

अण्डमान तथा
Andaman And



निकोबार राजपत्र
Nicobar Gazette

सत्यमेव जयते
असाधारण

EXTRAORDINARY

प्राधिकार से प्रकाशित

Published by Authority

सं. 111, श्री विजयपुरम, बुधवार, 09 अक्टूबर, 2024
No. 111, Sri Vijaya Puram, Wednesday, October 09, 2024

**ANDAMAN AND NICOBAR ADMINISTRATION
SRI VIJAYA PURAM**

NOTIFICATION

Sri Vijaya Puram, dated 9th October, 2024.

No. 105/2024/ F.No. A-36011/1/2023-Lab. Ins-III-LAB_AN.— In exercise of powers conferred by Section 99 of the Industrial Relation Code, 2020 (Act No. 35 of 2020) read with Notification No. SO 273 (E) dated 16.01.2023 issued by the GOI, Ministry of Home Affairs, the Lieutenant Governor (Administrator) proposes to make the following Rules, namely the Industrial Relations (A & N Islands) Rules, 2024.

The objections or suggestions are invited from the General Public over the said Draft Rules, within a period of 30 days from the date of its publication in the Official website of the Department, which shall be taken into consideration by the Department. The objections and suggestions may be addressed to the Labour Commissioner and DET, Department of Labour, Supply Lane, Sri Vijaya Puram- 744101.

DRAFT RULES

**CHAPTER I
PRELIMINARY**

1. Title and Commencement :—

- (1) These rules may be called the Industrial Relations (A & N Islands) Rules, 2024.
- (2) They shall come into force on the date of their final publication in the Official Gazette.

2. Definitions:—

- (1) In these rules, unless the context otherwise requires,-
 - (a) "Code" means the Industrial Relations Code, 2020 (Central Act, 35 of 2020) ;
 - (b) "Electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;
 - (c) "Form" means a form appended to these rules;
 - (d) "Section" means section of the Code;
 - (e) "Similar industrial establishment" means a class of industrial establishments recognized to be similar on factors like the nature of activity performed by the industrial establishment or any other deemed appropriate by the A & N Administration; and
- (2) All other words and expressions used in these rules but not defined herein shall have the same meaning as respectively assigned to them under the Code.

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

CHAPTER II
BI-PARTITE FORUMS

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

- (1) Every employer upon general or special order issued by the A & N Administration under Sub-section (1) of Section 3, shall forthwith proceed to constitute a Works Committee.
- (2) The number of members constituting the Works Committee shall be fixed so as to afford representation to the various categories, groups and class of workers engaged in, and to the Sections, Shops or Departments of the establishment :

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

- (3) Subject to the provisions of this rule, the representatives of the employer in the Works Committee shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with, or associated with, the working of the industrial establishment.
- (4) (a) Where any workers of the industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to how many of the workers are members of such Trade Union; and
(b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Labour Commissioner or any other officer nominated by him, not below the rank of a Assistant Labour Commissioner, in writing, who shall, after hearing the parties, shall decide the matter and his decision shall be final.
- (5) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of worker's representative on the Works Committee in two following groups, namely :-
 - (a) Registered Trade Union may choose their representatives as members for works committee in the proportion of their membership.
 - (b) Where there is no registered Trade Union, workers may choose amongst themselves representatives for works committee.
- (6) (a) The Works Committee shall choose among its office-bearers a Chairman, a Vice- Chairman, a Secretary and a Joint-Secretary. The Secretary and the Joint-Secretary shall be elected every year ;
(b) The Chairman shall be nominated by the employer from amongst the employer's representatives on the Works Committee and he shall, as far as possible, be the head of the industrial relations;
(c) The Vice-Chairman shall be elected by the members, on the Works Committee representing the workers, from amongst themselves :

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

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

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

- (e) In any election under clause (d), in the event of equality of votes, the matter shall be decided by a draw of lot.
- (7) (a) The term of office of the representatives on the Works Committee other than a member chosen to fill a casual vacancy shall be two years;
(b) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor;

- (c) A member who without obtaining 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 (c) of sub-rule (7) or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be chosen in accordance with the provisions of this rule from the same group to which the member vacating the seat belonged.
- (9) (a) The Works Committee may meet as often as necessary as but not less than once in three months.
(b) The Works Committee shall at its first meeting regulate its own procedure.
- (10) (a) The employer shall provide accommodation for holding meetings of the Works Committee. He shall also provide all necessary facilities to the Works Committee and to the members thereof for carrying out the work of the Works Committee. The Works Committee shall ordinarily meet during working hours of the industrial establishment concerned on any working day and the representative of the worker shall be deemed to be on duty while attending the meeting;
(b) The Secretary of the Works Committee may with the prior concurrence of the Chairman, put up notice regarding the meeting and work of the Works Committee on the notice board of the industrial establishment.

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

- (1) The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed ten.
- (2) The representatives of the employer shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with or associated with the working of the industrial establishment, preferably the heads of major departments or sections of the industrial establishment.
- (3) The representatives of the workers shall be chosen by the registered Trade Union and where a negotiating council exists, such representatives shall be chosen in the same proportion as the Trade Unions respectively represents in the negotiating council. In case where there is no registered Trade Union or negotiating council, the members may be chosen by the workers of the establishment:
- (4) Where any workers of the industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to –
 - (a) how many of the workers are members of such Trade Union;
 - (b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Labour Commissioner, or any other officer nominated in writing, by the Labour Commissioner, not below the rank of Assistant Labour Commissioner, who shall, after hearing the parties, decide the matter and his decision shall be final.
- (5) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of worker's representative on the Committee by the following groups, namely :-
 - (a) Registered Trade Union may choose their representatives as members for Grievance Redressal Committee in the proportion of their membership; or
 - (b) Where there is a negotiating Council, the negotiating council may choose their representatives as members for Grievance Redressal Committee; or
 - (c) Where there is no registered Trade Union or negotiating council, the workers may choose amongst themselves representatives for the Grievance Redressal Committee.
- (6) The term of office of the representatives of the Grievance Redressal Committee other than a member chosen to fill a casual vacancy shall be two years. A representative chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor.

- 6. Application in respect of any dispute to be filed before the Grievance Redressal Committee by any aggrieved worker under Sub-section (5) of Section 4 :—** Any aggrieved worker may file an application as per **Form II** stating his dispute therein before the Grievance Redressal Committee giving his name, designation, employee code, department where posted, length of service in years, category of worker, address for correspondence, contact number, details of grievances and relief sought. Such application may be sent electronically or otherwise. The Grievance may be raised within one year from the date on which the cause of action of such dispute arises.
- 7. Manner of filing application before conciliation officer under Sub-section (8) of Section 4 :—** A worker who is aggrieved by the decision of the Grievance Redressal Committee may file an application to the conciliation officer in **Form-II-A electronically or manually** through a registered post within sixty days from the date of decision of the Grievance Redressal Committee or from the date on which the period specified in Sub-section (6) of Section 4 expires, as the case may be, through a Trade Union of which he is a member. In case of non-member, a request to a registered Trade Union to **espouse** his dispute is deemed sufficient.

