- (i) Registered Trade Union may choose their representatives as members for works committee in the proportion of their membership;
- (ii) Where there is no registered trade union, workers may choose amongst themselves representatives for Works Committee.

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

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

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

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

(iv) 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 post of the Secretary or the Joint-Secretary, as the case may be, shall not be held by a representative of the employer or the worker for two consecutive years:

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

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

- (7) (i) The term of office of the representatives of the Works Committee other than a member chosen to fill a casual vacancy shall be two years;
- (ii) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor;
- (iii) A member who without obtaining leaves from the Works Committee, fails to attend three consecutive meetings of the Committee shall forfeit his membership.
- (8) In the event of worker's representative ceasing to be a member under clause (iii) of sub-rule (7) or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be chosen in accordance with the provisions of this rule from the same group to which the member vacating the seat belonged.
- (9) The Works Committee shall have the right to co-opt in a consultative capacity, persons employed in the industrial establishment having particular or special knowledge of a matter under discussion. Such co-opted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Works Committee.
- (10) (i) The Works Committee may meet as often as necessary but not less than once in three months.
- (ii) The Works Committee shall at its first meeting regulate its own procedure.
- (11) (i) The employer shall provide accommodation for holding meetings of the Works Committee. He shall also provide all necessary facilities to the Works Committee and to the members thereof for carrying out the work of the Works Committee. The Works Committee shall ordinarily meet during working hours of the industrial establishment concerned on any working day and the representative of the worker shall be deemed to be on duty while attending the meeting;
- (ii) The Secretary of the Works Committee may put up notice regarding the work of the Works Committee on the notice board of the industrial establishment with prior concurrence of the Chairman.

Manner of choosing members for Grievance Redressal Committee under sub-section (2) of section 4

5. (1) The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed ten.

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

(3) The representatives of the workers shall be chosen by the registered Trade 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, the member may be chosen by the workers of the industrial establishment:

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

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

Provided further that the tenure of the members of the Grievance Redressal Committee shall be coterminous with the tenure of the members of the registered Trade Union.

(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 –

(i) how many of the workers are members of such Trade Union;

(ii) 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, Assam 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 Committee by two following groups, namely:-
- (i) Registered Trade Union may choose their representatives as members for Grievance Redressal Committee in the proportion of their membership;
 - (ii) Such workers those who are not member of registered Trade Union, may choose amongst themselves representatives for the Grievance Redressal Committee.

Application to be filed before the Grievance Redressal Committee by any aggrieved worker under sub-section (5) of section 4

6. (1) Any aggrieved worker may file an application as per provision of sub-section (5) of section 4 of the Code stating his dispute therein before the Grievance Redressal Committee giving his name, designation, employee Code, Department where posted, length of service in years, category of worker, address for correspondence, contact number, details of grievances and relief sought. Such application may be sent electronically or otherwise. The Grievance may be raised within one year from the date on which the cause of action of such dispute arises.
- (2) The Grievance Redressal Committee may complete its proceedings within 30 (thirty) days of receipt of the application under rule 6.
- (3) The decision of the Grievance Redressal Committee on any application filed under sub-rule (2) of rule 6 of sub-section (5) of section 4 of the Code shall be made on the basis of majority view of the Committee, provided more than half of the members representing the workers have agreed to such decision, otherwise, it shall be deemed that no decision could be arrived at by the Committee.

Manner of filing application to the conciliation officer under sub-section (8) of section 4

7. 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 Labour Welfare Department within the period of sixty days from the date of the decision of the Grievance Redressal Committee or from the date on which the period specified in sub-section (6) of section 4 expires, as the case may be, to the conciliation officer through the Trade Union, of which he is a member or otherwise:

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

CHAPTER-III

TRADE UNION

- Registrar of Trade Unions under sub-section (1) of section 5
8. The State Government as per provision of sub-section (1) of section (5) of the Code may appoint the Labour Commissioner Assam as the Registrar of Trade Unions and may notify other persons as Additional Registrar, Joint Registrar, and Deputy Registrar of Trade Unions and shall perform such duties as the State Government may by notification specify from time to time.
- Subscription by members to Trade Union under clause (f) of section 7
9. The payment of minimum subscription by member of Trade Union as per clause (f) of section 7 of the Code shall not be less than-
- (i) One hundred rupees per annum for rural and unorganized sector workers;
 - (ii) Three hundred rupees per annum for organised and urban workers;
- Manner of annual audit under clause (j) of section 7
10. (1) The Annual Audit of the accounts of any registered Trade Union as per clause (j) of section 7 of the Code shall be conducted by an auditor who is a Chartered Accountant within the meaning Chartered Accountants Act, 1949 and authorised to audit the accounts of the Companies under section 2(17) of the Companies Act, 2013.
- (2) Where the membership of a Trade Union did not at any time during the financial year exceed 2500, the annual audit of the Accounts may be conducted,-
- (i) by an examiner of local fund accounts; or
 - (ii) by any local fund auditor appointed by the local Government; or
 - (iii) by any person, who, having held an appointment under Government in any audit or accounts department is in receipt of a pension of not less than Rs. 15000/- per month.
- (3) Where the membership of a registered Trade Union did not, at any time, during the year ending on the 31st day of December, exceed 1000, the annual audit of the accounts may be conducted,-
- (i) by any two persons holding office as a Member of Corporation, a Municipality, a Zila Parishad; or
 - (ii) by any person who, having held an appointment under the Government in any audit or Accounts Department, is in receipt of a pension from the Government of not less than Rs. 10000/- a month; or

- (iii) 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 Trade Union did not at any time during the financial year exceed 500, the annual audit of the Accounts may be conducted,-
- (i) by any two person holding office as or as members of any Municipal Council, District Board or Legislative Body; or
- (ii) by any two person, who having held an appointment under Government in any audit or accounts department is in receipt of a pension from Government of not less than Rs. 10000/- a month; or
- (iii) by any auditor appointed to conduct the audit of any co-operative societies by the Government or by the Registrar of co-operative societies or by any provincial Co-operative organisation recognised by the Government for this purpose.
- (5) Where the membership of a Trade Union did not at any time during the financial year exceed 250, the annual audit of the Accounts may be conducted by two member of the Union.
- (6) Where the Trade Union is a federation of Unions and the numbers of Unions affiliated to it at any time during the financial year did not exceed 50, 15 or 5 respectively, the audit of the accounts of the federation may be conducted as if it had not any time during the year had a membership of more than 2500, 1000, 500 or 250 respectively.
- (7) Disqualification of Auditors – 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.

Maintenance of
Books of
Accounts and
Registrar to
facilitate Audit

11. (1) Accessibility to the books of accounts. - The auditor or auditors appointed in accordance with these rules 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 appended to in FORM-II, 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,—

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

(2) Every Trade Union shall maintain the following books and registers to facilitate the audit of its Accounts:—

- (i) Register of Membership and Subscriptions in FORM-III;
- (ii) Register of receipts and disbursements of General Fund Accounts;
- (iii) Minutes Book to record the proceedings of all meeting;
- (iv) Register of stock, tools and plant to show the furniture, valuable documents relating to immovable property of the Union;
- (v) Machine numbered subscription receipt;
- (vi) Register of receipts and disbursements for the Political Fund (if there is a Political Fund);
- (vii) A file of vouchers.

Dissolution of Trade Unions under clause (k) and (l) of section 7

12. (1) When a registered Trade Union is dissolved, notice of the dissolution or any amendment and variation in rules shall be sent to the Registrar in FORM-IV.
- (2) On receiving copy of notice under sub-rule (1), any amendment or variation made in the rules of a Trade Union under clause (k) of section 7, the Registrar shall, unless he has reason to believe that the amendment or variation in the rules has not been made in the manner provided by the rules of the Trade Union or unless the amendment or variation in the rules is not in accordance with the provisions of the Code, register the amendment or variation in the rules in a register to be maintained for this purpose and shall notify the fact that he has done so to the Secretary of the Trade Union.
- (3) On receiving copy of notice under sub-rule (1), dissolution under sub-section (l) of section 7, the Registrar shall, unless he has reason to believe that the dissolution of Trade Union has not been made in the manner provided by the Code, register the dissolution of Trade Union 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.

- (4) The fee payable for any amendment shall be Rs. 200/- or as may be fixed by the Government from time to time and shall be deposited electronically or otherwise in the appropriate Head of Accounts of the Government.

Form for Declaration to be made under clause (a) of sub-section (1) of section 8 for registration of Trade union

13. (1) Application for registration of Trade Union shall be made to the Registrar of Trade Unions in FORM-V electronically or otherwise along with particulars mentioned in clause (1) of section 8 of this Code.

- (2) The Registration fee of Trade Union shall be Rs. 1000/-.

- (3) (i) The notice of any change in the name of a Trade Union shall be sent to the Registrar in FORM-VI along with certificate of registration, resolution of general meeting with 2/3rd general member within a fortnight of change, either in person or by registered Post.

- (ii) The Registrar on receiving any such notice may take such steps as he think fit to verify or cause to be verified the facts stated therein and to satisfy himself that the notice is genuine.

- (iii) When the Registrar, registers a change of name, he shall certify under his signature at the foot of the registration certificate.

- (iv) The fee payable for registration of alteration of name of trade union shall be Rs. 200/-

Form containing particulars of assets and liabilities of the Trade Union under sub-section (2) of section 8

14. (1) Where a trade Union has been in existence for more than one year before making an application for its registration under the Code, that shall be delivered to the Registrar, together with the application, a general statement of assets and liabilities of the Trade Union as required under sub-section (2) of section 8 containing particulars as in FORM-VII electronically or otherwise.

- (2) The Registrar for the purpose of satisfying himself that the application is genuine may call for further information and may refuse to register the Trade Union until such information is furnished.

Registration of
Trade Union and
cancellation
thereof under
section 8 and 9

15. (1) The Registrar of Trade Union on being satisfied that the applicant Trade Union has complied with all the requirements in regard to registration, register the Trade Union by entering in a register with particulars relating with Trade Unions contained in the statements accompanied with the application for registration in FORM-VIII.
- (2) Where the Registrar makes an order for registration of a Trade Union, he shall issue a certificate of registration to the applicant Trade Union in the FORM-IX.
- (3) If the Registrar has issued a certificate of registration to a Trade Union, he shall enter the name and other particulars of the Trade Union in a register maintained in FORM-VIII.
- (4) The fee payable for registration of a Trade Union shall be Rs. 1000/- or as may be fixed by the State Government from time to time and shall be paid electronically or otherwise in the appropriate Head of Accounts of the State Government.
- (5) The application of a Trade Union for withdrawal or cancellation of certificate of registration by the registrar shall be in FORM-X and shall be verified by the President and General Secretary of the Trade Union.
- (6) Verification and grant of application for withdrawal or cancellation of certificate of registration –
- (i) The Registrar on receiving an application for the cancellation of registration shall, before granting the application, satisfy himself that the withdrawal or cancellation of registration was approved by a general meeting of the Trade Union or if it was not approved that it has the approval of the majority of the members of the Trade Union. For this purpose, he may call any further particulars as he may deem necessary and may examine any officer of the Union.
 - (ii) On the information received by the Registrar regarding the contravention by the Trade Union of the provisions of the Code or the rules made thereunder or its constitution or rules.
 - (iii) The Registrar is satisfied that the members in a Trade Union falls below ten percent of total workers or one hundred workers, whichever is less.
 - (iv) If it comes to the notice of the Registrar that the Union is involved in any fraudulent or forgery activities.

