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सरकारी राजपत्र OFFICIAL GAZETTE

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन
U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND
DAMAN AND DIU

असाधारण EXTRAORDINARY

प्राधिकरण द्वारा प्रकाशित / PUBLISHED BY AUTHORITY

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UT ADMINISTRATION OF DADRA & NAGAR HAVELI AND DAMAN & DIU
DEPARTMENT OF LABOUR & EMPLOYMENT
DAMAN

No. LE/LI/DMN/IR/210540/2026/222

Dated:20-07-2026

NOTIFICATION

Whereas, subsequent to the enactment of the Industrial Relations Code, 2020 (Central Act 35 of 2020) (The said Code) by Parliament, the draft Dadra and Nagar Haveli and Daman and Diu Industrial Relations Rules, 2023 were placed on the Official Website of the Union Territory Administration of Dadra and Nagar Haveli and Daman and Diu, vide Notification No. LE/LI/DMN/IR-R/386/2023/569 dated 24-11-2023 inviting objections and suggestions as required under sections 99 of the said Code;

And whereas, vide notification number S.O. 5320 (E), dated 21st November, 2025, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section 3(ii), all the provisions of the said Code have been brought into the force.

Now therefore, the following draft rules, which the Administrator of Dadra and Nagar Haveli and Daman and Diu proposes to make in exercise of the powers conferred by sub-section (1) of section 99 of the Industrial Relations Code, 2020 (35 of 2020) read with sub section (2) of the said section and read with section 24 of The General Clauses Act, 1897 (10 of 1897) and in supersession of the-

- The Dadra and Nagar Haveli and Daman and Diu Model Standing (Amendment) Orders 2020,
- the Daman and Diu Trade Union Regulation, 2010 and
- the Dadra and Nagar Haveli Trade Union Regulations, 1986

except as respects things done or omitted to be done before such supersession, are hereby notified, as required by section 158, for information of all persons likely to be affected thereby and the notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of forty-five days from the day on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to the Commissioner-cum-Secretary (Labour), Dadra and Nagar Haveli and Daman and Diu, Secretariat, Vidhyut Bhawan, Kachigam, Nani Daman - 396 210 in writing or on email - secy-labour-dd@ddd.gov.in or lelidaman@gmail.com. The objections and suggestions should be sent in a proforma containing columns (i) specifying the name and address of the persons and organizations and column (ii) specifying the rule or sub-rule which is proposed to be modified and column (iii) specifying the revised rule or sub rule proposed to be submitted and the reasons therefore;

Objections and suggestions, which may be received from any person with respect to the said draft notification before expiry of the period specified above, will be considered by the Union Territory Administration of Dadra and Nagar Haveli and Daman and Diu.

DRAFT RULES
CHAPTER – I
PRELIMINARY

1. Short title, application and commencement – (1) These rules may be called the Dadra & Nagar Haveli and Daman & Diu Industrial Relations Rules, 2026.

- (i) These Rules shall extend to the whole of the Union Territory of Dadra & Nagar Haveli and Daman & Diu.
- (ii) They shall come into force from the date of its publication in the Official Gazette of Union Territory Administration of Dadra and Nagar Haveli and Daman and Diu.

2. Definitions. – (1) in these Rules, unless the context otherwise requires, -

- a) “Code” means the Industrial Relations Code, 2020;
- b) “Form” means forms appended to these Rules;
- c) “Section” means the section of the Code; and
- d) “Government” mean the Administrator, UT of Dadra & Nagar Haveli and Daman & Diu.

(2) The words and expressions used in these Rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

3. Written Agreement for the settlement before the Conciliation Officer under clause (zi) of section 2. – The written Agreement under clause (zi) of section 2 between the employer and worker shall be in the form specified in Form – I and 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 section 3. – (1) Every employer to whom an order made by the Union Territory Administration of Dadra and Nagar Haveli and Daman and Diu under subsection (1) of section 3 of the Code relates, shall forthwith proceed to constitute a Works Committee (hereinafter in this chapter referred to as the “Committee”) to promote measures for securing and preserving amity and good relations between the employer and workers and, to that end, to comment upon matters of common interest or concern, as specified in these rules.