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

CHAPTER - III TRADE UNIONS

- 8. Payment of subscription by members to Trade Union under clause (f) of Section 7 :—**
- (1) A registered Trade Union may collect the subscription from its members, office bearers or from others, as provided under the rules approved by the Registrar on monthly, quarterly, half yearly or yearly basis subject to such amount as specified under sub rule (2).
 - (2) The payment of a minimum subscription by members of the Trade Union shall be as provided under the rules of the Trade Union approved by the Registrar but shall not be less than :-
 - (a) Twenty Rupees per annum for rural workers ;
 - (b) Thirty Rupees per annum for workers in other unorganized sectors ; and
 - (c) Fifty Rupees per annum for workers in any other case.
- 9. Manner of Annual Audit of the Trade Union under clause (j) of Section 7 : —**
- (1) Save as provided in Sub-rule (2), (3), (4) and (5), the Annual Audit of the accounts of any registered Trade Union shall be conducted by an auditor having the qualifications specified in Section 141 of the Companies Act, 2013 (Central Act, 18 of 2013).
 - (2) Where the membership of a registered Trade Union did not, at any time, during the year ending on the 31st December, exceed 50,000, the Annual Audit of the accounts may be conducted,-
 - (a) by an auditor authorized by the A & N Administration to examine public accounts; or
 - (b) by any person who is having held an appointment under the Government in any audit or accounts of any Deptt. of A & N Admn., is in receipt of a pension of not less than Rs. 5000 per month; or
 - (c) by a Chartered Accountant having the qualifications specified in Section 141 of the Companies Act, 2013 (Central Act, 18 of 2013).
 - (3) Where the membership of a registered Trade Union did not, at any time, during the year ending on the 31st day of December, exceed 1,000 the Annual Audit of the accounts may be conducted,-
 - (a) by any person who, having held an appointment under the Government in any Audit or Accounts Department or Co-operation Department , is in receipt of a pension from the Government of not less than Rs. 5000 a month, or
 - (b) by any auditor appointed to conduct the audit of Co-operative Societies by the Government or by the Registrar of Co-operative Societies or by any Co-operative Organization recognized by the Government for this purpose.

- (4) Where the membership of a registered Trade Union did not at any time, during the year ending on the 31st December exceed 250, the annual audit of the accounts may be conducted by any two ordinary members having practical knowledge or expertise, provided they were not on the executive during the period to which the accounts pertain.
- (5) Where the registered Trade Union is a federation of Trade Unions and the number of such unions affiliated to it at any time during the year ending on the 31st December, did not exceed 50, 15 or 5, respectively, the audit of the accounts of the federation may be conducted as if it has not exceeded membership specified under sub-rules (2), (3) and (4) of the Rule 9 respectively.
- (6) Notwithstanding anything contained in these rules, no person who, at any time, during the year for which the accounts are to be audited, was entrusted with any part of the funds or securities belonging to a registered Trade Union shall be eligible to audit the accounts of that union.
- (7) While conducting the audit the auditor shall be given access to all the books of the registered Trade Union concerned and shall verify the general statement with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration in **Form III**, indicating separately on that form under his signature or their signatures a statement showing in what respect he or they find the return to be incorrect, not, supported by vouchers or not in accordance with the Act. The particulars given in the statement shall indicate —
 - (a) every payment which appears to be unauthorized by the rules of the registered Trade Union concerned or contrary to the provisions of the Act ;
 - (b) the amount of any deficit or loss which appears to have been incurred by the negligence or misconduct of any person ;
 - (c) the amount of any sum which ought to have been, but is not brought to account by any person.

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

- (1) Every application for registration of a Trade Union shall be made in **Form IV** electronically or otherwise along with payment of fee as specified under sub-rule (4), to the Registrar / Additional Registrar or Deputy Registrar having jurisdiction.
- (2) **General statement of the assets and liabilities of the Trade Union prepared in such form and containing such particulars under Sub-section (2) of Section 8 :—** Where a Trade Union has been in existence for more than one year before making application for its registration, the general statement of the assets and liabilities of the Trade Union as required under Sub-section (2) of Section 8 shall be delivered in **Schedule- III of Form IV** to the Registrar together with the application for its registration.
- (3) An affidavit shall be attached with the application filed for registration or cancellation of registration under sub rule (1) by the applicant in **Form IV-A**. Application shall be enclosed with assets and liability of Trade Union prepared in accordance with double entry book keeping only in instances of cancellation of registration or when the Trade Union has previously existed for a period of more than one year as under Sub-section (2) of Section 8 of the Code.
- (4) On receipt of an application for the registration of a Trade Union, the Registrar may require from the applicant to produce such evidence, as may be necessary to prove that the applicants have been duly authorized to make such application on behalf of the Trade Union in **Form -V**.
- (5) The fee payable for registration of a Trade Union shall be Rupees one thousand or as fixed by the A & N Administration from time to time by a Notification and shall be paid electronically or otherwise in the appropriate head of accounts.
- (6) The register for every registration and cancellation of Trade Union by the Registrar shall be maintained electronically or otherwise in **Form VI**.

- (7) The Registrar, on receipt of an application for registration, withdrawal or cancellation, shall before initiating any action, verify that the application was approved in a general body meeting of the Trade Union, or if it was not so approved, that it has the approval of a majority of the members of the Trade Union. For this purpose, the Registrar may call for such further particulars as he may deem it necessary and may examine any officer of the union.
- (8) The Certificate of Registration in **Form VII** shall be issued electronically or otherwise by the Registrar after due verification of the information and particulars submitted with the application, either by himself or through any other officer authorized by him and found proper. The certificate shall be issued by the Registrar within forty five days from the date of receipt of application. If no decision is taken and communicated electronically or otherwise on such application by the Registrar within forty five days, the registration shall be deemed to be issued.
- (9) Every application by a Trade Union for withdrawal or cancellation of its certificate of registration shall be sent electronically or otherwise to the Registrar in **Form VIII**. The Registrar may require the applicants to produce such evidence, as may be necessary, to prove that the applicants have been duly authorized to make the application on behalf of the Trade Union.

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

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

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

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

- (1) A negotiating union or negotiating council shall be entitled to negotiate with the employer with respect to all or any of the following matters, namely :-

- (i) Classification of grades and categories of workers;
- (ii) Discharge or dismissal of individual worker;
- (iii) Wages, including wage period and mode of payment;
- (iv) Dearness Allowance, Bonus, Annual Increment;
- (v) Compensatory and other allowances;
- (vi) Hours of work and rest intervals;
- (vii) Leave with wages and holidays;
- (viii) Shift working;
- (ix) Disciplinary procedures;
- (x) Safety, health and working conditions related standards
- (xi) Promotion Transfer,
- (xii) Quarter Allotment,
- (xiii) Such other matter pertaining to conditions of service.
- (xiv) any other matter that might be agreed upon between employer and negotiating union or council.

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

15. Manner of verification of membership of Trade Unions in an industrial establishment under Sub-sections (3) and (4) of Section 14 :—

- (1) If more than one Trade Union of workers are functioning in an industrial establishment, the Registrar shall verify the membership of a Trade Union having fifty one percent or more of workers on the muster roll of that industrial establishment, on an application made by such union or industrial establishment in **Form X** for declaring the union as sole Negotiating Union for the industrial establishment either by the method of physical verification either in his presence or in presence of any 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 seven days in advance to all the workers by displaying the same on the notice board of the establishment and the employer indicating the date and time and place for such verification.

On the report of such verification, the Registrar shall pass an order within thirty 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 the industrial establishment. The Industrial Establishment shall recognize such Trade Union as a sole negotiating union for the establishment.

- (2) If more than one Trade Union of workers are functioning in an industrial establishment and no such Trade Union has fifty one percent or more of workers on the muster roll of that industrial establishment, the Registrar shall verify the membership of a Trade Union, on an application made by the Industrial Establishment in **Form X** for deciding the union to be taken in the Negotiating Council either by the method of physical verification either in his presence or in presence of any 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 seven days in advance to all the workers and the employer indicating the date and time and place for such verification.

On the report of such verification, the Registrar shall pass an order within thirty 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 member of Negotiating council for the industrial establishment. The Industrial Establishment shall recognize such trade union as member of Negotiating Council for the establishment.

- (3) The list of Negotiating Unions and members of Negotiating Council referred to in Section 14 and verified under sub rule (1) and (2), shall be maintained in **Form XI** by the Registrar.