Appeal against non-registration or cancellation of Registration under section 10

16. Any person aggrieved by the refusal of the Registrar to grant registration to a Trade Union under section 9 or by cancellation of a certificate of registration under sub-section (5) of the said section, may within such period of 60 days prefer an appeal to the Tribunal as per section 10 of the Code:

Provided that the Tribunal may entertain the appeal after the limitation prescribed for preferring the appeal under this sub-section, if the appellants satisfies the Tribunal that such delay has been caused due to sufficient reason or unavoidable circumstance.

Communication of Trade Union to Registrar under section 11

17. (1) All communications and notices to a registered Trade Union shall be sent to the office of the Union electronically or otherwise within 15 days.
- (2) The Trade Union shall inform the Registrar of any change in the particulars given by it in its application for registration and in its constitution or rules electronically or otherwise within 30 days.

Matters to negotiate under sub-section (1) and (2) of section 14

18. (1) Negotiating Union or negotiating council shall be entitled to negotiate with employer or employers with respect to all or any of the following matters, namely:-
- (i) All matters pertaining to Third Schedule to the Industrial Relation Code, 2020;
 - (ii) All matters pertaining to discharge or dismissal or termination of workman;
 - (iii) All matters pertaining to strike and lockout;
 - (iv) All matters pertaining to lay-off, retrenchment of workers and closure of establishment.
- (2) If there is only one Trade Union in an Industrial Establishment which is having membership of 20% or more worker of that establishment, such union shall be entitled to negotiate with employer under the provision of sub-rule (1) above.

Manner of verification of workers of under sub-section (3) of section 14

19. (1) If more than one Trade Union of workers are functioning in an Industrial Establishment, then the Trade Union having 51% or more workers on the muster roll of that Industrial Establishment, shall be verified by the employer of the Industrial Establishment as per sub-section (3) of section 14 of the Code in the following manner:-
- The employer shall ask such union or council to inform in written –
- (i) The number of workers as members of union;
 - (ii) Distribution of their membership among the section or department of the industrial establishment.

- (2) The verification of membership of such Trade Union shall be made on an application to the Registrar or any other authority notified by the Government in FORM-XI for declaring the union as the sole negotiating union for the industrial establishment either by the method of physical verification in the presence of Registrar or by other Officer authorized by him or on the basis of verification of payment of subscription to the Trade Union by the members. For this a notice by the Registrar shall be served at-least 7 days in advance to all the workers and the employers indicating the date and time and place for such verification.
- (3) On the basis of such verification, the Registrar or any such authority as notified by the Government shall pass an order within 15 days of such verification and communicate electronically or otherwise to such union and the employer and a copy shall also be displayed on the notice board of the industrial establishment. The Registrar shall enter the name of such union in the records as negotiating union for industrial establishment. The industrial establishment shall recognize such Trade Union as negotiating union for the establishment.

Manner of verification of workers of negotiating council under sub-section (4) of section 14

20. If more than one Trade Union of workers are functioning in an Industrial Establishment and no such Trade Union having 51% or more workers on the muster roll of that Industrial Establishment, then there shall be constituted by the employer of the industrial establishment, a negotiating council for negotiation, constituting of the representatives of such registered Trade Unions which have support of not less than twenty percent of the total workers on the master roll of that industrial establishment so verified and such representation shall be of one representative for each twenty percent and for the remainder after calculating the membership on each twenty percent.
- (1) The employer shall ask such union or council to inform in written,—
- (i) The number of workers as members of union;
 - (ii) Distribution of their membership among the section or department of the industrial establishment.
- (2) The verification of membership of such Trade Union shall be made on an application to the Registrar or any other authority notified by the State Government in FORM-XI for deciding the union to be taken in the negotiating council either by the method of physical verification in the presence of the Registrar or by other Officer authorized by State Government or on the basis of verification of

payment of subscription to the Trade Union by the members. For this a notice by the Registrar shall be served at-least 7 days in advance to all the workers and the employers indicating the date and time and place for such verification.

- (3) On the basis of such verification, the Registrar or any such authority as notified by the State Government shall pass an order within 15 days of such verification and communicate electronically or otherwise to such union and the employer and a copy shall also be displayed on the notice board of the industrial establishment. The Registrar shall enter the name of such union in the records as negotiating union for industrial establishment. The industrial establishment shall recognize such Trade Union as member of negotiating council for the establishment.
- (4) The list of negotiating unions and members of negotiating council referred to in section 14 and verified under sub-rule (2), (3) or (4) shall be maintained in FORM-VIII A by the Registrar.

Facilities to be provided to negotiating union or negotiating council under sub-section (7) of section 14

21. Negotiating union shall be provided with a office room with toilet, drinking water and electricity by the employer for smooth functioning of the work of the union.
 - (1) Right of holding discussions on the premises of the undertaking with employees.—
The members of the negotiating union shall have the right and shall 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 of the members authorized for the purpose and the name of the department in which the members concerned are employed; and
 - (ii) the discussion shall be held in such manner as not to interfere with the working of the undertaking.
 - (2) Collection of sums on the premises of the undertakings by certain members of negotiating unions.—
Every member of the union who have completed atleast 6 months of membership and on being authorized by the President on this behalf shall, subject to the following conditions, be entitled to collect sums as per rules of Trade Union payable by its members on the premises of an undertaking where wages are paid to them:—

- (i) the name or names of the members authorized in this behalf shall be intimated in advance to the employer and changes, if any, therein shall be communicated to the employer at least 48 hours before the date of collection;
- (ii) the members visiting the undertaking for this purpose shall carry a letter of authority;
- (iii) no coercion or force shall be used on any employee;
- (iv) the collection shall be made without causing hindrance to the staff of the undertaking or interference in the management's work;
- (v) not more than 5 employees at a time shall be allowed together at the place where such sums are collected.

(3) Putting up notice boards of the negotiating unions in the undertaking –

The President of the negotiating union or an office bearer authorized by the President or General Secretary shall be entitled to put up a notice board or electronic notice board at any conspicuous place mutually agreed upon between the employer and the union and affix notices therein during the hour the undertaking is open.

Object on which
General Funds
under sub-
section (1) of
section 15 may
be spent

22. The General Funds of the registered Trade Union shall not be spent on any other objects other than that of the following, namely:-

- (i) the payment of salaries, allowances and expenses to office bearers of the Trade Union;
- (ii) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;
- (iii) the prosecution or defence of any legal proceeding to which the Trade Union or any member thereof is a party;
- (iv) the conduct of trade dispute on behalf of the Trade Union or any member thereof;
- (v) the allowances to members or their dependents on account of death, old age, sickness, accident or unemployment of such member;
- (vi) the provisions of educational, social or religious benefits for the members (including the payment of the expenses or funeral or religious ceremonies for deceased members) or for the dependents of members;
- (vii) any other condition as notified by the State Government as and when required.

Constitution of separate fund under sub-section (2) of section 15

23. (1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in the Code.
- (2) The objects referred to in sub-rule (1) are-
- (i) 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
 - (ii) holding of any meeting or the distribution of any literature or documents in support of any such candidate;
 - (iii) the maintenance of any person who is a member of any legislative body constituted under the Constitution or of any local authority; or
 - (iv) the registration of electors or the election of a candidate for any legislative body constituted under the Constitution or for any local authority.
- (3) No member shall be compelled to contribute to the fund constituted under sub-section (1); and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contribution to the said fund; and contribution to the said fund shall not be made a condition for admission to the Trade Union.
- (4) The funds of the Trade Union shall be deposited in a scheduled bank and operated jointly in the name of the President and atleast two members of the Trade Union.

Manner of making application for adjudication before the Tribunal under sub-section (1) of section 22

24. The application before the State Industrial Tribunal shall be filed within thirty days of occurrence of any dispute as provided under section 22 or any such order of the Registrar passed in relation to such dispute along with the relevant copies of the documents related to such dispute or order and mentioning the cause of such dispute and the Tribunal shall give an opportunity of hearing to all concerned parties and shall pass the order within forty-five days. This order shall be final and binding upon all the parties and the Registrar.

Manner of amalgamation of Trade union and sending it for the Registrar thereof under sub-section (2) and (3) of section 24

25. (1) Any two or more registered Trade Union may amalgamate together as one Trade Union with or without dissolution or division of the funds of such Trade Unions or either or any of them, provided that the votes of at least one half of the members of each or every Trade Union entitled to vote are recorded, and that at least sixty percent of the votes recorded are in favour of the proposal.
- (2) The Notice of every amalgamation of any two or more registered Trade Union shall be sent to the Registrar in FORM-XII either in person or by registered post.
- (3) The Registrar on receiving any such Notice may take such steps as he thinks fit to verify the facts stated therein and to satisfy himself that the notice is genuine, and if he is not satisfied refuse to give effect to the Notice, and if he is satisfied, he shall certify under his signature at the foot of the certificate issued under the new name that has been registered.
- (4) Notice in writing of every change of name and of every amalgamation signed in the case of a change of name, by the secretary and by seven members of the Trade Union of each and every Trade Union which is a party thereto, shall be sent to the Registrar and where the head office of the amalgamated Trade Union is situated in a different State, to the Registrar of such state either electronically or otherwise along with the Certificate of Registration within one month such change, either in person or by registered post.

Distribution of funds of the Trade Union on dissolution by Registrar under sub-section (2) of section 25

26. (1) Where a registered Trade Union is dissolved, notice of dissolution shall be sent to the Registrar in FORM-IV along with the certificate of registration, either in person or by registered post acknowledgment due.
- (2) Where the dissolution of registered trade Union has been registered and the by-law of the Trade Union do not provide for the distribution of fund of the Trade Union on dissolution, the Registrar shall divide the funds among the members in equal proportion to the amounts contributed by them by way of subscription during their membership through the officer appointed by the Registrar of Trade Unions.

Annual Return
of Trade Union
under sub-
section (1) of
section 26

27. (1) The general statement to be furnished under section 26 shall be submitted to the Registrar electronically or by registered post or by speed post by the 31st of March in each year and shall be in FORM-XIII.
- (2) The audit of the general statement shall be done in the manner prescribed under rule 10 of these rules.
- (3) Upon a written demand by the Registrar, report of any audit done under these rules shall be presented by the Trade Union before the Registrar within such time limit as directed by the Registrar.
- (4) The Registrar may ask from the Trade Union 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.

Recognition of
Trade unions at
State Level
under sub-
section (2) of
section 27

28. (1) The Government may recognise as State Trade Union at the State Level if the following mentioned are herein satisfied-
Manner of recognition of State Level Trade Union -
- (i) 1(one) lakh or more members;
 - (ii) operational in 5 (five) or more districts;
 - (iii) members from not less than 5 (five) different types of industrial establishment in the state.
- (2) Application shall be filed in FORM-XIV by the Trade Union or federation of the Trade Unions to the State Government.
- (3) The State Government or the Officer authorized on his behalf shall, after due enquiry, as it deems fit, decide such application within sixty days of its receipt and send the copy of the decision to the applicant with a copy to the Labour Commissioner and the Registrar.
- (4) If any dispute arises in relation to such recognition, the State Government or the Officer authorized in this regard, shall refer the dispute to the Industrial Tribunal. The Industrial Tribunal shall, after giving opportunity of hearing to the applicant and going through the relevant records of the case, decide the appeal within forty-five days and the order shall be binding upon the parties.