4. (2) Number of members. –

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

(ii) The total number of members of the Committee shall not exceed twenty.

(iii) The number of representatives of the workers in the Committee shall not be less than the number of representatives of the employer therein:

Provided that the industrial establishment in which women workers are employed shall have adequate representation of women workers in the Committee and such representation shall not be less than the proportion of women workers to the total workers employed in the industrial establishment.

(3) Representatives of employer-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) Consultation with Trade Union(s) –

- 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.
- 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, U.T. of Dadra & Nagar Haveli and Daman & Diu who shall, after hearing the parties, shall decide the matter and his decision thereon shall be final.

(5) Group of workers' representatives and officers of the Committee – On receipt of the information under sub-rule (4), the employer shall provide for the choosing of the worker's representative of the Committee in the following manner, namely: —

(a) in the case of a negotiating union under sub-section (2) or sub-section (3) of section 14 of the Code, such negotiating union shall nominate the worker's representatives of the Committee;

(b) in the case of the negotiating council under sub-section (4) of section 14 of the Code, every registered Trade Union representing in the negotiating council shall be nominated in the Committee in proportion to the number of workers of the industrial establishment who are members of such Trade Union;

(c) where there is no recognised negotiating union or negotiating council referred to in clauses (a) and (b), the workers of the industrial establishment shall elect amongst themselves the worker's representatives of the Committee:

Provided that the employer may, deploy an electronic platform for conducting the election process over an information technology application, online platform or such other platform to enable the election of the representatives of workers to the Committee under this clause:

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

Provided also that where any reference has been made by the employer under sub-rule (4), the process of choosing the worker's representative relating thereto shall be held on receipt of the decision of the Labour Commissioner, Union Territory of Dadra & Nagar Haveli and Daman & Diu.

(6) (i) The Committee shall have among its office-bearers, a Chair person, Vice-Chairperson, Secretary and Joint Secretary.

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

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

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

(iv) The Secretary and Joint-Secretary of the Committee shall be elected every year.

(v) The Committee shall elect the Secretary and Joint Secretary and where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the workers and vice versa:

Provided that the post of the Secretary or Joint Secretary, as the case may be, shall not be held by a representative of either the employer or the workers for three consecutive years:

Provided further that the employer's representatives shall not take part in the election of the Secretary or Joint Secretary, as the case may be, and the representatives of the workers shall be entitled to vote in elections for the post of Secretary or Joint Secretary:

Provided also that in the event of equality of votes in an election under this sub-rule, the matter shall be decided by a draw of lot.

(7) (i) The term of office of the members of the Committee other than a member chosen to fill a casual vacancy, shall be three years.

(ii) Every member chosen to fill a casual vacancy shall hold office for the remaining period of the term of his predecessor.

(iii) In case any member fails to attend three consecutive meetings of the Committee without obtaining leave from the Committee, his membership shall be forfeited.

(8) In the event of worker's representative ceasing to be a member under clause (iii) of sub-rule (15) or ceasing to be employed in the industrial establishment or in the event of his resignation, death or otherwise, his successor shall be chosen in accordance with the provisions of this rule for the remaining period of the Committee from the same group to which the member vacating the seat belonged.

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

(10) (i) The Committee may meet as often as necessary but not less often than once in three months.

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

(11) (i) The employer shall provide a place for holding meetings of the Committee and provide all necessary facilities for carrying out the work of the Committee.

(ii) The Committee shall ordinarily meet during working hours of the industrial establishment concerned on any working day and the representatives of the workers shall be deemed to be on duty while attending the meeting.

(iii) The Secretary of the Committee may with the prior approval of the Chairperson, put up notice regarding the functions of the Committee on the notice board of the industrial establishment.

(12) The employer shall submit the details of the constitution and the functioning of the Committee as a part of unified annual return provided in the rules made in this behalf under the Occupational Safety, Health and Working Condition Code, 2020 (37 of 2020).