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

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

Provided that,-

- (a) the union shall intimate, in advance to the employer the name or names of the officer or officers authorized for the purpose and the name of the department or departments in which the members concerned are employed; and
- (b) the discussions shall be held in such manner as not to interfere with the normal working of the undertaking.
- (ii) The officers of a Negotiating Union or member unions of Negotiating Council shall have the right to meet the employer or any person appointed by him for the purpose and discuss with him the grievances of its members employed in his undertaking subject to the following conditions, namely :-
- (a) the discussion shall ordinarily be held on one day in a week during such working hours of day shift from 11 AM to 5 PM as may be fixed by the employer and the union except in urgent cases when it may be held on any day and at any time by previous appointment;
- (b) the union shall ordinarily communicate, in advance, the nature of the grievances which it desires to discuss;
- (c) the name of the officer or member authorized in this behalf shall either be communicated to the employer in advance or such officer shall carry a letter of authority.
- (iii) Employer to deduct subscription of the members of the Trade Union on the basis of the written consent of the worker. All sums payable as subscription to the Trade Union shall be through electronic transfer.
- (iv) The President of the Negotiating union or an office bearer authorized by the President shall be entitled to put up or cause to be put up a notice board outside the time-keeper's office or at any other conspicuous place mutually agreed upon between the employer and the union and affix notices therein during the hours the undertaking is open :

Provided that,-

- (a) the notice board to be put up shall be of a reasonable size;
- (b) the notices to be affixed shall be signed either by the President, the Vice-President when carrying on the duties of the President during this absence, the General Secretary, the Secretary, and
- (c) such notices shall relate to lawful activities of the union and shall not be of an offensive or provocative nature.
- (v) Employer of an industrial establishment having three hundred or more workers shall provide suitable office accommodation with necessary facilities to the Negotiating Union or Negotiating Council as the case may be.

17. Objects on which general funds may be spent under Sub-section (1) of Section 15 :—

- (1) The general funds of a registered Trade Union shall not be spent on any other objects other than that of the following, namely :—
- (a) the payment of salaries, allowance and expenses to office bearers of the Trade Union;

- (b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;
- (c) the prosecution of defense of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution of defense is undertaken for the purpose of securing or protecting any rights of the Trade Union as such any rights arising out of the relations of any members with his employer or with a person whom the member employs;
- (d) the conduct of Trade Disputes on behalf of the Trade Union or any member thereof;
- (e) the compensation of members for loss arising out of trade disputes;
- (f) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members;
- (g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment;
- (h) the provisions of educational, social or religious benefits for the members (including the payments of the expenses on funeral or religious ceremonies for deceased members) or for the dependants of members;
- (i) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such;
- (j) the payment in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contribution to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contribution in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year; and
- (k) subject to any conditions contained in the Notification, any other objects notified by the A & N Administration in the Official Gazette.

18. Composition of separate fund under Sub-section (2) and subscription payable under Sub-section (4) of Section 15 :—

- (1) The Registered Trade Union may constitute a separate fund for the promotion of the civic and political interest of its members with the prior approval of the Registrar.
- (2) Audit of such funds shall be done in the same manner as specified under the Code and these rules.
- (3) Any complaint of misappropriation of any funds of the registered Trade Union shall be entertained by the Registrar and the Registrar shall enquire and pass an appropriate order to the Trade Union, if any misappropriation is proved and such order shall be binding upon the Trade Union.
- (4) The registered Trade Union shall not compel any of its members to contribute to the fund constituted under sub rule (1) and the subscription to any such fund shall not be more than Rupees Five Hundred per annum per member.

19. Manner of making application for adjudication before the Tribunal under Sub-section (1) of Section 22 :— The application before the Industrial Tribunal, A& N Islands shall be filed in **Form XII** within one year of occurrence of any dispute as provided under Section 22 along with the relevant copies of the documents related to such dispute and mentioning the grounds of such dispute. 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. The Registrar shall make entries in the relevant records maintained in his office in accordance with the order of the Industrial Tribunal, A & N Islands.

20. Manner of amalgamation under Sub-section (2) and change of name of Trade Union and sending it to the Registrar thereof under Sub-section (3) of Section 24 :—

- (1) Notice of every amalgamation shall be sent to the Registrar electronically or otherwise in duplicate in **Form XIII** by the applicant Trade Union.
- (2) When the Registrar registers the amalgamation, he shall certify under his signature of such amalgamation and issue the certificate electronically or otherwise to both the Trade Unions and shall make entry in all appropriate records of such amalgamation.
- (3) The notice of any change of the name of the Trade Union shall be sent to the Registrar electronically or otherwise in **Form XIV**.
- (4) When the Registrar registers a change of name, he shall certify under his signature of such change of name of the Trade Union and shall issue the certificate to the applicant Trade Union and shall make entry in all appropriate records of such change of name.

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

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

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

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

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

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

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

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

23. Recognition of Trade Unions at State Level under Sub-section (2) of Section 27 :—

- (1) An application in **Form XVII** to recognize a Trade Union or Federation of Trade Unions to be recognized as Union Territory Trade Union shall be filed by such Trade Union or federation of Trade Unions to the Secretary (Labour), A & N Administration or the Officer authorized by him for the purposes of tripartite consultations, wage boards or for any other purpose as notified by the A & N Administration, from time to time.
- (2) Secretary (Labour), A & N Administration or an officer authorized by him, shall after due enquiry, as it deems fit, decide such application within thirty days of its receipt and send the copy of the decision to the applicant with a copy to the Labour Commissioner and the Registrar.

- (3) If any dispute arises in relation to such recognition, the Secretary (Labour), A & N Administration or an officer authorized by him shall refer the dispute to the Industrial Tribunal, A & N Islands. The Industrial Tribunal, A & N Islands 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

24. Manner of forwarding information to certifying officer as under Sub-section (3) of Section 30 :—

- (1) If the employer adopts the model standing order of the Central Government referred to in Section 29 with respect to matters relevant to his industrial establishment or undertaking, then, he shall intimate the concerned certifying officer electronically or otherwise the specific date from which the provisions of the model standing order which are relevant to his establishment have been adopted.
- (2) On receipt of information in Sub-rule (1) the certifying officer within a period of thirty days from the date of such receipt may give his observation that the employer is required to include certain provisions which are relevant to his establishment and indicate those relevant provisions of the model standing orders which have not been adopted and shall also direct the employer to amend the standing order so adopted, by way of addition, deletion or modification within a period of thirty days from the date of the receipt of such direction and ask for compliance report only in respect of provisions which the certifying officer seeks to get so amended and such report shall be sent electronically or otherwise by the employer.
- (3) If no observation is made by certifying officer within a period of thirty days of the receipt of the information as specified in Sub-rule (1) and (2), then, the standing order shall be deemed to have been adopted by the employer.

25. Manner of choosing representatives of workers and issue of notice under Clause (i) and (ii) of Sub-section (5) of Section 30 : —

- (1) Where there is no such Trade Union and negotiating union or negotiating council, as is referred to in clause (ii) of Sub-section (5) of Section 30, then, the certifying officer shall instruct the jurisdictional Labour Inspector to choose three representatives among workers, the manner best suited to him.
- (2) The Labour Inspector shall serve notice in **Form XVIII** issued by the Certifying Officer and hand over a copy of the Draft Standing Order to the workers representatives to submit their objections, if any.
- (3) Such objections must be submitted to the Certifying Officer within 15 days from the date of receipt of the Draft Standing Order.
- (4) The Standing Order shall be signed before the Certifying Officer in the presence of the workers' representatives and the Management.
- (5) In case of Sub-section (5)(i) of Section 30, a notice shall be served by the Certifying Officer in **Form XVIII**.

26. Manner of authentication of certified Standing Orders under Sub-section (8) of Section 30 : — Standing Orders or modification in the Standing Orders, certified in pursuance of Sub-section (8) of Section 30 or the copies of the order of the appellate authority under Sub-section (1) of Section 33 shall be authenticated by the certifying officer or the appellate authority, as the case maybe, and shall be sent electronically or otherwise within a week to all concerned, but there shall not be any requirement of certification in cases of deemed certification under Sub-section (3) of Section 30 and in cases where the employer has certified adoption of model standing orders.