CHAPTER-IV
STANDING ORDERS

- Manner of forwarding information to the certifying officer under sub-section (3) of section 30
29. (1) If the employer adopts the model standing order of the Central Government referred to in section 29 of the Industrial Relations Code 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 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.
- Manner of choosing representatives of the workers where there is no Trade Union operating, under clause (ii) of sub-section (5) of section 30
30. Where there is no such Trade Union and negotiating union or negotiating council, as is referred to in clause (i) of said sub-section (5) of the Code, then, the certifying officer shall call a meeting of the workers to choose three representatives, to whom he shall, upon their being chosen, forward a copy of the standing order with objections, if any, which the workers may desire to make in the draft standing order to be submitted within thirty days from the receipt of the notice in FORM-XV.

- Authentication of certified standing orders under sub-section (8) of section 30
31. Standing orders or modification in the standing orders, certified in pursuance of sub-section (8) of section 30 of the Code or the copies of the order of the appellate authority under sub-section (1) of section 33 of the Code 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 of the Code and in cases where the employer has certified adoption of model standing orders.
- Statement to be accompanied with draft standing orders under sub-section (9) of section 30
32. A statement to be accompanied with –
- (i) draft standing order shall contain, the particulars such as name of the industrial establishment or undertaking concerned, address, e-mail address, contact number and strength and details of workers in FORM-XV employed therein in the industrial establishment including particulars of trade union to which such workers belong; and,
 - (ii) draft modification in the existing standing orders, shall contain the particulars of such standing orders which are proposed to be modified along with a tabular statement containing details of each of the relevant provision of standing order in force and proposed modification therein and reasons thereof in Form - XVI and such statement shall be signed by a person authorized by the industrial establishment or undertaking.
- Conditions for submission of draft standing orders by group of employers under sub-section (10) of section 30
33. In cases of group of employer engaged in similar industrial establishment, they may submit a joint draft standing order under section 30 of Industrial Relations Code, 2020 and for the purpose of proceedings specified in sub-sections (1), (5), (6), (8) and (9) thereof after consultation with the concerned Trade Union, negotiating union or negotiating council or three number of workmen representative in case no Trade Union exist.
- Manner of disposal of appeal by the appellate authority under section 32
34. (1) The Secretary, Labour Welfare Department, Government of Assam shall be the appellate authority for the provisions laid down under Chapter-IV of this Code or any other Officer as may be notified by the State Government.

- (2) An employer or Trade Union or negotiating union desirous of preferring an appeal against the order of the certifying officer given under sub-section (5) of section 30 of this code shall within 60 days of the receipt of such order shall draw up a memorandum of appeal in tabular form, stating therein the provisions of the model standing orders which are required to be altered or modified or deleted or added and the reasons thereof and shall be filed electronically or otherwise to the appellate authority.
- (3) The appellate authority shall, after giving the appellant and the opposite parties an opportunity of being heard, pass an order within 60 days of the filing of appeal, either confirming the standing orders or directing the employer to modify the standing orders.
- (4) 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 the employer or a worker, to Trade Union of the workers of the industrial establishment or to the representative body of the workers concerned;
 - (ii) where the appeal is filed by a Trade Union, to the employer and all other Trade Unions of the workers of the industrial establishment; and
 - (iii) 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.
- (5) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.
- (6) The appellate authority may at any stage of the proceeding call for any evidence, if it considers necessary for the disposal of the appeal.
- (7) On the date fixed under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called or consider to be relevant if produced and after hearing the parties dispose of the appeal.

The language and the manner of maintaining standing order under sub-section (1) and (2) of section 33

35. (1) The certified standing orders shall be sent electronically and otherwise except in the case of deemed certification under section 30 of this code.

- (2) The text of the standing order as finally certified or deemed to have been certified under this Chapter shall be maintained by the employer in Assamese, English or any other local language and shall be posted at the Manager's Office and on a Notice Board maintained or near the main entrance of the Establishment.
- (3) The copy of the Standing Order in Assamese language shall be verified by the certifying officer.

Register for standing order under section 34

36. (1) As per provision of section 34 of the Code, the certifying officer shall maintain electronically or otherwise, a register in FORM-XVII 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 –
 - (i) the unique number assigned to each standing order;
 - (ii) name of the industrial establishment;
 - (iii) nature of the industrial establishment;
 - (iv) date of certification or deemed certification or date of adoption of model standing order by each establishment or undertaking;
 - (v) the areas of operation of the industrial establishment; and
 - (vi) such other details as may be relevant and helpful in retrieving the standing orders and create a data base of such of all standing orders.
- (2) The certifying officer shall furnish a copy of the certified Standing Order or deemed certifying orders to any person applying there for on payment of five rupees per page of the certified standing orders or deemed certified standing orders, as the case may be.

Application for modification of standing order under sub-section (2) of section 35

37. The application for modification of an existing standing order under sub-section (2) of section 35 shall be submitted electronically or other wise and contain the particulars of such standing orders which are proposed to be modified along with a tabular statement in FORM-XVI containing details of each of the relevant provisions of standing order in force, and proposed modifications therein, and reasons thereof and such statement shall be signed by a person authorized by the industrial establishment or undertaking.

CHAPTER V
NOTICE OF CHANGE

The manner of giving of notice for the change proposed to be effected under clause (i) of section 40

38. (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-XVIII to such worker affected by such change before 30 days of making change as per provision of the section 40 of the Code.
- (2) The notice referred in sub-rule (1) shall be displayed conspicuously by the employer on the notice board at the main entrance of the industrial establishment and the office of the concerned Manager of the industrial establishment:

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

CHAPTER-VI
VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

Form of arbitration agreement under sub-section (3) of section 42

39. (1) Where the employer and workers agree to refer the dispute to arbitration, the Arbitration Agreement shall be in FORM-XIX and shall be signed by the parties to the agreement.
- (2) The Arbitration Agreement referred to in sub-rule (1) shall be signed,-
- (i) in case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other officer of the corporation authorized for such purposes;
 - (ii) in case of the workers by the officer of the registered Trade Union authorized in 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;
 - (iii) in case of an individual worker, an individual worker by the worker himself or by an officer of registered Trade Union of which the worker is a member.

Explanation.- In this rule, the expression 'officer' means any officer of a registered Trade Union or an association of the employer authorized for such purpose;

- (3) In this rule 'officer' means any of the following officers, namely:-
- (i) the President;
 - (ii) the Vice-President;
 - (iii) the Secretary (including the General Secretary);
 - (iv) a Joint Secretary; and
 - (v) any other officer of the Trade Union authorized in this behalf by the President and Secretary of the union.

Manner of issue of notification under sub-section (5) of section 42

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

Manner of choosing representatives if there is no Trade Union under sub-section (5) of section 42

41. 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 of the Code, shall be chosen by a resolution passed by the majority of concerned workers authorizing therein to represent the case. Such workers shall be bound by the acts of representatives who have been authorized to represent before the arbitrator or arbitrators, as the case may be.

CHAPTER -VII

MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES JUDICIAL AND ADMINISTRATIVE TWO DIFFERENT CADRES

Manner of filling up of the vacancy under sub-section (9) of section 44 of Judicial and Administrative Members of the State Industrial Tribunal under sub-section (5) and (6) of section 44

42. (1) The qualification for appointment of the Judicial Member of the Industrial Tribunal shall be such as provided in sub-section (4) of section 44 of the Code.

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

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

- (a) Chief Secretary of Assam or a Member nominated by him- Chairperson;

- (b) **Sitting Judicial Member of the other Industrial Tribunal – Member;**
 - (c) **Secretary to the Government of Assam, Labour Welfare Department; and**
 - (d) **Secretary to the Government of Assam, Department Industry and Commerce–Member.**
- (ii) **No business of Search cum Selection Committee shall be transacted at any quorum unless at least 3 (three) of the representative are present.**
- (4) **The Search-cum-Selection Committee (SCSC) shall determine its procedure for making its recommendation and, after taking into account qualification, suitability, record of past performance, integrity as well as adjudicatory experience keeping in view of the requirement of the Industrial Tribunal recommend a panel of two or three persons as it deems fit for appointment to each post.**
- (5) **No appointment of a Judicial Member shall be declared invalid merely by reason of a vacancy or absence of any member in the Search-cum-Selection Committee.**
- (6) **A Judicial Member shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty five years, whichever is earlier.**
- (7) **In case of casual vacancy in the office of Judicial Member, the State Government shall appoint the Judicial Member of the other National Industrial Tribunal to officiate as Judicial Member.**
- (8) (i) **A Judicial Member shall be paid a salary of rupees 2,25,000/- (fixed) per month and shall be entitled to draw allowances as are admissible to an officer of the State Government holding Group A post carrying the same pay.**
- (ii) **In case of appointment of retired High Court Judge, his pay shall be reduced by the gross amount of pension drawn by him.**
- (9) (i) **In case of serving High Court Judges, the service rendered in the Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service to which they belong and they shall be governed by the provisions of General Provident Fund (Central Service) Rules, 1960 and the rules for pension applicable to them.**

- (ii) In case of retired High Court Judges, they shall be entitled to join Contributory Provident Fund Scheme as per rules during the period of their re-employment and additional gratuity shall not be paid for the service rendered in the Industrial Tribunal.
- (10) A Judicial Member shall be entitled for rent free furnished accommodation or house rent allowance at the rate as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (11)
 - (i) In case of serving High Court Judges, leave shall be admissible as admissible to the serving High Court Judges.
 - (ii) In case of retired High Court Judges, leave shall be admissible as are admissible to an officer of the State Government holding Group A post carrying the same pay.
- (12)
 - (i) The Central Government shall be the leave sanctioning authority for the Judicial Member.
 - (ii) The Central Government shall be the sanctioning authority for foreign travel to the Judicial Member.
- (13) Central Government Health Scheme facilities as admissible to an officer of the State Government holding Group A post carrying the same pay shall be applicable.
- (14)
 - (i) Travelling allowance to a Judicial Member shall be admissible as per entitlement of an officer of the State Government holding Group A post carrying the same pay.
 - (ii) In case of retired High Court Judges, transfer travelling allowance for joining the National Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the State Government holding Group A post carrying the same pay.
- (15) A Judicial Member shall be entitled for leave travel concession as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (16) A Judicial Member shall be entitled for transport allowance as admissible to an officer of the State Government holding Group A post carrying the same pay.

- (17) No person shall be appointed as Judicial Member unless he is declared medically fit by an authority specified by the State Government in this behalf.
- (18) (i) If a written and verifiable complaint is received by the State Government, alleging any definite charge of misbehaviour or incapacity to perform the functions as Judicial Member, it shall make a preliminary scrutiny of such complaint.
- (ii) If on preliminary scrutiny, the State Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehaviour or incapacity of a Judicial Member, it shall make a reference to the Search-Cum-Selection Committee to conduct the inquiry,
- (iii) The Search-Cum-Selection Committee shall complete the inquiry within six months time or such further time as may be specified by the State Government.
- (iv) After conclusion of the inquiry, the Search-Cum-Selection Committee shall submit its report to the State Government stating therein its findings and the reasons therefore on each of the charges separately with such observations on the whole case as it may think fit.
- (v) The Search-Cum-Selection Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.
- (19) A Judicial Member may, resign his office at any time by giving notice to this effect in writing under his hand addressed to the State Government:
- Provided that the Judicial Member shall, unless he is permitted by the State Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of the office, whichever is earlier.
- (20) (i) The State Government shall, on the recommendation of Search-Cum-Selection Committee, remove from office any Judicial Member, who,-
- (a) has been adjudged as an insolvent; or

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

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

- (21) Every person appointed as Judicial Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the FORM-XX as annexed to these rules.
- (22) Matter relating to the terms and conditions of services of the Judicial Member with respect to which no express provisions has been made in these rules, shall be referred by the Central Industrial Tribunal to the State Government for its decision, and the decision of the State Government thereon shall be binding.
- (23) The State Government shall have power to relax the provision of any of these rules in respect of any class or categories of persons for the reasons to be recorded in writing.