(13) The Administration of Dadra & Nagar Haveli and Daman and Diu, or the officer authorised in its behalf, may after making such inquiry as it or he may deem fit, dissolve any Committee at any time, by an order for reasons to be recorded in writing, on being satisfied that the Committee has not been constituted in accordance with the provisions of these rules or that not less than two-thirds of the number of representatives of the workers have without any reasonable justification failed to attend three consecutive meetings of the Committee or that the Committee has, for any other reason, ceased to function:

Provided that where the Committee is dissolved under this sub-rule, the employer may, and if so required by the Administration of Dadra & Nagar Haveli and Daman and Diu or, as the case may be, by such officer, shall take steps to re-constitute the Committee in accordance with these rules

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 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 member may be chosen by the workers of the establishment:

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

(4) Where any workers of the industrial establishment are member of a registered Trade Union, the employer shall ask 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, UT of Dadra & Nagar Haveli and Daman & Diu who shall, after hearing the parties, shall decide the matter and his decision thereon shall be final.

(5) The tenure of the Grievance Committee shall be three years.

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 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. The Grievance may be raised within one year from the date on which the cause of action of such dispute arises.

7. Manner of filing application for the conciliation of grievance as against the decision of the Grievance Redressal Committee to the Conciliation Officer under sub-section (8) of section 4: - Any worker who is aggrieved by the decision of the Grievance Redressal Committee or whose grievance is not resolved by the said Committee within thirty days of receipt of the application, may file an application to the Conciliation Officer within the period of sixty days from the date of the decision of the Grievance Redressal Committee or from the date on which the period specified in sub section (6) of section 4 expires, as the case may be to the Conciliation Officer through the Trade Union, of which he is a member or otherwise.

CHAPTER – III
TRADE UNION

8. Payment of subscription under clause (f) of section 7: - (i) The payment of a subscription shall be from ordinary as well as honorary members of the Trade Union;

(i) The ordinary as well as honorary members of the Trade Union along with any the permanent citizen of India living in any part of the country can donate towards the general fund of the union electronically or through crossed cheque or draft payable to the Union;

(ii) The admission subscriptions for the members of the Trade Union shall be Rs. 100/- and monthly subscriptions shall not be less than Rs. 30/- per member but not more than Rs. 50/- per member or as may be prescribed by Government by notification.

9. Safe Custody of the funds of the Trade Union and Annual audit under clause (j) of section 7. – (1) The funds of the registered Trade Union shall be deposited in any scheduled bank in the name of the Union:

Provided that 2% of the total funds available with the Union shall be kept at the disposal of the two executive members i. e. President, Secretary and Cashier for meeting any exigency pertaining to the routine affairs of the said union.

(2) Auditors. -The annual audit of the accounts of any registered Trade Union shall be conducted by an Auditor authorised to audit the accounts of companies under section 144 (1) of the Indian Companies Act, 1913 or under section 8(2) of the Indian Companies (Amendment) Act.

Exception. -Notwithstanding anything contained in these Rules, no person, who, at any time during the year, was entrusted with any part of the funds or securities belonging to the Trade Union shall be eligible to audit the accounts of the Union.

(3) Audit of funds.-The Auditor or Auditors appointed in accordance with these Rules shall be given access to all the books of the Trade Union and shall verify the annual return with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration appended in (Form-II), indicating separately on that Form under his signature or their signatures a statement showing in what respect he or they find the return to be incorrect, unvouched or not in accordance with the Act/Code. The particulars given in this statement shall indicate: -

- (i) every payment which appears to be unauthorised by the Rules of Trade Union or contrary to the provisions of the Act/Code;
- (ii) the amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of any person;
- (iii) the amount of any sum which ought to have been but is not brought to account by any person.

(4) Audit of separate fund to be constituted under sub-section (2) of section 15. The audit of the separate fund of a registered Trade Union shall be carried out with the audit of the general account of the Trade Union by the same Auditor or Auditors.