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

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

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

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

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

- (1) An employer or Trade Union or negotiating union or negotiating council desirous of preferring an appeal against the order of the certifying officer given under Sub-section (5) of Section 30 shall within sixty days from the date of receipt of such order shall draw up a memorandum of appeal in tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added and reasons thereof and shall be filed electronically or otherwise to the appellate authority.
- (2) The appellate authority shall, after giving the appellant and the opposite parties an opportunity of being heard, pass an order within sixty days from the date of the filing of appeal, either confirming the standing orders or directing the employer to modify the standing orders.
- (3) Where the appellate authority does not confirm the standing orders, it shall fix a date for the hearing of the appeal and direct notice thereof to be given,—
 - (a) where the appeal is filed by the employer or a worker, to Trade Union of the workers of the industrial establishment or to the representative body of the workers concerned;
 - (b) where the appeal is filed by a Trade Union, to the employer and all other Trade Unions of the workers of the industrial establishment; and
 - (c) where the appeal is filed by the representative of the workers, to the employer and any other worker whom the appellate authority joins as a party to the appeal.
- (4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal
- (5) The appellate authority may at any stage of the proceeding call for any evidence, if it considers necessary for the disposal of the appeal.
- (6) On the date fixed under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called or consider to be relevant if produced and after hearing the parties shall by order in writing confirm the standing orders either in the form certified by the Certifying Officer or by amending the said standing orders by making such modifications thereof or by additions to thereto as he deems fit.

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

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

(3) Manual copies as well as electronic copies of the certified Standing Orders shall also be distributed to all the concerned in the industrial establishment.

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

- (1) The certifying officer shall maintain electronically or otherwise, a register of all standing orders certified or deemed to have been certified or adopted model standing orders of all the concerned industrial establishments, inter-alia, containing the details of,—
- (a) the unique number assigned to each standing order;
 - (b) name of industrial establishment;
 - (c) nature of industrial establishment;
 - (d) date of certification or deemed certification or date of adoption of model standing order by each establishment or undertaking;
 - (e) the areas of the operation of the industrial establishment; and
 - (f) such other details as may be relevant and helpful in retrieving the standing orders and create a data base of such all standing orders.
- (2) The certifying officer shall furnish a copy thereof to any person applying there for on payment of two rupees per page of the certified standing orders or deemed certified standing orders, as the case may be.

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

CHAPTER - V

NOTICE OF CHANGE

33. The manner of giving of notice for change in conditions of service proposed to be effected under clause (i) of Section 40 :—

- (1) Any employer intending to effect any change in the conditions of service applicable to any worker in respect of any matter specified in the Third Schedule to the Code, shall give notice in **Form-XX** to such worker or workers.
- (2) The notice referred in sub-rule (1) shall be displayed conspicuously by the employer on the notice board at the main entrance gate of the industrial establishment and the office of Manager and shall also be published on the intranet or website of the industrial establishment or otherwise as the case may be :

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

CHAPTER - VI

VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

34. Form of Arbitration Agreement and the manner thereof under Sub-section (3) of Section 42 :—

- (1) Where the employer and workers agree to refer the dispute to arbitration, the Arbitration Agreement shall be in **Form-XXI** and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent either in writing or electronically of arbitrator or arbitrators.
- (2) The Arbitration Agreement referred to in sub-rule (1) shall be signed.-
- (i) In case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other officer of the corporation authorized for such purposes;

- (ii) In the 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 the case of an individual worker, the worker himself or by an officer of registered Trade Union of which the worker is a member :

Explanation.—

- (1) In this rule, the expression 'officer' means any officer of a registered Trade Union or an association of the employer authorized for such purpose;
 - (2) In this rule 'officer' means any of the following officers, namely :-
 - (a) the President;
 - (b) the Vice-President;
 - (c) the Secretary (including the General Secretary);
 - (d) a Joint Secretary (including Assistant Secretary); and
 - (e) any other officer of the Trade Union authorized in this behalf by the President and Secretary of the union.
- 35. Manner of issue of Notification under Sub-section (5) of Section 42 : —** Where an industrial dispute has been referred to arbitration and the Secretary (Labour), A & N Administration or an officer authorized him by are satisfied with the arbitration agreement and that the persons making the reference represent the majority of each party, shall publish a notification to this effect; further, if there are employers and workers who are not parties to the arbitration agreement but are concerned in the dispute, they may present their case before the arbitrator or arbitrators appointed for such purpose. The above Notification shall be communicated to the concerned employers, workers and the arbitrators either manually or electronically.
- 36. Manner of choosing representatives of workers where there is no Trade Union under Section 42 (5)(i)(c) :—** Where there is no Trade Union, the representative of workers to present their case before the arbitrator or arbitrators in pursuance of clause (c) of the proviso to Sub-section (5) of Section 42, shall be chosen by a resolution passed by the majority of concerned workers and the form of authorization shall be in **Form-XXII** to represent their case. Such workers shall be bound by the acts of representatives who have been authorized to represent before the arbitrator or arbitrators, as the case may be.

CHAPTER VII

MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES

- 37. Terms and conditions of service of the Office of the Judicial Member and the Administrative Member of the Tribunal constituted by the A & N Administration and Sub-section (1) of Section 44 :—**
- (1) The Judicial member shall be appointed by the A & N Administration and the person so appointed shall not be qualified for such appointment unless —
 - (a) he is, or has been, a Judge of High Court ; or
 - (b) he has for a period of not less than three years, been a district Judge or an additional District Judge ;
 - (c) every person appointed as Judicial Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the (Form-XXIII) annexed to these rules.
 - (2) The Administrative Member of the Tribunal shall be appointed by the A & N Administration from the persons who having held the post not below the rank of Deputy Secretary or Director to Government of India or an equivalent rank in the Central Government or A & N Administration—
 - (a) Every person appointed as Administrative Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the (Form-XXIV) annexed to these rules.
 - (3) The salaries and allowances, resignation, removal and other terms and conditions of the Judicial / Administrative Member so appointed shall be the same as are applicable to them in their respective Cadres of service.

- (4) The A & N Administration shall fill vacancy under Sub-section (9) of Section 44 in Industrial Tribunal arising out of retirement, transfer, dismissal or any other reason in accordance with these rules.

38. Manner of holding conciliation proceedings under Sub-section(1), full report under Sub-section (4), and application and the manner of deciding such application under Sub-section (6) of Section 53:—

- (1) Where 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 Central 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,—
- (i) The employer or the workers representative in the first meeting shall submit their respective statement in the matter of said dispute;
- (ii) The conciliation officer shall hold conciliation proceedings for the purpose of bringing about a settlement of the dispute and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement.
- (2) If no such settlement is arrived at in the conciliation proceeding referred to in sub-rule (1), the conciliation officer shall submit a report electronically or in any other form to the concerned parties and the Secretary (Labour), A & N Administration within seven days from the date on which the conciliation proceedings are concluded.
- (3) The report referred to in sub-rule (2) shall be accessible or provided to the parties concerned.
- (4) The report referred to in sub-rule (2) shall contain inter-alia the submissions of the employer, worker or Trade Union, as the case may be, and it shall also contain the efforts made by the conciliation officer to bring the parties to the amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion of the conciliation officer.
- (5) Any dispute which is not settled during the conciliation proceedings, then, either of the concerned parties may make an application in **Form-XXV** before the jurisdictional Tribunal within ninety days from the date of the report under sub-rule (2) of rule 39.
- (6) In case of an industrial dispute which has not been settled during the conciliation proceedings, an application may be made before the Tribunal by either of the parties concerned for adjudication. 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.
- (7) The Tribunal after ascertaining that the copies of statement of claim and other related documents are furnished to the other side by the party raising the dispute, it shall fix the first hearing as soon as possible and within a period of one month from the date of service of statement. 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.
- (8) Where the Tribunal finds that the party raising the dispute, despite its directions, did not forward the copy of the statement of claim and other documents to the opposite party or parties, it shall give directions to the concerned party to furnish the copy of the statement to the opposite party or parties, granting extension of fifteen days for filing the statement, if the Tribunal finds sufficient cause for not filing the statement of claim and other documents within time.
- (9) Evidence shall be recorded either in Tribunal or may be filed on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. Where the oral examination of each witness proceeds, the Tribunal, shall make a memorandum of the substance of what is being deposed. While recording the oral evidence the

Tribunal shall follow the procedure laid down in rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

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

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

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

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

- (13) The Tribunal shall communicate its Award electronically or manually to the parties concerned and the Secretary (Labour), A & N Administration within one month from the date of the pronouncement of the Award.