Matter in respect of which a conciliation officer, Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 under sub-section (3) of section 49

43. (1) Powers of Conciliation Officer:

(i) Conciliation proceeding in public utility service –

- (a) The Conciliation Officer, on receipt of a notice of a strike or lock-out given under rule 45 and rule 46, shall forthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.
- (b) Where the Conciliation Officer receives any information about an existing or apprehended industrial dispute not arising out of notice of strike or lock-out he may intervene in the dispute and may, if he deems necessary, commence conciliation proceedings.

(ii) **Conciliation proceedings in non-public utility service—**

Where the Conciliation Officer receives any information about an existing or apprehended industrial dispute which does not relate to public utility service and he considers it necessary to intervene in the dispute, he shall give formal intimation in writing to the parties concerned declaring his intention, to commence conciliation proceedings, with effect from such date as may be specified therein.

(iii) **Parties to submit statements—**

- (a) The party representing workmen involved in an industrial dispute in a public utility service shall forward a statement of its demands along with a copy of the notice to the Conciliation Officer concerned. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.
- (b) The party representing workmen involved in a dispute in a non-public utility service, shall forward a statement of its demands to the Conciliation Officer concerned before such date as may be specified by him for commencing conciliation proceedings. The statement shall be accompanied by as many spare copies thereof as there are opposite-parties.
- (c) The statement of demands submitted by the party representing the workmen under this rule shall be transmitted to the State Government and the Labour Commissioner Assam, by the Conciliation Officer, concerned together with his report under section 77.
- (d) Where an employer, or a party representing workmen, applies to the State Government for reference of an industrial dispute to an Industrial Tribunal, such application shall be accompanied by a statement of the demands or points in dispute, with as many spare copies thereof as there are opposite parties.
- (e) The statement referred to in sub-clauses (a), (b) and (d) and every copy thereof required under the said sub-clause to accompany the said statement shall be duly signed, on behalf of the party by the person making it.
- (f) The Conciliation Officer may ask for comments on the statement referred to in sub-clause (a) and (b) from the opposite party.

(2) Proceedings before the Industrial Tribunal—

- (i) Where the State Government refers any case for adjudication to a Industrial Tribunal, it shall send to the Industrial Tribunal concerned and to the opposite party concerned in the industrial dispute a copy of every such order of reference together with a copy of the statement received by that Government under rule 40.
- (ii) Within two weeks of the receipt of the statement referred to in sub-clause (i), the opposite party shall file its rejoinder with the Industrial Tribunal, as the case may be, and simultaneously forward a copy thereof to the other party:
Provided that such rejoinder shall relate only to such of the issues as are included in the order for reference:
Provided further that where the Tribunal as the case may be, considered it necessary, may extend the time limit for the filling of rejoinder by any party.
- (iii) The Industrial Tribunal, as the case may be, shall ordinarily fix the date for the first hearing of the dispute within six weeks of the date on which it was referred for adjudication:
Provided that the Industrial Tribunal, as the case may be, may, for reasons to be recorded in writing, fix a later date for the first hearing of the dispute.
- (iv) The hearing shall ordinarily be continued from day to day and arguments shall follow immediately after the closing of evidence.
- (v) The Industrial Tribunal, as the case may be, shall not ordinarily grant an adjournment for a period exceeding a week at a time, not more than three adjournments in all at the instance of any one of the parties to the dispute :
Provided that the Industrial Tribunal, as the case may be, may, for reasons to be recorded in writing, grant an adjournment exceeding a week of more than three adjournments at the instance of any one of the parties to the dispute.
- (vi) The Conciliation Officer may hold a meeting of the representatives of both parties jointly or of each party separately.

- (vii) The Conciliation Officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.
- (viii) Evidence - A Board, Court, Industrial Tribunal or an arbitrator may accept, admit or call for evidence at any stage of the proceedings before it/him and in such manner as it/he may think fit.
- (ix) Administration of oath- Any member of a Tribunal or an arbitrator may administer an oath.
- (x) Summons - A summon issued by a, Industrial Tribunal may require any person to produce before it any books, papers or other documents and things in the possession of or under the control of such person in any way relating to the matter under investigation or adjudication by the, Industrial Tribunal which the Industrial Tribunal thinks necessary for the purposes of such investigation or adjudication.

At the first sitting of a Tribunal, the Presiding Officer, as the case may be, shall call upon the parties in such order as he may think fit to state their cases.

- (3) Tribunal or Arbitrator may proceed ex-parte - If without sufficient causes being shown, any party to proceedings before a Tribunal or Arbitrator fails to attend or to be represented, the Tribunal or Arbitrator may proceed as if the party had duly attended or had been represented.
- (4) Power of entry and inspection - A Conciliation Officer, Tribunal or any person authorised in writing by the Tribunal in this behalf may, for the purposes of any conciliation, investigation, enquiry or adjudication entrusted to the Conciliation Officer, or Tribunal under the Act, at any time between the hours of sunrise and sunset and in the case of a person authorised in writing by a Tribunal after he has given reasonable notice, entry building, factory workshop, or other place or premises whatsoever, and inspect the same or any work machinery, appliance or article, therein or interrogate any persons therein in respect of anything situated therein or any matter relevant to the subject matter of the conciliation, investigation, enquiry or adjudication.

(5) Power of Tribunals –

(i) In addition to the powers conferred by the Code, Industrial Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit in respect of the following matters, namely: –

- (a) discovery and inspection;
- (b) granting adjournment;
- (c) reception of evidence taken on affidavit, and the Tribunal may summon and examine any person whose evidence appears to it to be material shall be deemed to be a civil court within the meaning of sections 345, 346 and 348 of the Code of Criminal Procedure, 1973 (1 of 1974)

(ii) All applications, whether stamped or unstamped for copies of awards or other documents of Tribunal shall be accompanied by necessary folio in accordance with rule 3 of the Assam Record Hand Book and a copy shall be made on folios :

Provided that in case of certified copies of the award or documents the court fees shall be chargeable under the Court Fees Act.

Manner of holding conciliation proceedings and the manner of deciding such application under sub-section (6) of section 53

44. (1) Where any industrial dispute exists or is apprehended or a notice under section 62 has been given, the conciliation officer on receipt of such application shall examine the application and if he finds that the dispute pertains to the jurisdiction of State Government shall transfer the dispute to the concerned authority. In other cases, he will issue first notice to the parties concerned declaring his intention to commence conciliation proceedings.
- (2) The employer or the workers representative in the first meeting shall submit their respective statement in the matter of said dispute.
- (3) The conciliation officer shall hold conciliation proceedings for the purpose of bringing about a settlement of the dispute and may do all such reasonable things fit for the purpose of inducing the parties to come to fair and amicable settlement.
- (4) If no such settlement is arrived at in the conciliation proceeding, the conciliation officer shall submit a report to the State Government within fourteen days from the date on which the conciliation proceedings are concluded and made available online/offline.
- (5) The report referred to in sub-rule (4) shall be accessible to the parties concerned.

- (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) Any dispute which is not settled during the conciliation proceedings, then, either of the concerned party may make an application in FORM-XXI, before the Tribunal within ninety days from the date of the report under sub-rule (2) through the labour portal at or by registered post.
- (8) In case of an industrial dispute which has not been settled during the conciliation proceedings, an application may be made before the Industrial Tribunal by either of the parties concerned for adjudication. The Industrial Tribunal shall direct the party raising the dispute to file a statement of claim with complete details along with relevant documents, list of supporting documents and witnesses within thirty days from the date on which application is filed. A copy of such statement may be sent electronically or otherwise for service on each of the opposite parties in the dispute.
- (9) The Industrial Tribunal after ascertaining that the copies of statement of claim and other related documents are furnished to the other side by the party raising the dispute, the Industrial Tribunal shall fix the first hearing as soon as possible and within a period of one month from the date of receipt of the application. The opposite party or parties shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party or parties for service.
- (10) Where the Industrial Tribunal finds that the party raising the dispute, despite its directions, did not forward the copy of the statement of claim and other documents to the opposite party or parties, it shall give directions to the concerned party to furnish the copy of the statement to the opposite party or parties, granting extension of fifteen days for filing the statement, if the industrial Tribunal finds sufficient cause for not filing the statement of claim and other documents within time.
- (11) Evidence shall be recorded either in Industrial Tribunal or may be filed on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. Where the oral examination of each witness proceeds, the Industrial

Tribunal, shall make a memorandum of the substance of what is being deposed. While recording the oral evidence the Industrial Tribunal shall follow the procedure laid down in rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

- (12) On completion of evidence, arguments may be heard immediately or a date may be fixed for arguments, which shall not be beyond a period of fifteen days from the closure of evidence.
- (13) The Industrial Tribunal, shall not ordinarily grant an adjournment for a period exceeding a week at a time, but not in any case more than three adjournments in all, at the instance of the parties to the dispute, shall be granted:
Provided that the Industrial Tribunal, for reasons to be recorded in writing, grant an adjournment exceeding a week at a time but not in any case more than three adjournments, at the instance of any one of the parties to the dispute, shall be granted.
- (14) In case any party defaults or fails to appear at any stage, Industrial Tribunal, may proceed with the case ex-parte, and decide the application in the absence of the defaulting party:
Provided that, the Industrial Tribunal may on the application of either party filed before the submission of the award, revoke the order that the case shall proceed ex- parte, if it is satisfied that the absence of the party was on justifiable grounds, and proceed further to decide the matter as contested.
- (15) The Industrial Tribunal, shall communicate its Award electronically or otherwise to the parties concerned and the State Government within one month from the date of the pronouncement of the award.
- (16) The Industrial Tribunal may summon and examine any person whose evidence appears to it to be material for deciding the case and shall be deemed to be a civil court within the meaning of sections 345, 346 and 348 of the Code of Criminal Procedure, 1973 (1 of 1974).
- (17) Where assessors are appointed to advise a Industrial Tribunal under sub-section (5) of section 49 in relation to proceeding before it, the Industrial Tribunal shall obtain the advice of such assessors, but such advice shall not be binding on such Industrial Tribunals.
- (18) A party in an award, who wants to obtain a copy of the award or other document, may obtain a copy of the award or other document after depositing the fee electronically in the Industrial Tribunal, in the following manner, namely :-

- (i) fee for obtaining a copy of an award or the document filed in any proceedings of Industrial Tribunal be charged at the rate of Rs. Two per page.
 - (ii) For certifying a copy of any such award or order or document, a fee of Rs. Two per page shall be payable.
 - (iii) Copying and certifying fees shall be payable electronically or otherwise.
 - (iv) Where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable.
- (19) The representatives of the parties appearing before an Industrial Tribunal shall have the right of examination, cross-examination and of addressing the Industrial Tribunal when evidence has been called.
- (20) The proceedings before Tribunal or Industrial Tribunal shall be held in open court:
 Provided that the Industrial Tribunal may direct any proceeding before it to be held by video conferencing:
 Provided further that Industrial Tribunal may at any stage direct that any witness shall be examined or its proceedings to be held in-camera.