10. Declaration to be made by an affidavit under clause (a) of sub-section (1) of section 8.- Every application under section 8 for registration of a Trade Union shall be accompanied by a

declaration to be made by an affidavit in (Form-III) along with fee payable on registration of a Trade Union shall be rupees 100/- (One hundred rupees) or as may be prescribed by Government by notification.

11. Assets and Liabilities of the Trade Union under sub-section (2) of section 8.-Where a Trade Union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar, together with the application, a general statement of assets and liabilities of the Trade Union prepared in (Form-II) annexed to these rules.

12. Register of Trade Union under sub-section (1) and sub-section (3) of section 9.-The Register of Trade Unions as referred to above shall be maintained in (Form IV).

13. Certificate of Registration- (1) The Certificate of Registration issued by the Registrar under sub-section (2) of section 9 shall be in (Form-V).

14. Cancellation/Withdrawal of Registration under sub-section (5) of section 9.- (1) The Registrar on receiving an application for the cancellation/withdrawal of registration shall, before granting the approval, satisfy himself that the withdrawals or cancellation of registrations was approved by the general meeting of the Trade Union, or if it was not so approved, that it has the approval of the majority of the members of the Trade Union. For this purpose, he may call for such further particulars, as he may deem necessary and may examine any officer of the Union.

(2) The Registrar can also cancel the registration of Trade Union on receiving the information under sub section S(ii) of section 9 regarding contravention by the Trade Union of the provisions of this Code.

15. Appeal under sub-section (1) of section 10. - Any appeal made under sub- section (1) of section 10 of the code must be filed within sixty days of the date on which the Registrar passed the order against which the appeal is made.

16. Communications and Notices to a Registered Trade Union under subsection (1) of section 11.-All the communications and notices to a registered Trade Union shall be sent electronically or through registered post or speed post, or manually under proper receipt.

17. Change in the particulars as per sub-section (3) of section 11.- The Trade Union shall inform the Registrar of any change in the particulars given in the application for registration and in its constitution or rules electronically or through registered post or speed post, or manually under proper receipt.

18. (1) The matters pertaining to workers which the negotiating union or the negotiating council, as the case may be, shall negotiate with the employer of the industrial establishment under sub-section (1) of section 14 are specified, as below: -

- (i) classification of grades and categories of workers;
- (ii) order passed by an employer under the standing orders applicable in the industrial establishment.
- (iii) wages of the workers including their wage period, dearness allowance, bonus, increment, customary concession or privileges, compensatory and other allowances;
- (iv) hours of work of the workers, rest days, number of working days in a week, rest intervals, working of shifts;
- (v) leave with wages and holidays;
- (vi) promotion and transfer policy and disciplinary procedures;
- (vii) quarter allotment policy for workers;

- (viii) safety, health and working conditions and related standards;
- (ix) such matters pertaining to conditions of service and terms of employment of the workers which are not covered in the foregoing clauses; and
- (x) any other matter which is agreed between employer of the industrial establishment and negotiating union or negotiating council, as the case may be.

(2) Criteria to recognize Trade Union as sole negotiating Union of the workers under sub-section (2) of section 14.- Where only one Trade Union of workers registered under the provisions of this Code is functioning in an industrial establishment, then, the employer of such industrial establishment shall recognize such Trade Union as sole negotiating Union of the workers subject to the criteria that Trade Union should have thirty per cent or more workers of the total employees of the industrial establishment as its member as verified by a committee consisting of equal number of members from the management of establishment and the members of the registered Trade Unions functioning in that establishment, supporting that Trade Union shall be recognized by the employer of the industrial establishment, as the sole negotiating Union of the workers.

(3) Manner of verification of membership of Trade Unions in an industrial establishment under sub-sections (3) and (4) of section 14.- (i)(a) The Union Territory Administration of Dadra and Nagar Haveli and Daman and Diu shall appoint a verification officer (hereinafter in this rule, referred to as verification officer) for the purpose of verification of membership of the Trade Unions in the industrial establishment who shall not have any interest with any of the Trade Unions in the industrial establishment, whose membership verification is to be carried out by him:

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

(b) The verification officer may utilize the services of other officers to assist him depending upon the quantum of work of membership verification.