- (14) The Tribunal may summon and examine any person whose evidence appears to it to be material for deciding the case and shall be deemed to be a Civil Court within the meaning of Sections 345, 346 and 348 of the Code of Criminal Procedure, 1973 (1 of 1974).

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

- (16) 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 Tribunal in the following manner, namely :—

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

(b) For certifying a copy of any such Award or Order or document, a fee of Rs. Two per page shall be payable;

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

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

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

- (18) The proceedings before Tribunal shall be held in open Court:

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

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

CHAPTER - VIII

STRIKES AND LOCK-OUTS

- 39. Number of persons by whom the notice of strike shall be given, the person or persons to whom such notice shall be given and the manner of giving such notice under Sub-section (4) of Section 62.** The notice of strike referred to in Sub-section (1) of Section 62 shall be given to the employer of an industrial establishment in **Form-XXVI** by the Secretary and five elected representatives of the registered Trade Union in the letter head of the union, which is either a negotiating union or member Trade Union of the negotiating council relating to such industrial establishment endorsing the copy thereof electronically or otherwise to the concerned Conciliation Officer, Labour Commissioner and Secretary (Labour), A & N Administration :

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

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

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

CHAPTER - IX

LAY-OFF, RETRENCHMENT AND CLOSURE

41. Manner of serving notice before retrenchment of the worker under clause (c) of Section 70 :—

If any employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year under him then, such employer shall give notice of such retrenchment, in **Form-XXVIII** to the Labour Commissioner, the Conciliation Officer concerned and copy to Secretary (Labour), A & N Administration electronically and by registered or speed post.

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

Where any vacancy occurs in an industrial establishment and there are workers of such industrial establishment retrenched within one year prior to the proposal for filling up such vacancy, then, the employer of such industrial establishment shall offer an opportunity at least 15 days before by registered post or speed post and electronically to such retrenched workers who are citizens of India with a copy to the Conciliation Officer and the Labour Commissioner electronically and by registered or speed post. If such workers give their willingness for employment then, the employer shall give them preference over other persons in filling up of such vacancy.

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

If any employer intends to close down an undertaking he shall give notice of such closing down in **Form-XXIX** to the Secretary (Labour), A & N Administration and a copy to Labour Commissioner and the concerned Conciliation Officer electronically and by registered post or speed post.

CHAPTER - X

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

44. Manner of making application to the A & N Administration by the employer for the intended lay-off and the manner of serving copy of such application to workers under Sub-section (2) of Section 78:—

An application in triplicate for permission under Sub-section (1) of Section 78 shall be made to the Secretary (Labour), A & N Administration or an officer authorized by him in this regard, by the employer of an Industrial Establishment in **Form-XXX** stating clearly therein the reasons for the intended lay off and a copy of such application shall also be served simultaneously to the worker(s) concerned and the Labour Commissioner electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.

- 45. Manner for applying for permission to continue the lay-off under Sub-section (3) of Section 78 :—**The employer shall in case of an industrial establishment being a mine specified in Sub-section (3) of Section 78 where the workers (other than Badli workers or casual workers) have been laid-off under Sub-section (1) of Section 78 for reasons of fire, flood or excess of inflammable gas or explosion, within a period of thirty days from the date of commencement of such lay-off, apply to the Secretary (Labour), A & N Administration or an officer authorized by him in this regard electronically and by registered or speed post with a copy to the Labour Commissioner and the Conciliation Officer for permission to continue the lay-off specifying the number of days; intimating the number of workers to be laid-off, the total number of workers employed in the industrial establishment, the date of lay-off and the reasons for continuation of such layoff.
- 46. Time-limit for review under Sub-section (7) of Section 78 :—** The Secretary (Labour), A & N Administration may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under Sub-section (4) of the Section 78 within a period of thirty days from the date on which such order is made.
- 47. Manner of making application to the A & N Administration by the employer for the intended retrenchment and manner of serving copy of such application to workers under Sub-section (1) and (2) of Section 79 :—** An application for permission referred to in Sub-section (1) (b) of Section 79 shall be made by the employer in **Form-XXXI** to the Secretary (Labour), A & N Administration stating clearly therein the reasons for the intended retrenchment electronically and by registered post or speed post and a copy of such application shall also be sent to workers and Labour Commissioner electronically and by registered post or speed post. Such application shall also be displayed electronically or otherwise conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.
- 48. Time-limit for review under Sub-section (6) of Section 79 :—** The Secretary (Labour), A & N Administration may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under Sub-section (3) of Section 79 within a period of thirty days from the date on which such order is made.
- 49. Manner of making application to the A & N Administration by the employer for intended closing down of an industrial establishment and the manner of serving copy of such application to the representatives of workers under Sub-section (1) of Section 80 :—**
- (1) An employer who intends to close down an industrial establishment to which Chapter X of the Code applies shall apply electronically or otherwise in **Form-XXXII** for prior permission at least ninety days before the date on which intended closure is to become effective to the Secretary (Labour), A & N Administration, stating clearly therein the reasons for the intended closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers and the Labour Commissioner electronically and by registered post or speed post.
 - (2) The notice or as the case may be the application shall be made in triplicate.
 - (3) The Employer concerned shall furnish to the Secretary (Labour), A & N Administration to whom the notice of intended closure has been given or the application for permission to close down has been made such further information as he considers necessary and calls for from such employer, for arriving at a decision on the notice, or, as the case may be.
- 50. Time-limit for review under Sub-section (5) of Section 80 :—** The Secretary (Labour), A & N Administration may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under Sub-section (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

- 51. Contribution from other sources into the worker re-skilling fund under clause (b) of Sub-section (2) of Section 83 : —** In addition to contribution of employer under clause (a) of Sub-section (2) of Section 83, the fund shall consist of,-
- (a) the contribution from Central Government or any authority of the Central Government;
 - (b) the contribution from A & N Administration or any authority of the A & N Administration;
 - (c) any contribution from CSR fund and
 - (d) the contribution from such other sources as specified by A & N Administration by general or special order.
- 52. Manner of utilization of fund under Sub-section (3) of Section 83:—** (1) Every employer who has retrenched a worker or workers under this Code, shall, within ten days, at the time of retrenching a worker or workers shall electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account (name of the account shall be displayed on the official website of Labour Department and Labour Commissioner, A & N Admn. The fund so received shall be transferred by the Labour Commissioner, A & N Admn. to each worker or worker's account electronically within forty five days of receipt of funds from the employer and the worker shall utilize such amount for his re-skilling. The employer shall also submit the list containing the name of each worker retrenched the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the Labour Commissioner, A & N Admn. to transfer the amount in their respective account.
- (1-A) The Labour Commissioner, A & N Administration shall transfer the amount equivalent to fifteen days of last drawn wages of such retrenched worker(s) only if the above said amount is transferred electronically or via bank by every employer who has retrenched a worker or workers under the Code within ten days of such retrenchment to the account maintained by the Labour Department, Andaman & Nicobar Administration.
- (2) The Labour Department, A & N Admn. and the employer shall endeavour to up-skill or re-skill employees by conducting various training programmes under Recognition of Prior Learning (RPL) or any other schemes so designed.

CHAPTER - XII
OFFENCES AND PENALTIES

- 53. Power to hold enquiry : —**
- (1) The A & N Administration shall appoint Assistant Labour Commissioner, Labour Department as an officer for holding enquiry under Sub-section (1) of Section 85.
 - (2) The A & N Administration shall appoint subordinate officers and staffs to the enquiry officer as it considers necessary for the efficient discharge of its function under this Code and Rule
 - (3) **Manner of holding enquiry under Sub-section (1) of Section 85:-** The manner of holding enquiry shall be followed as prescribed by the Central Government.
- 54. Manner of composition of offence by a Gazetted Officer and the manner of making application for the compounding of an offence under Sub-section (1) of Section 89:—**
- (1) The officer notified by the A & N Administration for the purposes of compounding of offences under Sub-section (1) of Section 89 (hereinafter referred to as the compounding officer), upon receipt of an application by the accused electronically or by registered post within 30 days of such receipt, shall in the offences for which prosecution is not instituted, is of the opinion that any offence under the Code for which the compounding is permissible under Section 89, he shall send a notice electronically or otherwise to the accused in **Form XXXIII**, where it is the first offence or in **Form XXXIII-A** where it is a subsequent compoundable offence, 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, previous offences and their details, if any, 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 —
 - (a) if the offence is compounded before the prosecution, then no complaint for prosecution shall be instituted against the accused; and
 - (b) if the offence is compounded after institution of prosecution under sub-rule (3) 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 A & N Administration.