CHAPTER VIII STRIKE AND LOCK-OUT

Notice of strike under sub-section (4) of section 62

45. The notice of strike referred to in sub-section (1) of section 62 of the Code shall be given to the employer of an industrial establishment in FORM-XXII which shall be duly signed by the Secretary and five elected representatives of the registered Trade Union relating to such industrial establishment endorsing the copy thereof electronically or otherwise to the concerned conciliation officer, Labour Commissioner and the State Government.

Manner of giving notice of lock-out under sub-section (6) of section 62

46. (1) The notice of lock-out referred to in sub-section (2) of section 62 shall be given by the employer of an industrial establishment in FORM-XXIII to the Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof to the concerned Conciliation Officer, Labour Commissioner and the State Government electronically or otherwise. The notice shall be displayed conspicuously by the employer on a notice board or on an 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 working days from the date of receiving of such notice, intimate the same electronically or otherwise to the concerned Conciliation Officer and Labour Commissioner.
- (3) If the employer gives to any person employed by him a notice of lock-out, then he shall within five working days from the date of such notice, intimate electronically or otherwise the same to the concerned Conciliation Officer and the Labour Commissioner.

CHAPTER IX

LAY-OFF, RETRENCHMENT AND CLOSURE

- | | |
|--|--|
| <p>Manner of serving notice before retrenchment of a worker under clause (c) of section 70</p> | <p>47. 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-XXIV to the State Government, and the concerned Assistant Labour Commissioner and Labour Commissioner through e-mail or by registered or speed post.</p> |
| <p>Manner of giving an opportunity to the retrenched workers under section 72</p> | <p>48. 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 registered post or speed post and through e-mail to such retrenched workers who are citizens of India. If such workers give their willingness for employment then, the employer shall give them preference over other persons in filling up of such vacancy.</p> |
| <p>Manner of serving notice by the employer for intended closure under sub-section (1) of section 74</p> | <p>49. If an employer intends to close down an industrial establishment he shall give notice of such closure in FORM-XXV to the State Government, Labour Commissioner and a copy thereof to the concerned Assistant Labour Commissioner by e-mail or registered post or speed post.</p> |

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

- Manner of making application for the intended lay-off and the manner of serving copy of such application to workers under sub-section (2) of section 78
50. An application for permission under sub-section (1) of section 78 shall be made by employer in FORM-XXVI stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to the worker concerned electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on an electronic board at the main entrance of the industrial establishment.
- Manner of applying to the appropriate Government for lay-off by the employer under sub-section (3) of section 78
51. The employer shall in case of an industrial establishment 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 in FORM-XXVI to the concerned Labour Commissioner and the concerned Asst. Labour Commissioner through e-mail or, by registered or speed post for permission to continue the lay-off.
- Time-limit for review under sub-section (7) of section 78
52. The State Government may, either on its own motion or on the application made by them or any worker, review its order granting or refusing to grant permission under sub-section (4) of the section 78 within a period of thirty days from the date on which such order is made.
- Manner of making application for retrenchment under sub-section (2) of section 79
53. An application for permission referred to in sub-section (1) of section 79 shall be made by the employer in FORM-XXIV stating clearly therein the reasons for the intended retrenchment electronically or otherwise and a copy of such application shall also be sent to workers electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on an electronic board at the main entrance of the industrial establishment.
- Time-limit for review under sub-section (6) of section 79
54. The State Government may, either on its own motion or on the application made by employer or any worker, review its order granting or refusing to grant permission under sub-section (3) of section 79 with in a period of thirty days from the date on which such orders is made.

Manner of making application by the employer for intended closing down of an undertaking of an industrial establishment under sub-section (1) of section 80

55. An employer who intends to close down an industrial establishment to which Chapter X of the Code applies shall apply electronically or otherwise for prior permission at least ninety days before the date on which intended closure is to become effective to the State Government in FORM-XXV, stating clearly therein the reasons for the intended closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers electronically or by registered post or speed post and shall be conspicuously displayed by the employer on a notice board or on an electronic board at the main entrance of the industrial establishment.

Time-limit for review under sub-section (5) of section 80

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

**CHAPTER XI
WORKER RE-SKILLING FUND**

Contribution to the worker re-skilling fund under clause (b) of sub-section (2) of section 83

57. (1) The other sources referred to sub-clause (b) of sub-section (2) of section 83 may include following:-

- (i) State Governments;
- (ii) Corporate Social Responsibility Fund within the meaning of the Company Act, 2013;
- (iii) Any other source as may be notified by the State Government.

(2) Workers re-skilling fund is to be opened in every district.

Manner of utilisation of fund under sub-section (3) of section 83

58. 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 electronically or otherwise transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account. The fund so received shall be transferred by the State Government to each worker or workers' individual bank account electronically or otherwise within forty five days of receipt of funds from the employer and the worker shall utilize such amount for his re-skilling. The employer shall also submit the list containing the name of each worker retrenched, the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the State Government to transfer the amount in their respective bank account.

**CHAPTER XII
(OFFENCES AND PENALTIES)**

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

59. (1) The officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of section 89 (hereinafter referred to as the compounding officer), shall in the offences in which prosecution is not instituted, if the compounding officer is of the opinion that any offence under the Code for which the compounding is permissible under section 89, he shall send a notice postal/email to the accused in FORM-XXVII consisting of three parts. In part I of such Form, the compounding officer shall inter alia specify the name of the offender and his other particulars, the details of the offence and in which section the offence has been committed, the compounding amount required to be paid towards the composition of the offence. Part II of the Form shall specify the consequences if the offence is not compounded and part III of the Form shall contain the application to be filed by the accused if he desires to compound the offence. Each notice shall have a continuous unique number containing alphabets or numeric and other details such as officer sending notice, year, place, type of inspection for the purpose of easy identification.
- (2) The accused to whom the notice referred to in sub-rule (1) is served, may send the part III of the Form duly filled by him to the compounding officer electronically or otherwise and deposit the compounding amount electronically or otherwise, within fifteen days of the receipt of the notice, in the account specified by the compounding officer in the notice.
- (3) Where the prosecution has already been instituted against the accused in the competent Court, he may make an application to the Court to compound the offence against him and the Court, after considering the application, may allow composition of the offence by the compounding officer in accordance with provisions of section 89.
- (4) If the accused complies with the requirement of sub-rule (2), the compounding officer shall compound the offence for the amount of money deposited by the accused and-
- (i) if the offence is compounded before the prosecution, then no complaint for prosecution shall be instituted against the accused; and
- (ii) if the offence is compounded after institution of prosecution under sub-rule (3) with the permission of the Court, then, the compounding officer shall treat the case as closed as if no

prosecution had been launched and will proceed in accordance with composition as under clause (a) and intimate the composition of offence to the competent Court in which the prosecution is pending and after receiving such intimation, the Court shall discharge the accused and close the prosecution.

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

CHAPTER-XIII MISCELLANEOUS

Protected workers under sub-section (3) and (4) of section 90

60. (1) Every registered Trade Union connected with an industrial establishment, to which the Code applies, shall communicate to the employer before the 30th April of every year, the names and addresses of such of the officers of the Union who are employed in that establishment and who, in the opinion of the Union should be recognised as protected workers. Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.
- (2) The employer shall, subject to sub-section (3) and sub-section (4) of section 90, recognise such workers to be protected workers for the purposes of section 90 and communicate to the Union, in writing, within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workers recognised as protected workers for the period of twelve months from the date of such communication.
- (3) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workers, admissible for the industrial establishment, under sub-section (4) of section (90), the employer shall recognise as protected workers only such maximum number of workers:

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

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

- (4) When a dispute arises between an employer and any registered Trade Union in any matter connected with the recognition of 'protected workers' under this rule, the dispute shall be referred to Registrar or any authority notified by the State Government whose decision thereon shall be final.

Manner of making complaint by an aggrieved employee under section 91

61. (1) Every complaint under section 91 of the Code shall be made electronically and by registered post or speed post in FORM-XXVIII and shall be accompanied by as many copies as there are opposite parties mentioned in the complaint.
- (2) Every complaint under sub-rule (1) shall be verified by the worker making the complaint or by authorised representative of the worker proved to the satisfaction of the conciliation officer, arbitrator, Tribunal or the national Industrial Tribunal, as the case may be, to be acquainted with the facts of the case.
- (3) The person verifying the complaint shall specify, by references to the numbered paragraphs of the complaint, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.
- (4) The verification shall be signed by the authorised person making it and shall state on which and the place at which it was signed.

Manner of authorisation of worker in any proceeding under sub-section (1) of section 94

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

Manner of authorisation of employer for any proceeding under sub-section (2) of section 94

63. Where the employer is not a member of any association of employers, may authorize in FORM-XXX an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged to represent him in any proceeding under the code relating to a dispute in which the employer is a party.

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

64. (1) **Complaint-**

On receipt of a complaint of the offence committed under sub-sections (3), (5), (7), (8), (9), (10), (11) and (20) of section 86 and sub-section (7) of section 89, the same shall be enquired by an officer having rank equivalent to the level of Secretary of State Government or above as notified by the State Government under sub-section (1) of section 85 (hereinafter referred to as the enquiry officer).

(2) **Issue of Notice -**

If the complaint filed is admitted by the Enquiry officer, he shall call upon the person or persons through a notice to be sent electronically or otherwise and a copy of the same to be posted on Online Portal 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.

(3) If the person 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 complaint may be dismissed:

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

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

(5) **Authorisation -**

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) **Permission to appear -**

Any person who intends to appear in the proceeding on behalf of complainant shall present before the Enquiry Officer and submit a brief written statement explaining the reason for his appearance. The Enquiry officer shall record an order on the statement and in the case of refusal shall include reasons for the same, and incorporate it in the record.

- (7) **Presentation of documents –**
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.
- (8) The Enquiry Officer shall endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be. If the documents have been submitted electronically, no such endorsement shall be necessary.
- (9) **Refusal to entertain complaint –**
- (i) The Enquiry Officer may refuse to entertain a complaint presented under sub-section (1) of section 85 if after giving the complainant an opportunity of being heard, the Enquiry Officer is satisfied, for reasons to be recorded in writing that—
- (a) the complainant is not entitled to present the complaint; or
- (b) the complainant is barred by limitation under the provisions of this Code, or
- (c) the complainant fails to comply the directions given by the Enquiry Officer under sub-section (2) of section 85.
- (ii) The Enquiry Officer may refuse to entertain complaint which is otherwise incomplete. He may ask complainant to rectify the defects and if the Enquiry Officer thinks that the complaint cannot be rectified he may return the complaint indicating the defects and, if he, so refuses shall return it at once indicating the defects. If the complaint is presented again, after the defects have been rectified, the date of representation shall be deemed to be the date of presentation for the purpose of sub-section (1) of section 85.
- (10) **Record of proceedings –**
The Enquiry Officer shall in all cases mention the particulars at the time of passing of order containing the details, i.e., date of complaint, name and address of the complainant, name and address of the opposite party or parties, section-wise details of the offence committed, plea of the opposite party, findings and brief statement of the reason and penalty imposed with signature, date and place.
- (11) **Exercise of powers –**
In exercise of the powers of a Civil Court, conferred under the Code of Civil Procedure, 1908, the Enquiry Officer shall be guided in respect

of procedure by relevant orders of the First Schedule of the Code of Civil Procedure, 1908 (5 of 1908), with such alterations as the Enquiry Officer may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of this Code or these rules.

(12) Order or direction when to be made –

The Enquiry Officer, after the case has been heard, shall make the order or direction on a future date to be fixed for this purpose.

(13) Inspection of documents –

Any person, who is either a complainant or an opposite party or his representative, or any person permitted under sub-rule (3) shall be entitled to inspect any complaint, or any other document filed with the Enquiry Officer be, in a case to which he is a party.

Repeal and savings –

65. The Assam Industrial Dispute Rules, 1958, The Assam Trade Union Regulations, 1927, The Assam Industrial Employment (Standing Orders) Rules, 1947 are hereby repealed:

Provided that, the said repeal shall not affect,-

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

LIST OF FORMS

FORM-I	Written Agreement [rule 3]
FORM-II	General Statement with Accounts & Voucher relating to Audit [rule 11(1)]
FORM-III	Register of Membership and Subscription [rule 11(2)]
FORM-IV	Amendment /Dissolution Notice [rule 12and 26]
FORM-V	Application for registration of Trade Union [rule 13(1)]
FORM-VI	Notice of change [rule 13(3)]
FORM-VII	Statement of Assets and Liabilities [rule 14(1)]
FORM-VIII	Register of Trade Union [rule 15(1)]
FORM-IX	Certificate of Registration [rule 15(2)]
FORM-X	Application for withdrawal and cancellation [rule 15(5)]
FORM -XI	Declaration/Application for negotiating union [rule 19(2)]
FORM -XII	Notice of Amalgamation [rule 25(2)]

FORM -XIII	Annual Return of Trade Union [rule 27(1)]
FORM -XIV	Application State Level Trade Union [rule 28(2)]
FORM -XV	Draft Standing Order [rule 30 and 32]
FORM-XVI	Modification of Standing Order [rule 37]
FORM -XVII	Register of Certified Standing Order [rule 36(1)]
FORM-XVIII	Notice of change of Industrial Establishment [rule 38(1)]
FORM -XIX	Arbitration of Agreement [rule 39(1)]
FORM -XX	Oath of Judicial Member [rule 42(21)]
FORM -XXI	Application to the Tribunal [rule 44(7)]
FORM -XXII	Notice of Strike [rule 45]
FORM -XXIII	Notice of Lock-out [rule 46]
FORM -XXIV	Notice of Retrenchment [rule 47 and 53]
FORM -XXV	Notice of Closure [rule 49]
FORM -XXVI	Application Lay-off [rule 50]
FORM-XXVII	Compounding of offence [rule 59]
FORM-XXVIII	Filing of Complaint under the Code [rule 61]
FORM-XXIX	Authorization Worker to represent in proceeding [rule 62]
FORM-XXX	Authorization by employer [rule 63]

FORM-I
[see rule 3]

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

Names of Parties:

..... Representing employer(s); /Phone No/ E-mail Address

..... Representing workers(s);/ Phone No./ Email-Address

Short recital of the case

.....

Terms of settlement

.....

Signature of the parties

.....

Witnesses:-

- (1)
- (2)

*Signature with seal of Conciliation Officer

Copy to:-

- (1) Conciliation Officer concerned.
- (2) Assistant Labour Commissioner local area concerned
- (3) Labour Commissioner, Assam, Gauhati.
- (4) The Secretary to the Government of Assam, Labour Welfare Department
- (5) Parties concerned

In case the settlement arrived at between the employer and his workers otherwise than in the course of conciliation proceeding the copy of the memorandum shall be marked to the concerned Deputy Labour Commissioner, Assam.

FORM-IV

[see rule 12 and 26]

(Notice of dissolution or amendment in rules of a Trade Union)

Name of the Trade Union :

Registration No:

Dated the day of 2020

To,

The Registrar of Trade Unions,
Assam

Notice is hereby given that the above-mentioned trade union was dissolved in pursuance of the Rules thereto 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 duly authorized by the union to forward this notice on its behalf, such authorization consisting of a resolution passed at a general meeting on the day of 20, copy of which is enclosed.

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

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

Application for declaring the Trade Union as Negotiating Union or Member of the Negotiating Council

Name of the Union:

Address:

Dated:

To,

The Register of Trade Unions,
Assam.

Sir,

I beg to state that the above-mentioned Trade Union is to be declared as Negotiating Union / as the member of the Negotiating Council for the Industrial Establishment, namely address under sub section 3 and 4 of section 14 of the Industrial Relation Code, 2020 , and I requested that it may be registered accordingly in the records of the Register . A copy of the particulars and other documents in this behalf signed by the authorized person is enclosed.

1. The Union was registered on the Day of 20.... Under Certificate No. Issued by the Registrar of Trade Unions of Assam.
2. A Copy of rules of the Union is attached.
3. The Address of the Head office of the Union to which all the communication may be addressed is
4. The Union has Member in the Industrial Establishment named above and represents..... per cent of the total number of employees employed in the Industrial Establishment named.

Yours faithfully,

Authorised Signatory,

FORM-VI

[see rule 13(3)]

(Notice of any change in the name of a Trade Union)

Name of the Trade Union already registered: _____

Registration No: _____

Address: _____

Phone No. / Email-Address:

To,

The Registrar of Trade Unions, Assam.

1. Notice is hereby given as required under that the provision of Section of the said Code having been complied with name of the above mentioned Trade Union has been changed to

2. The above, mentioned decision was reached at a meeting of the Union held on The total number of members on the registrar of members on that date was..... out of this total number of members attended the meeting and members gave their consent to the change of name.

3. A true copy of the resolution authorized the undersigned members to give this notice passed at the same meeting is also enclosed.

4. The Certificate of registration is enclosed.

- | | | |
|--------|---|---------|
| 1..... | } | Members |
| 2..... | | |
| 3..... | | |
| 4..... | | |
| 5..... | | |
| 6..... | | |
| 7..... | | |

Dated this

FORM-VII

[see rule 14(1)]

Statement of Asset and liabilities

1. Liabilities	Rs.	2. Asset	Rs.
Amount of General Fund		Cash in hand with Treasurer	
Amount of Political Fund		in hand with Secretary	
		In hand of ... (any other office bearers/ Members)	
		in the bank	
		Securities as per list	
		Belowdue for	
		a) The year	
		b) The Previous	
		Lost	
		a) Office bearers	
		b) Members	
		c) Others	
		Immovable properties good and furniture, other	
		asset (to be specified)	

FORM-VIII

[see rule 15(1)]

Register of Trade Unions

Serial No.							
Name of Union Address of Head office Date of Registration Phone No. & Email:	Year of entered on office	Name	Age entry	Address	Occupation	Year of relinquishing office	Other office held in additional member slip of executive with date.
1. Number of application form 2. List of members applying for registration 1. 2. 3. 4. 5. 6. 7.							

To,
The Register of Trade Unions, Assam.
Gopinath Nagar, Guwahati-16

Schedule -I

List of officers

Sl. No.	Name	Age	Phone No.	Address	Occupation

Schedule -II

Matters	Number of Rules
Name of Union	
The whole of the purpose for which the Union has been established	
The whole of the purpose for which the General Fund of the Union shall be applicable	
The maintenance of list members	
The facilities provided for the inspection of the list of members by officers and members	
The admission of ordinary members	
The admission of honorary members or temporary members	
The Conditions under which members are entitled to benefits assured by Rules	
The manner in which the rules shall be amended, varied or rescinded	
The manner in which the members of the Executive and the other officers of the Union shall be appointed and removed	
The safe custody of funds	
The annual audit of the Accounts	
The facilities for the inspection of the Accounts Books by Officers and members	
The manner which the Union may be dissolved	

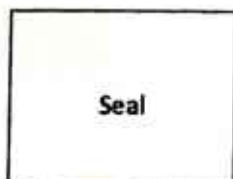
FORM-IX

[see rule 15(2)]

Certificate of Registration

No.

It is hereby certified that the Trade Union name
 (Address of the Union) has been registered under Chapter –
 III of the Industrial Relation Code, 2020 on this day of2021.



Signature of Registrar of Trade Unions, Assam

FORM-X

[see rule 15(5)]

Application for the withdrawal or cancellation of the certificate of registration

Name of Trade Union:

Registration No.:

Address:

.....

Phone No. & E-mail

Dated the day 2020.

1. The Registrar of Trade Unions, Assam
2. The above mentioned Trade Union hereby applies for the withdrawal or cancellation of its certificate of registration lead to it under the Industrial Relation Code, 2020. A statement of the reason for the withdrawal or cancellation of the certificate of registration duly signed by the President or the General Secretary is enclosed.
3. This decision was reached at the General Meeting of the Trade Union held on and a copy of the resolution of the meeting embodying this decision and authorizing the undersigned to make this application is also enclosed.

or

4. A majority of the members of the Union are in favour of this application
5. The Undersigned declare that the statements made herein are true to the best of their knowledge and belief.
6. The certificate of registration is enclosed.

President

or General Secretary

and the minimum membership .

Sl. No.	Name of the Members	Occupation & address of place work	Signature

FORM-XI

[see rule 19(2)]

Declaration of the Trade Union as Negotiating Union or member of the Negotiating Council.

Office of the Registrar of Trade Union

Name of the Union:-

Entry No.

It is hereby certified that the Union has been declared as Negotiating Union/ Member of the Negotiating Council for the Industrial Establishment a provided under sub -section 3 and 4 of the Section 14 of the Industrial Relations Code, 2020 on this day of 2021.

Signature of Seal

Registrar of Trade Unions, Assam

FORM-XII
[see rule 25(2)]
Notice of amalgamation of Trade Union

To,
 The Registrar of Trade Union, Assam.

Notice is hereby given that in accordance with the requirement of Rule 32 of the Assam Industrial Relations Act, 1947, the members of each of the below mentioned Trade Union have resolved to become amalgamated together as one Trade Union, henceforth to be called and its registered office will be located at

1. Votes of the members of each and every of these unions was taken and the votes of not less than fifty percent of the total number of members of each and every union entitled to vote were recorded of the votes recorded not less than 60 percent were in favour of amalgamation.

2. The number of members of each union and the members who have voted in favour of the amalgamation.

Trade Union	No. of members	No. of members who voted in amalgamation
1.		
2.		
3.		
4.		
5.		

The following are the terms of said amalgamation.