CHAPTER - XIII MISCELLANEOUS

55. Protected workers under Sub-section (3) and (4) of Section 90 :—

- (1) Every registered Trade Union connected with an industrial establishment, to which the Code applies, shall communicate to the employer before the 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 recognized as protected workers. Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.
- (2) The employer shall, subject to Sub-section (3) and Sub-section (4) of Section 90, recognize such workers to be protected workers for the purposes of 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 recognized as protected workers for the period of twelve months from the date of such communication.
- (3) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workers, admissible for the industrial establishment, under Sub-section (4) of Section (90), the employer shall recognize as protected workers only such maximum number of workers:

Provided that where there is more than one registered Trade Union in the industrial establishment, the maximum number shall be so distributed by the employer among the Unions that the numbers of recognized 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 number of officers of the Union seeking protection, the union shall be entitled to select the officers to be recognized as protected workers. Such selection shall be made by the Union and communicated to the employer within five days of the receipt of the employer's letter in this regard.

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

56. Manner of making complaint by an aggrieved worker under Section 91:—

- (1) Every complaint under Section 91 of the Code shall be made electronically and by registered post or speed post in **Form-XXXIV** 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 authorized representative of the worker proved to the satisfaction of the conciliation officer, arbitrator or Tribunal to be acquainted with the facts of the case.

57. Manner of authorization of worker for representing in any proceeding under Sub-section (1) of Section 94 :—

Where the worker is not a member of any Trade Union, then, any member of the executive or other office-bearer of any Trade Union connected with or by any other worker employed in the industry in which the worker is employed may be authorized 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-XXXV**.

58. Manner of authorization of employer for representing in any proceeding under Sub-section (2) of Section 94 :—

Where the employer, is not a member of any association of employers, may authorize in **Form-XXXVI** 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.

59. Repeal and Savings :—

The A & N Islands Trade Union Regulations, 1957 is hereby repealed :

Provided that, the said repeal shall not affect,-

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

Form I

(See rule 3)

Memorandum of Settlement

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

Names of the Parties :

..... Representing employer(s);

..... Representing workers;

Short recital of the case

.....

Terms of settlement

.....

Signature of the Parties / Authorized Representatives of the Parties

Witnesses for the Employer

Witnesses for the Workers

Date:

Place:

Signature and seal of the Conciliation Officer

Form I - A

(See rule 3)

Memorandum of Settlement

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

Names of the Parties :

..... Representing employer (s);

..... Representing workers;

Short recital of the case

.....

Terms of settlement

.....

Signature of the parties / Authorized Representatives of the Parties

Witnesses for Employers

Witnesses for Workers

Signature

Signature

Copies to

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

Form II

(See rule 6)

**Manner of filing application before the Grievance Redressal Committee
by any aggrieved worker under Sub-section (5) of Section 4**

To,

The members of the Grievance Redressal Committee

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

Application No :

Reference No :

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

(Please prefer your choice of filing)

Place :

Date :

Signature of Worker

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

Form II- A

(See rule 7)

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

Jurisdiction of the Conciliation Officer

(Enter the official address of the Conciliation Officer)

1. Name and address of the worker / applicant

Name of the worker(s) Applicant

Vs

Name of the Establishment Respondent -1

Grievance Redressal Committee Respondent -2

2. Name and address of the establishment where working

3. Date of order or the decision by the GRC

4. Matter in dispute

Grievance not resolved / partially resolved

5. Relief sought before the Conciliation Officer

6. Whether applied within time limit

7. Name of the Trade Union espousing the dispute

8. Whether member of the above said Trade Union*

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

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

10. Date and Signature of the applicant filing the dispute

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

12. Electronic submission of the Application / Manual filing

Signature of Worker

Form III

(See sub rule 7 of rule 9)

Auditor's Declaration

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

(1) Signature of Auditor

(2) Signature of Auditor

Place :

Date :

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

Form IV

(See sub rule(1) of rule 10)

Application for Registration of Trade Unions

Name of the Trade Union.....

Address and E-mail ID.....

Contact No. of Authorised person :

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

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

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

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

To,

The Registrar of Trade Unions,
A & N Islands.

Schedule I

List of Officers of the Trade Union

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

Schedule II
Reference to Rules

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

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

Schedule III

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

Statement of Assets and Liabilities on the day of 20

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

List of Securities

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

Place :

Signature

Form IV- A

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

Affidavit for Registration or Cancellation of Registration

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

The name and the registration details is as follows

S.N.	Name	Age	Occupation	Address	Email ID	Phone
1.						
2.						
3.						
4.						
5.						
6.						
7.						

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

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

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

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

Signature of the Applicant

Date :

Place :

Form V

(See sub rule (4) of rule 10)

Authorisation on behalf of Trade Union

(1) Name of the Trade Union.....

(2) List of members and their names applying for registration of a Trade Union

1.

2.

3.

4.

5.

6.

7.

Officers authorising the above members :

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

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

Date:

Signature of the Authorised Persons / Office Bearers

Place :

Form VI

(See sub rule (6) of rule 10)

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

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

Form VII

(See sub rule (8) of rule 10)

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

(1) Registration No and Date.....

(2) Name of the Trade Union.....

It is hereby certified that the (Name of the Trade Union) has been registered under Sub-section 1 of Section 9 of the Code on this day of20..... at Sri Vijaya Puram given under my seal and designation

(SEAL)

Registrar of Trade Unions

Form VIII

(See sub rule (9) of rule 10)

Application for Withdrawal / Cancellation of Certificate of Registration

Name of the Trade Union

Registration Number

Date of Registration

Address and E-mail ID

Dated the day of 20 at Sri Vijaya Puram

To,

The Registrar of Trade Unions,
Andaman & Nicobar Administration

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

“ ”

(Attach the copy of the resolution)

Authorized Signature

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

Form IX

(See sub rule (5) of rule 12)

Notice of Change of particulars of the Trade Union

Name of Trade Union registered.....

Number and Date of Registration.....

Address.....

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

To,

The Registrar of Trade Unions,
Andaman & Nicobar Administration

Notice is hereby given that the provisions of Section 11 of the Code, 2020, having been complied with the name of the above mentioned Trade Union, the following particulars (constitution / rules etc.,) has been changed to.....

The consent of the members was obtained by*

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

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

Schedule I

AMENDMENT IN RULES

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

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

Date:

Place:

Signature

Form X**(See sub rule (1) and (2) of rule 15)****Application for declaring the Trade Union as sole Negotiating Union or Member of the Negotiating Council**

Name of the Union / Industrial Establishment

Address

Dated the day of 20

To,

The Registrar of Trade Unions,
Andaman & Nicobar Administration

Dear Sir,

I wish to state that the above-mentioned Trade Union is to be declared as sole Negotiating Union / as the member of Negotiating Council for the Industrial Establishment , namely -----
-----, Address ----- under Sub- sections (3) and (4) of Section 14 of the Code, and I request that it may be registered accordingly in the records of the Registrar. A copy of the particulars and other documents in this behalf signed by the authorized person is enclosed.

2. The union was registered on the day of..... 20..... under Certificate No..... issued by the Registrar of Trade Unions for A & N Islands.
3. A copy of the rules of the Union is attached
4. The address of the Head Office of the union to which all the communications may be addressed is.....
5. The union has members in the the Industrial Establishment named above and represents per cent of the total number of employees employed in the Industrial Establishment named.