Phone No. and E-mail of Unions:

FORM-XIII
[see rule 27(1)]

Annual Return of Trade Union

ANNUAL RETURN FOR THE YEAR
PART-A

- | | | |
|--|---|--------------------------------------|
| 1. Name of the Union | : | |
| 2. Address of the Union | : | |
| 3. Registered Head Office | : | |
| 4. Number & Date of Certificate of Registration | : | |
| 5. Classification of Industry (to be shown as per
Schedule of the industries attached) | : | |
| 6. Classification of sector | | |
| (a) Public sector central sphere | : | |
| (b) Public sector state sphere | : | |
| (c) Private Sector – central sphere | : | |
| (d) Private sector-state sphere | : | |
| 7. Name of the all India Body, Federation with affiliates | : | |
| 8. Affiliation Number | : | |
| 9. Affiliation fee paid during the year | : | |
| 10. Number & Date of receipt for Payment of affiliation fees : | | |
| 11. Membership per month | : | |
| 12. Number of member on back at the beginning of the year : | | |
| 13. Number of members admitted during the year | : | |
| 14. Number of members who left during the year | : | |
| 15. Number of members on book at the end of the year
(i.e. or 31 st December | | Male Female ...
Total |
| 16. Number of members contribution to the political fund | : | |
| 17. Number members who paid their subscription for the whole year : | | |
| 18. A copy of the rules of trade union connected up to date if :
despatch of this return is appended. | | |
| 19. Part 'B' of the Return overleaf has been duly completed : | | |

Secretary
Seal and Signature:
Date:

PART-B

[(I) GENERAL FUND ACCOUNT]

<u>INCOME</u>	Rs.	<u>EXPENDITURE</u>	Rs.
Balance at beginning of the year		Salaries and allowances of office bearers	
Subscription from Members (including unpaid subscription due for the year)		Travelling Allowances, Salaries, Allowances and Expenses of Establishment	
(a) Subscription Received admission Fees		Auditor's Fees	
		Legal Expenses	
(b) Subscription in Arrears for more than three months		Expenses in conducting Trade Dispute	
Donation		Compensation paid to members for loss arising out of trade disputes	
Sales of periodicals, Books etc.		Funeral, old age, sickness, unemployment benefit etc.	
Interest on Investment		Educational, Social and Religious benefit	
Income from miscellaneous Sources (to be specified)		Cost of publishing periodicals	
		Rents, rates and taxes, expenses incurred under rule 21 of the Industrial Relations (Assam) Rules, 2021 (to be specified)	
		Other expenses (to be specified)	
		Balance at the end of the year	
		Cash in hand	
Total	-----	Total	-----

[(II) POLITICAL FUND ACCOUNT]

<u>INCOME</u>	Rs.	<u>EXPENDITURE</u>	Rs.
Balance at beginning of the year		Payment made or objects specified in rule 22 of the Industrial Relations (Assam) Rules, 2021 (to be specified)	
		Expenses of Management (to be specified)	
Total	-----	Total	-----

TREASURER

(III) STATEMENT OF LIABILITIES AND ASSETS OF THE 31ST DAY OF DECEMBER

<u>LIABILITIES</u>	Rs.	<u>ASSETS</u>	Rs.
Amount of General Fund		Cash	
		in hand of Treasurer	
		in hand of Secretary	
		in hand of	
		in the Bank	
		in the Bank	
		Securities as per list	
		Below;	
		Due for	
		(a) The year	
		(b) The previous year	
		Lost	
		(a) Office Bearer	
		(b) Members	
		(c) Others	
		Immovable property goods and furniture,	
		Other assets (to be specified)	
Total Liabilities	-----	Total Assets	-----

(IV) LIST OF SECURITIES

PARTICULARS, NOMINAL VALUE, CASH PRICE,

MARKET PRICE AT DATE ON WHICH ACCOUNTANT HAVE BEEN MADE

TREASURER

(V) AUDITORS REPORT

We have audited the foregoing General Fund Account'

In part 'B' and 'Political Fund Account 'C' of the

..... (Name of Trade Union the year ending 31.12

..... and the statement of Liabilities and Assets in part O and the List of Securities in part E of the said Trade Union as on 31.12 and that.

1. We have obtained all the information and explanations we have had the access to at the best and accounts of the Trade Union which were necessary for the purpose of our audit.
2. The Trade Union has properly maintained its membership register and its books of accounts as required by law.
3. Subject to whatever remarks or qualification the auditor wants to make in his opinion and to the best of our information and according to explanation given to us the foregoing accounts statement and list have been properly drawn up and they give true and correct view of income, expenditure, assets and liabilities of the Trade Union.

Note: if the statement of account is such the auditor is unable to express the opinion of the true and correct aspect of the accounts, statement and the list, he should state his reason therefore.

1.

2.

Auditor

(auditor authorised under rule 10 of the Industrial Relations (Assam) Rules, 2021)

(VD) OFFICE BEARERS RELINQUISHING OFFICE

The following change of office bearers have been made during the year

Name	Office	Date of relinquishing Office
------	--------	------------------------------

(ADDITIONAL INFORMATION)

QUESTION AIRF NO. 1

Annual Reports of Labour Organization Final position

1. Income of each month of year

January:	
February	:
March	:
April	:
May	:
June	:
July	:
August	:
September	:
October	:
November	:
December	:

Total :

2. Expenditure during each month of the year

January:	
February	:
March	:
April	:
May	:
June	:
July	:
August	:
September	:
October	:
November	:
December	:

Total :

3. Cash payments, if made to the members for the following purpose during year

- (a) Death benefit
- (b) Strike benefit
- (c) Employment benefits
- (d) Sickness & Accident benefit
- (e) Old age pension
- (f) Any other benefits

4. Sources from which these benefits are paid

The Trade Unions,

Described generally the activities in which the Trade Union is engaged drawing on the information on the following lines.

5. Representation of the grievances of the workers to employers details should be given of the relief obtained if any, number of case.
6. Help given to the workers in obtaining relief under the Workmen's Compensation Act, Payment of Workmen's Compensation Act, Payment of Wages Act, Factories Act and the Maternity Benefit Act.
7. Education, medical or other types of co-operative activities in which the Trade Union was engaged.
8. Propaganda, any newspaper conducted by the Trade Union State its policy social activities organized.
9. Statistical investigation, if any undertaken by the Trade Union for studying the problems of labour e.g. particulars of working condition, housing etc.

INDUSTRIAL DISPUTE

10. Cases of statement of industrial disputes
 - (i) By means of collective bargaining agreements through the Agency of Trade Union
 - (ii) Strike conducted by the Trade Union
 - (a) Successful
 - (b) Partially successful
 - (c) Failures
 - (d) Token strike

QUESTIONNAIRE NO. 2

Description and nature of labour organization

1. Name of all India Federation to which the union affiliated :
2. If the Trade Union is a provincial federation give the number :
and the name of the trade union affiliated
3. Give the membership of the Trade Union : Male :
Female :
 - (a) Total number of members :
 - (b) Of these numbers unemployed if any
4. Constitution of the Trade Union
5. What are the Occupation or Industries which the Trade Union :
leaders cover
6. Are the leaders drawn from the workers? If now wholly, give :
the extent to which they are

(VII) OFFICE APPOINTED

Name	Date of Birth	Private address	Personal Occupation	Title of position held in Union	Date of Appointment	Other Office held in addition to membership of executive with date
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(VII) Election

Date of last election of the office bearers

Secretary

Date of next election of office bearers

GENERAL FUND ACCOUNTS ANALYSIS OF INCMOE BY SOURCE

Sl. No.	Name of Trade Union and Activities	Contribution from members	Donation	Sales of periodicals books, rules etc.	Interest on investment	Income from misc. sources	Total income	Remarks
1	2	3	4	5	6	7	8	9

MAJOR INCOME AND COL 7 TO BE SPECIFIED
 GENERAL FUND ACCOUNT (DISTRIBUTION EXPENDITURE)

Sl. No.	Salaries & Allowances expenditure of officer	Expenses of establishment	Auditors fees	Legal expenses	Expenses in conducting trade disputes	Compensation paid to members for loss arising of Trade Dispute
1	2	3	4	5	6	7

Funeral old age sickness unemployment	Educational Social religious benefits	Cost of Publishing periodicals	Other expenses	Total Expenditure	Remarks
8	9	10	11	12	13

FORM-XIV

[see rule 28(2)]

Application for recognition as the State Level Trade Union

Name of the Trade Union/ Federation of Trade :

Unions:

Address:

Dated the day of 2021

To,

The Principal Secretary or Authorized Officer (Designation),

Government of Assam, Labour Welfare Department

Dear Sir,

I beg to state that at the general meeting of the members/ at the meeting of the executive of the above-mentioned Trade Union / Federation of Trade Unions which was held at on the day of 20, it was resolved that the union should apply to you for recognition as State Level Trade Union under sub-section (2) of section 27 of the Industrial Relations Code, 2020.

A copy of the resolution in this behalf signed by the President/ General Secretary of the union is enclosed.

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

Yours faithfully,
Name and Designation
General Secretary/ Secretary

FORM-XV
[see rule 30 and 32]

OFFICE OF THE CERTIFYING OFFICER, ASSAM
"Gopinath Nagar, Guwahati-16"

No.

Dated, the 20.....

I,, Certifying Officer, Assam, forward herewith a copy of the draft Standing Orders proposed by the employer for adoption in the industrial establishment and submitted to me for certification under the Industrial Employment (Standing Orders) Act, 1946. Any objection which the workmen may desire to make to the draft Standing Orders should be submitted to me within fifteen days from the receipt of this notice.

Certifying Officer and Labour Commissioner, Assam.

To,

The Secretary..... Union.

Name.....

Representatives elected under

Occupation Address

Particulars to be submitted alongwith Draft Standing Orders
[section 30(9) of the Industrial Relation Code, 2020]

Dated 20.....

To,

The Certifying Officer, Assam,
Gopinath Nagar, Guwahati-16

Sir,

Under the provisions of section 30(9) of the Industrial Relation Code, 2020, I enclose five copies of the draft Standing Orders proposed by me for adoption in

(Name)

Address Email Address Contact

No. Number of workers (in details) in Form -1, 2 and 3

The said establishment own/control by me with the request that this order may be certified under the terms of the code.

.....
(Signature)

Employer

.....
Manager

Phone No.& E-mail:

FORM-1

Matters which shall be provided for in the Standing Orders

Orders where Provided

Reference to the paragraph or clause of the Standing

1

2

1. Classification of workmen, e.g., whether permanent, temporary, apprentice, probationers, or badlis.
2. Manner of intimating to workmen periods and hours of work, holidays, pay-days and wage rates.
3. Shift working.
4. Attendance and late coming.
5. Conditions of, procedure in applying for, and the authority which may grant, leave and holidays.
6. Requirement to enter, premises by certain gates and liability to search.
7. Closing and re-opening of sections of industrial establishment, temporary stoppages of work and the rights and liabilities of the employer and workmen arising there from.
8. Termination of employment, and the notice thereof to be given by employer and workmen.
9. Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct.
8. Means of redress for workmen against unfair treatment or wrongful exactions by the employer or his agent or servants.
11. Any other matter which may be prescribed.

FORM-2

(Standing Orders - Establishment other than Plantations)

Total number of workmen employed	Number of permanent workmen	Number of temporary workmen	Number of badlis or substitutes	Number of probationers	Number of apprentices	Remarks

FORM-3

(Standing Orders - Establishment other than Plantations)

Name of trade Union which represent the workmen	Address in full	Approximate Number of workmen it claims to represent	Whether recognized by the employer	Remarks

FORM-XVI

[see rule 37]

(Modification of Draft Standing Order)

The Certifying Officer, Assam

Sl. No.	Relevant Provision of Standing Order	Proposed Modifications	Reason

Signature of Employer

Phone No. & E-mail:

CC to:-

1. The Labour Commissioner, Assam
2. The Deputy Labour Commissioner, Assam

NB: All required documents prescribed in the rule to be submitted

Number of Modifications	Justification

Signature of Secretary and members

Phone No. & E-mail:

FORM-XVII
[see rule 38(1)]
Register of Standing Orders

Serial No.	Date of the despatch of the copy of standing orders authenticated under section 5 for the first time	Date of filing appeal	Date and nature of decision	Amendments made on appeal, if any	Date of the despatch of the copy of the Standing Orders as settled on appeal	Any notice subsequently given or received of any amendment	Result

FORM-XVIII
[see rule 38(1)]

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

Name of employer.....

Address.....

Dated theday of 20.....

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

Signature

Designation

Phone No.& E-mail:

ANNEXURE

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

Copy forwarded to:-

1. The Secretary of registered Trade Union, if any.
2. The Labour commissioner, Assam.

FORM-XIX

[see rule 39(1)]

(Agreement for voluntary arbitration)

BETWEEN

..... Name of the parties representing employer (s) / Phone No.& Email
and Representing worker/ Phone No. & Email:

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

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

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

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

Signature of the parties Representing employer/ Representing worker/workers

Witnesses

- 1.
- 2.

Copy to:-

- (i) The Conciliation Officer [here enter office address of the Conciliation Officer for the area concerned]
- (ii) The Labour Commissioner, Assam

FORM-XX
[see rule 42(21)]

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

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

(Signature)

Place:

Date:

FORM-XXI

[see rule 44(7)]

(Application to be submitted before the Tribunal in the matter not settled by the Conciliation Officer)

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

In the matter of:

..... Applicant

Address.....

Versus

..... Opposite party (ies)

Address.....

The above mentioned applicant begs to state as follows :-

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

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

Date:

Place:

Phone No.& E-mail:

Form-XXII

[see rule 45]

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

Name of five elected representatives of workers

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

To,

(The name of the employer)

Dear Sir/Sirs,

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

Yours faithfully,

(Secretary of the Union)

Phone No. & Email-.....

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

ANNEXURE

Statement of the Case

FORM-XXIII

[see rule 46]

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

Name of employer

Address

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

In accordance with the provisions of 62(6) of this code, I/we hereby give notice to all concerned that it is my/our intention to effect lock out in department(s), section(s) of my/our establishment with effect from.....for the reasons explained in the annexure.

Signature.....

Designation.....

Phone No.& Email:

ANNEXURE

Statement of Reasons

Copy forwarded to:

- (1) The Secretary of the Registered Union, if any
- (2) Conciliation Officer [Here enter office address of the Assistant Labour Commissioner Assam of the concerned area/ Deputy Labour commissioner/ Labour Commissioner]
- (3) The Labour Commissioner, Assam

Form-XXIV

[see rule 47 and 53]

(Notice of Retrenchment/ Closure to be given by an employer to State Government)

[Where Part II of the notice is applicable it must be served at least 90 days before the closure]

Name of employer

Address

Datedday of..... 20.....

Phone No.& E-mail:

To,
The Secretary to the Government of Assam
Labour Welfare, Department
Assam

Sir,

(Application for employee stating reason of retrenchment)

To,

The Labour Commissioner, Assam,

Sir,

Under rule 46 of the Assam Industrial Relations Code Rule, 2020, I/We hereby inform you that I/We have laid off out of a total of..... workmen employed in the establishment with effect from for the reasons explained in the Annexure.

2. Such of the workmen concerned as are entitled to compensation under section 67 of the Industrial Relations Code, 2020, will be paid compensation due to them.

Yours faithfully,

.....

Phone No.& Email:

Annexure

Statement of Reason

Part I

(Retrenchment)

1. Under sub sec (a) of section 70 of the Industrial Relation Code, I/We hereby inform you that I/we have decided to retrench (no.)..... workers with effect from..... for the reasons explained in the Annexure.

2. The workers concerned were given on the 20.....one month's notice in writing as required under clause (a) of section 70 of this code.

3. Retrenchment is being effected in pursuance of an agreement, a copy of which is enclosed. The workers were given on the** 20one month pay in lieu of notice as required under clause (a) of section 70 of this Code.

4. The total number of workers employed in the industrial establishment is and the total number of those who will be affected by the retrenchment are

Form-XXV

[see rule 49]

(Notice of Retrenchment/ Closure to be given by an employer to State Government)

[Where Part II of the notice is applicable it must be served at least 60 days before the closure]]

Name of employer

Address

Dated day of 20.....

Phone No. & E-mail:

To,
 The Secretary to the Government of Assam
 Labour Welfare, Department
 Assam

Sir,

Part – II**(Closure)**

1. Under section 74(1) of the Industrial Relation code, I/We* hereby inform you that I/We have decided to close down (name of the undertaking) with effect from for the reason's explained in the annexure.

2. The number of workers whose services would be terminated on account of the closure of the undertaking is..... (number of workers).

Number of workers

Category and designationof workers, who are laid off/ to be retrenched/ to be terminated due to closure.

I/We hereby declare that the worker/workers concerned has/ have been/ will be paid compensation due to them under section 70/section 75 of this code /the expiry of the notice period.

Yours faithfully,

(Name & Designation of the employer/ Representative)

Phone No. & Email:

ANNEXURE

Statement of Reasons

Copy to:-

- (1) Assistant Labour Commissioner of the concerned area
- (2) Labour Commissioner, Assam

FORM-XXVI

[see rule 50]

[Form of application for permission to Lay-off, Retrenchment, Closure in industrial establishments to which provisions of Chapter X of the Industrial Relation Code 2020 applies]

To,
The Secretary to the Government of Assam
Labour Welfare Department

Sir,

*1. Under *sub-section (2) of section 78 of the Industrial Relation Code, I/we hereby apply for *~~permission to lay-off~~/ permission to continue Lay off workers of a total of workers employed in my/ our establishment with effect from for the reasons set out in the Annexure.

*2. Under sub-section (2) of section 79 of the Industrial Relation Code 2020, I/we hereby apply for permission for proposed retrenchment of (no.) workers with effect from for the reasons set out in the Annexure.

The workers *concerned have been given notice in writing as required under clause(a) of sub-section (1) of section 79 have not been given notice since the retrenchment is under an agreement (copy of which is enclosed) as provided in the proviso to the said clause.

The total number of workers employed in the industrial establishment is and the total number of those who will be affected by the proposed retrenchment is as given below:

*3. Under section 80(1) of the Industrial Relation code I / we hereby inform you that I/we propose to **close down the undertaking specified below of (name of the industrial establishment) (Give details of the undertaking)with effect from..... for the reasons explained in the Annexure.

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 lay-off/ to continue Lay off, or retrenchment of the workers, or, closure of the said establishment.

All Such workers permitted to be laid-off/ retrenched or terminated due to closure will be paid such compensation, to which they are entitled under section 67 read with section 78(10), or 79(9) or 80(8) respectively of this Code as per the details given below:-

Yours' faithfully

(Signature)

Phone No.& Email:

(*Strike off which is not applicable)

(**The application for permission in case of closure must be given at least 30 days before of the intended closure)

ANNEXURE- I

Category & designation of the workers to be retrenched	Number of workers	
	Employed	To be retrenched
(1)	(2)	(3)

ANNEXURE- II

(Please give replies against each item)

1. Name of the undertaking with complete postal address, including telegraphic address and telephone number.	
2. Status of undertaking - (i) Whether Central public sector/ State public sector/ foreign majority company joint sector, etc, (ii) If belongs to large industrial house, please indicate the controlling group; and if a foreign majority company, indicate the extent of foreign holdings, (iii) Whether the undertaking is Licensed/ registered and if so, name of licensing/ registration authority and licence/ registration certificate numbers.	
3. (a) *Names and addresses of the affected workers proposed to be laid-off/ retrenched/ to be affected by closure and the dates from which each of them to be laid-off/ retrenched/ affected by closure. (b) The nature of the duties of the workmen referred to in sub-item (a) the units/ sections/ shops where they are or were working and the wages drawn by them.	
4. (i) Annual production, item wise for pre-ceding three years - (ii) Production figures, month-wise, for the preceding twelve months,	
5. Number of working days in a week with the number of shifts per day and the strength of workers per each shift.	
6. Balance sheets, profit and loss accounts and audit reports for the last three years.	
7. Financial position of the company	
8. Names of the inter-connected companies or companies under the same management.	
9. (i) The total number of workers (category wise), and the number of employees other than workmen as defined under the Industrial Disputes Act, 1947 employed in the undertaking, (ii) Percentage of wages of workmen to the total cost of production.	
10. Details of lay-off/ Retrenchment resorted to in the last three years (other than the lay-off/ Retrenchment for which permission is sought), including the periods of such lay-offs/ Retrenchment the number of workmen involved in each such lay-off/ Retrenchment/ continuation of lay off	
11. Anticipated savings due to the *proposed lay off/ Continuation of Lay off/ retrenchment/ closure for which permission is sought.	
12. Reasons for the 'proposed lay-off/ Continuation of lay-off/ retrenchment/ closure for which permission is sought.	
13. Any specific attempts made so far to avoid the *proposed lay-off/ Continued lay-off/ Retrenchment/ closure for which permission is sought.	
14. Any other relevant factors with details thereof.	

FORM-XXVII

[see rule 59]

(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)

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

PART - I

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

PART - II

You are advised to deposit the above mentioned amount within fifteen days from the date of issue of this notice for compounding the offence as per section 89 (1) of the Industrial Relation Code, 2020, alongwith an application duly filled in part - III of this notice.

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

(Signature of the Compounding Officer)

Date: Place:

PART-III

Application under sub-section (4) of section 89 for compounding of offence

1. Name of applicant (name of the employer who committed the offence under the Industrial Relation Code 2020 to be mentioned
2. Address of the applicant
3. Particulars of the offence
4. Section of the Code under which the offence has been committed
5. Details of the compounding amount deposited (electronically generated receipt to be attached)
6. Details of the prosecution, if filed for the violation of above mentioned offences may be given
7. Whether the offence is first offence or the applicant had committed any other offence prior to this offences, if committed, then, full details of the offence
8. Any other information which the applicant desires to provide

Applicant

(Name and signature)

FORM-XXVIII

[see rule 61]

(Complaint under section 91 of the Industrial Relation Code)

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

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

A. Complainant(s);

Versus

B. Opposite Party(ies).

Address:

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

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

The complainant(s) accordingly prays/ pray that the Conciliation officer/ 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 Industrial Relations Code are submitted herewith.

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

Signature of the Complainant(s)

Verification:

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

Signature

or

Thumb impression of the person verifying

Phone No.& Email:

Copy to:-

- (1) Labour Commissioner, Assam
- (2) Assistant Labour Commissioner of the concerned area

FORM-XXIX

[see rule 62]

(Manner of authorization of worker for representation under section 94 of the Industrial Relations Code, 2020)

To,

The Authority (name

Address:

I, (name of the applicant) hereby authorize Shri
..... holding the post of Executive Officer/ Office Bearer (name of the post)
..... in the Trade Union (name of the Trade Union)
..... Bearing registration number to represent me (name of the
applicant) employed in (name of the establishment and address)
..... in the manner as mentioned below:-

Signature and name and address of the applicant

FORM-XXX

[see rule 63]

(Manner of authorization of worker for representation under section 94 of the Industrial Relation Code, 2020)

To,

The Authority (name

Address:

I, (name of the applicant) hereby authorize Shri
..... holding the post of Executive Officer/ Office Bearer (name of the post)
..... in the Trade Union (name of the Trade Union)
..... bearing registration number to represent me (name of the
applicant) employed in (name of the establishment and address)
..... in the manner as mentioned below:-

Signature and name and address of the applicant

J. B. EKKA,
Principal Secretary to the Government of Assam,
Labour Welfare Department.