Date :

Place :

Authorized Signature

Form XI

(See sub rule (4) of rule 15)

Register of Negotiating Union or Negotiating Council

Sl. No. / Entry No.	Name of the Negotiating Union	Name of the member union of Negotiating Council / Negotiating Union	Address of Office	Date of Registration	Name of present Office Bearers	Number of Members	Name of the Industrial Establishment	Address of the Industrial Establishment	Total number of workers which are members of the Trade Unions	Percentage of workers which are members of The Negotiating Union / Member of Negotiating Council	Date of declaration by the Registrar	Any other information	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Form XII

(See Rule 19)

Application for adjudication before the Tribunal under Sub-section (1) of Section 22.

To,

The Jurisdictional Tribunal

Between

..... Trade Union (Name)

Vs

..... Trade Union (Name)

Or

Between

..... Member(s) of Trade Union (Name)

Vs

..... Member(s) of Trade Union (Name)

Or

Between

..... Federation of Trade Unions (Name)

Vs

..... Any Respondents

We hereby file the below dispute which has arisen between the parties mentioned above with respect to registration / administration / management / election of officer bearers / refusal of admission as members / (mention any other dispute / differences)

.....

....., having registered office at

(mention address)

Relevant documents are attached herewith.

The application for adjudication has been filed within 90 days.

We pray the Hon'ble Tribunal to pass an appropriate order in the interest of justice.

Date:

Signature of the Applicant.

Place:

Form XIII

(See sub rule (1) of rule 20)

Notice of Amalgamation of Trade Union

- A. Name of Registered Trade Union
- B. Number of Registration

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

C. Dated the day of 20 at

To,

The Registrar of Trade Unions,
Andaman & Nicobar Administration

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

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

..... (State the terms)
.....

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

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

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

(Signed)

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

Place :

Date :

Form XIV

(See sub rule (3) of rule 20)

Notice of Change of Name after amalgamation

Name of Trade Union already registered.....

Registration Number.....

Address.....

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

To,

The Registrar of Trade Unions,
Andaman & Nicobar Administration

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

The consent of the members was obtained by*

(Signed)

1 Secretary

2 Member

3 Member

4 Member

5 Member

6 Member

7 Member

8 Member

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

Form XV

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

Notice of the Dissolution of a Trade Union

Name of Trade Union

Registration number.....

Dated the day of 20

To,

The Registrar of Trade Unions,
Andaman & Nicobar Administration

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

or

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

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

(Signed)

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

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

Note: (1) Strict adherence with the byelaws of the Trade Union regarding dissolution.

(2) In the absence of such byelaws, at least majority of the members of the Trade Union agree for dissolution.

Place:

Date:

Signature of the Applicant(s)

Form XVI

(See sub rule (1) of rule 22)

Part A**General Statement prescribed under Section 26 of the Code**

From 1st January, 20..... to 31st December, 20

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

Men .....	.....
Women .....	.....
Total .....	.....
 - (e) Number of members contributing to Political fund.
 - (f) Number of members paying their subscription for the whole year.
16. Return to be made by Federations of Trade Unions :-
 - (a) Number of unions affiliated at the beginning of the year.
 - (b) Number of unions joining during the current year.
 - (c) Number of unions disaffiliated during the year.
 - (d) Number of unions affiliated at the end of the year.
 - (e) Membership fee realized from the affiliated unions. Rs.....
 - (f) Number of affiliated unions from whom membership fee was received during the year.
 - (g) Number of affiliated unions contributing to Political fund.
 - (h) Number of members of affiliated unions.

Men .....	.....
Women .....	.....
Total .....	.....

Note :- Information in regard to -

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

Part B
General Fund Account

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

Treasurer

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

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

Part D
List of Securities

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

Part E
Political Fund Account

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

Part F
Auditors' Declaration

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

(1) Auditor
(2) Auditor

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

Part G

Officers appointed by election or nomination

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

Part H

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

Officers relinquishing office

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

Form XVII

(See sub - rule (1) of rule 23)

Application for recognition as State Level Trade Union or Federation of Trade Unions

Name of Trade union / Federation of Trade

Unions

Address

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

To,

The Secretary (Labour) or Authorized Officer (Designation),
Andaman & Nicobar Administration, Labour Department

Dear Sir,

1. I wish to state that at the general body 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 for recognition as State Level Trade Union under Sub- section (2) of Section 27 of the Code. A copy of the resolution in this behalf signed by the President / Chairman of the union is enclosed.
2. The union is duly registered on the day of year, under Certificate No.issued by the Registrar of Trade Unions for A & N Islands.
3. A copy of the rules of the Union is attached.
4. The address of the head office of the union to which all the communications may be addressed is.....
5. The Union has affiliation of other Trade Unions in the State; list of such Trade Unions and their addresses, registration details and membership etc. is attached herewith.
6. The union has totalmembers in the State. (District Wise, Trade Union wise membership details to be provided)

Signature of General Secretary / Secretary.

Form XVIII

(See sub - rule (2) and (5) of rule 25)

Notice of Application of Draft Standing Order for Certification under clause (i) and (ii) of Sub-section (5) of Section 30

It is hereby brought to your notice (Trade Union / Negotiating Union / Negotiating Council / Workers Representatives, whichever is applicable) that the attached Draft Standing Order has been submitted for certification by your employer _____ (Name of the industrial establishment / undertaking) on _____ (Date of submission to certifying officer). You are hereby directed to submit any comments to the draft standing order within thirty days (as the case may be) _____ to me either electronically or registered post / speed post.

Signature of Certifying Officer
Name
Email
Date

To,
.....
.....

Note :

1. In cases of clause (i) of Sub-section (5) of Section 30, notice shall be sent by the Certifying Officer
2. In cases of clause (ii) of Sub-section (5) of Section 30, notice and a copy of the draft Standing order shall be served by the Jurisdiction Labour Inspector to the workers representatives.

Form XIX

(See rule 32)

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

To,
Jurisdictional Certifying Officer

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

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

Table

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

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

Form XX

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

Notice of change of service conditions proposed by an employer

Name of the Employer.....

Name of the Establishment.....

Address.....

Dated.....day of 20

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

Place:

Signature.....

Date:

Designation.....

ANNEXURE

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

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

Copy forwarded to :

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

Form XXI

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

Arbitration Agreement for Voluntary Reference of DisputesBETWEEN

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

And

..... Representing worker(s)

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

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

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

The arbitrator(s) shall make his (their) award within a period of (here specify the period agreed upon by the parties) from the date of publication of this agreement through Notification by the A & N Administration.

Signature of the parties representing employer(s).

Witnesses

1.
2.

Signature of the parties representing worker(s).

Witnesses

1.
2.

Place :

Date :

*See Sub-section (2) of Sec. 42 of the Code.

Copy to :

- (1) The Conciliation Officer (here enter office address of the Conciliation Officer for the area concerned).
- (2) Labour commissioner
- (3) Secretary to the Andaman & Nicobar Administration, Department of Labour, with a request to issue Notification.

Form XXII

(See rule 36)

Authorization by a worker or group of workers to be represented in arbitration proceeding before the arbitrator under Section 42 (5) (i) (c)

Before the Arbitrator(s)
(Here mention the authority concerned)

In the matter of : (Mention the name of the proceedings / dispute)

.....workers

Versus Employer

I / We hereby authorise the following representatives of workers to represent me/us in the above matter.

- 1.
- 2.
- 3.

Dated this day of 20 at

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

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

Form XXIII

(See sub rule 1 (c) of rule 37)

Form of Oath of Office for Judicial Member of Industrial Tribunal, A & N Islands

I,, having been appointed as Judicial Member of Industrial Tribunal, A & N Islands do solemnly affirm / do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Judicial Member of Industrial Tribunal, A & N Island, 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 XXIV

(See sub rule 2 (a) of rule 37)

Form of Oath of Office for Administrative Member of Industrial Tribunal, A & N Islands

I,, having been appointed as Administrative Member (whichever is applicable) of Industrial Tribunal, A & N Islands do solemnly affirm / do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Administrative Member of Industrial Tribunal, A & N Islands 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 XXV

(See sub rule (5) of rule 38)

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

Vs

..... Opposite party(ies)

Address

The above mentioned applicant prays to state as follows :-

(Here set out the relevant facts and circumstances of the case: grounds for appearance and relief sought before the Tribunal).

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

Signature of the Party

Date

Place

Form XXVI

(See rule 39)

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.....at.....

To,

(The Name of the Employer)

Dear Sir / Madam,

In accordance with the provisions contained in Sub- section (4) of Section 62 of the code, We hereby give you notice that we propose to call a strike / propose to go on strike on 20, for the reason explained in the Annexure-I and a copy of the resolution to go on strike in Annexure -II

(Secretary of the Union)

1)

2)

3)

4)

5)

[Five representatives of the workers duly elected at a meeting held on (date), vide resolution attached as per proviso to rule 41]

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

Annexure – II : Copy of resolution to go on strike

Copy to :

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

Form XXVII

(See sub rule (1) of rule 40)

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

Name of Employer / Industrial

Establishment.....

Address.....

Dated the day of 20

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

Place :

Signature

Date :

Designation

Annexure : Statement of Reasons for lock-out

Copy forwarded to :

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

Form XXVIII

(See rule 41)

Notice of intimation of Retrenchment to be given by an Employer

To,

1) Labour Commissioner

2) Conciliation Officer having jurisdiction

Sir,

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

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

Annexure : Statement of Reasons.

Signature of the Employer / Authorized person

Date :

Place :

Copy forwarded to :

The Secretary (Labour), Andaman & Nicobar Administration.

Form XXIX

(See rule 43)

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

Name of Industrial Establishment or Undertaking / Employer

Address

Dated (DD/MM/YYYY).

To,
The Secretary (Labour), Andaman & Nicobar Administration.
Sir / Madam,

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

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

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

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

Place :

Date : Signature of the Employer / Authorized person

Copy to :

1. Labour Commissioner
2. Conciliation Officer having jurisdiction.

Form XXX

(See rule 44)

Application for permission of Lay-off in Industrial establishments under Sub-section (2) of Section 78 of the Code

To,
The Secretary (Labour), Andaman & Nicobar Administration
Sir / Madam,

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

Permission is solicited for the lay-off, in the said establishment (details which are annexed in Annexure-II).

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

Signature of the Employer / Authorized person

Date :

Place :

Annexure I

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

Annexure II

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

Form XXXI

(See rule 47)

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

To,
The Secretary (Labour), Andaman & Nicobar Administration,
Sir / Madam,

Under Sub-section (2) of Section 79 of the Code, I / we hereby apply for permission for proposed retrenchment of number of workers (indicate number in figures and words) with effect from (DD/MM/YYYY) for the reasons set out in the Annexure-I.

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

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

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

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

Signature of the Employer / Authorized person

Date :

Place :

Annexure I

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

Annexure II

Sl. No.	Particulars	Remarks, if any
1.	Name of the industrial establishment / undertaking with complete postal address along with PIN Code, e-mail, telephone number(s).	
2.	Status of undertaking— (i) Whether Central Public Sector / State Public Sector / Foreign Majority Company / Joint Sector Company, etc., (In case of foreign holding company then indicate the extent of foreign holding) (ii) Whether a Private Limited company / Partnership Firm or Proprietorship Firm	Indicate the status of the company
3.	(a) MCA Number (b) GSTN Number (c) Registration Number of the Labour Department	
4.	Names and identification number of the affected workers proposed to be retrenched.	The Identification Number UAN of EPFO or under Social Security Code.
5.	Product(s) of the undertaking	
6.	Details relating to installed capacity, licensed capacity and utilised capacity (i) Annual production, item wise for preceding two years (ii) Production figures, month-wise, for the preceding twelve months,	

7.	Work in progress, if any, item-wise, value-wise	
8.	Any agreement regarding off-loading or sub-contracting of products or any components thereof.	
9.	Position of the order book, item-wise and value-wise for a period of 6 months, and one year next following.	
10.	Number of working days in a week with the number of shifts per day and the strength of workers per each shift	
11.	Balance sheets, Profit and Loss accounts and audit reports for the last two years.	To be annexed
12.	Net worth of the company.	
13.	Names of the inter-connected companies or companies under the same management.	
14.	Administrative, general and selling cost in absolute terms per year in the last 2 years and percentage thereof to the total cost.	
15.	Details of lay-off resorted to in the last two years (other than the retrenched for which permission is sought), including the periods of such retrenched, the number of workmen involved in each such retrenched.	
16.	Anticipated savings due to the proposed retrenched	
17.	Any proposal for effecting savings on account of reduction in:-	
	(a) Managerial remuneration	
	(b) Sales promotion cost; and	
	(c) General administration expenses.	
18.	Any specific attempts made so far to avoid the proposed closure.	
19.	Any other relevant details which have bearing on closure.	

Form XXXII

(See sub-rule 1 of rule 49)

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

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

Sir,

Under Sub-section (2) of Section 80 of the Code, I/we hereby inform you that I/we propose to close down the undertaking of an industrial establishment specified below of (name of the industrial establishment) with effect from (DD/MM/YYYY) for the reasons set out in the Annexure-I.

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

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

Permission is solicited for the closure of the said establishment.

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

Date :

Place :

Signature of the Compounding Officer

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

Form XXXIII

(See sub-rule 1 of rule 54)

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

The undersigned and the Compounding Officer under Sub-section (1) of Section 89 of the Code, read with rule 55, hereby intimates that the allegation has been made against you for committing offence(s) 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
3. Particulars of the offence.....
4. Section of the Code under which the offence(s) is / are committed.....
-
-
5. Compounding amount required to be paid towards composition of the offence(s) is Rupees
-

PART – II

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

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

Date :

Place :

Signature of the Compounding Officer

PART - III

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

Date :

Place :

Applicant
(Name and Signature)

Form XXXIII - A

(See sub-rule (1) of rule 54)

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

The undersigned and the Compounding Officer under Sub-section (1) of Section 89 of the Code, read with rule 55, hereby intimates that the allegation has been made against you for committing offence(s) 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
3. Particulars of the offence(s)
4. Section of the Code under which the offence is committed
5. Compounding amount required to be paid towards composition of the offence
6. Date and Particulars of the previous offence(s)
7. Section of the Code under which the previous offence was committed
8. Whether the previous offence was compounded or not ?

PART – II

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

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

Date :

Place :

Signature of the Compounding Officer

PART - III

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

8. Any other information which the applicant desires to provide

.....

.....

Date :
Place :

Applicant
(Name and Signature)

Form XXXIV

(See sub-rule (1) of rule 56)

Complaint under Section 91 of the Code

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

In the matter of : Reference No.

A.....

Address Complainant(s) ;

Vs

B.....

Opposite Party(ies).

Address :

The Petitioner(s) prays to complain that the Opposite Party(ies) has / have been guilty of a contravention of the provisions of Section 90 of the Code, as shown below :

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

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

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

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

Signature of the Complainant(s)

Verification

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

Signature of the Person verifying

Form XXXV

(See rule 57)

Manner of authorisation of worker for representation under Sub-section (1) of Section 94 of the Code

To,
The Authority (Name _____)
Address _____

I, (Name of the Applicant) _____ hereby authorise Shri _____, holding the post of executive / 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 matter as mentioned below :-

Details of the Dispute / Matter :-

Signature & Name of Person Authorised

Dated :
Place :

Signature and Name and Address of the Applicant

Form XXXVI

(See rule 58)

Manner of authorisation of employer for representation under Sub-section (2) of Section 94 of the Code

To,

The Authority (Name _____)

Address _____

I, (Name of the applicant) _____ hereby authorise Shri _____ ,
 holding the post of (Name of the post) _____ in the Establishment / Association of
 Employers (Name of the Establishment or Association of Employers and Address) _____
 in the matter as mentioned below :-

Details of the Dispute / Matter :-

Dated :

Place :

Signature & Name of Person Authorised

Signature and Name and Address of the Applicant
By Order(Admiral D.K. Joshi, PVSM, AVSM, YSM, NM, VSM (Rtd.)
Lieutenant Governor (Administrator)

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

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