(c) The verification officer shall carry out the work of membership verification in the industrial establishment within the time as determined by the **Union Territory Administration of Dadra and Nagar Haveli and Daman and Diu**.

(ii) The employer of the industrial establishment shall bear all expenses and make arrangements in connection with the verification of membership of trade unions under clause (i).

(iii) The Trade Unions which satisfy the following conditions may submit an application to the employer of the industrial establishment to accord status of negotiating union or the representatives of negotiating council of the workers, as the case may be, namely, -

(a) such Trade Union has a valid registration under the Trade Unions Act, 1926 (16 of 1926) and continuing as such or has the registration under the Industrial Relations Code, 2020 (35 of 2020), as the case may be; and

(b) The application for recognition made by Trade Union shall be accompanied with a copy of the registration certificate, a copy of list of members, details of the membership subscription and a copy of latest annual return of the trade union submitted to the Registrar of Trade Unions.

(iv) (a) In case the negotiating union or negotiating council, as the case may be, has been constituted under the Code, the employer of the industrial establishment shall initiate action before expiry of the tenure of negotiating union or negotiating council, as the case may be, sufficiently in advance but not later than three months before the expiry of the tenure of negotiating union or negotiating council, as the case may be;

(b) The date of reckoning shall be fixed by the verification officer for the industrial establishment for the purpose of verification of membership of the trade unions;

- (c) The employer of the establishment shall forward the documents and records submitted by trade unions, to the verification officer.
- (d) On receipt of the documents and records, the verification officer shall scrutinize the records and documents submitted by the trade union to ascertain the status of registration of trade unions and related matters;
- (e) The verification officer shall hold meeting with representatives of employer of industrial establishment and all participating Trade Unions to decide about the process of verification of the membership of Trade Unions through secret ballot.
- (f) The employer may, in consultation with the verification officer deploy an electronic process for conducting the election over an information technology application, online platform or like other platform.
- (4) Verification of membership of Trade Unions through secret ballot. - (i) The verification officer shall convene meeting of representatives of all registered Trade Unions functioning in the industrial establishment at least sixty days before the date of actual voting, to decide –
- (a) publication of voters list;
 - (b) date, time, mode of voting, place of voting;
 - (c) date, time and place of counting; and
 - (d) other modalities relating to secret ballot.
- (ii) The verification officer shall cause the minutes of the meeting to be prepared and signed by all participating Trade Unions. All participating Trade Unions shall be allotted symbols in the same meeting. If no decision could be taken regarding date, time, mode of voting, place of voting, allotment of symbols, date, time and place of counting and like other matters in the meeting, then, the decision of the verification officer shall be final and he shall publish the schedule, program and procedure of such secret ballot election.
- (iii) All workers whose names are borne on the muster roll of the industrial establishment on the date of reckoning shall be eligible to cast their vote.
- (iv) The voters list shall be prepared by the employer of the industrial establishment on the basis of names of the workers borne on the muster roll referred to in clause (iii) and the voters list shall contain the name, father's name, designation, worker number/identity card number issued by the employer and place of posting of the worker. The final voter list shall be published by the employer after obtaining the approval of verification officer and shall be displayed at notice board at the main entrance and website, if any, of the industrial establishment. A copy of such voters list shall also be sent to the participating Trade Unions by hand or by registered post or through electronic mode.
- (v) The verification officer shall display the list of the name of the participating Trade Unions with the symbol allotted to them on the notice board at the main entrance and website, if any, of the industrial establishment within two days of finalization of the list.
- (vi) The voting and counting of votes shall be held on the date, time and place fixed by the verification officer under the supervision of the verification officer and during the counting, agents of all participating Trade Unions shall be allowed to remain present.
- (5) Verification report to the employer. - The verification officer shall submit verification report along with the result sheet to the employer of industrial establishment.
- (6) Trade Union as negotiating union or constituents of negotiating council. - (i) On the basis of verification report submitted by verification officer, the employer of the industrial establishment shall grant recognition to a Trade Union as a negotiating union or a constituent of negotiating council as per provisions of sub- section (3) or sub-section (4) of section 14 of the Code, as the case may be.
- (ii) Any recognition either as negotiating union or the negotiating council shall be valid for

three years from the date of recognition or constitution or such further period not exceeding five years, in total, as may be mutually decided by the employer and the Trade Union, as the case may be:

(7) Facilities to be provided by the Industrial Establishment under sub section 7 of section 14.- The industrial establishment shall provide following facilities to a negotiating union or negotiating council :-

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

19. Utilization of the general funds of a Trade Union under sub-section (1) of section 15.- The general funds of a registered Trade Union shall not be spent on any objects other than specified below-

- (a) the payment of salaries, allowances and expenses to office bearers of the Trade Union;
- (b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;
- (c) the prosecution or defence of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs;
- (d) the conduct of trade disputes on behalf of the Trade Union or any member thereof;
- (e) the compensation of members for loss arising out of trade disputes;
- (f) allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members;
- (g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident or

unemployment;

- (h) the provision of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependents of members;
- (i) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such; and
- (j) the payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year.

20. Constitution of a separate fund under sub-section (2) of section 15.-(1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in sub-rule (2).

(2) The objects referred to in sub-rule (1) are: -

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

(3) No member shall be compelled to contribute to the fund constituted under sub rule (2) and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund and contribution to the said fund shall not be made a condition for admission to the Trade Union.

21. Subscriptions payable by the members of the Trade Union under sub-section (4) of section 15.-The admission subscriptions for the members of the Trade Union shall be Rs. 100/- and monthly subscription shall not be less than Rs. 30/- per member but not more than Rs. 50/- per member.

22. Manner of making application for adjudication of dispute before Tribunal under sub section(1) of section 22 – Where any dispute arises between - (a) one Trade Union and another; or (b) one or more workers who are members of Trade Union and the Trade Union regarding registration, administration or management or election of office bearers of the Trade Union; or (c) one or more workers who are refused admission as members and the Trade Union; or (d) where the dispute is in

respect of a Trade Union which is a federation of Trade Unions and office bearer authorized in this behalf by the Trade Union, then, the aggrieved person may make application to the Tribunal having jurisdiction, in Form A within a period of one year from the date on which the dispute arises, electronically or by registered post or by speed post or in person.

FORM - A
(See Rule 10)

Before the Industrial Tribunal

(Name and Place) -----

Where dispute arises between

(A) Name and Address and Applicant(s)

Versus

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

Over the matter (statement regarding specific issues of dispute may be mentioned) which are connected with relevant To the dispute under sub section (1) of Section 22 of Industrial Relation Code, 2020.

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

Name and signature of the
worker(s) or Officer of
Trade union raising the dispute

Place :

Date

23. Amalgamation and change of name of trade union under sub-section (2) and (3) of Section 24. (1) Amalgamation of Trade Unions.

(a) Notice of every amalgamation shall be sent to the Registrar electronically or otherwise by the registered post or speed post in duplicate in Form IX hereto by the applicant trade union.

(b) When the Registrar registers the amalgamation, he shall certify under his signature of such amalgamation and issue the certificate electronically or otherwise by registered post or by speed post to all the concerned trade unions and shall make entry in the records of such amalgamation.

(2) Change of name of Trade Union.

(a) The notice of any change of the name of the Trade Union shall be sent to the Registrar electronically or otherwise by registered post or by speed post in Form X hereto.

(b) When the Registrar registers the change of name, he shall certify under his signature of such change and issue the certificate electronically or otherwise by registered post or by speed post to all the concerned trade unions and shall make entry in the records of such amalgamation.

24. Funds of a dissolved Trade Union under sub-section (2) of section 25.-Where it is necessary for the Registrar under section 25 to distribute the funds of a Trade Union which has been dissolved, he shall divide the funds in proportion to the amounts contributed by the members by way of subscription during their membership.

25. Annual returns under clause (a) sub-section (1) of section 26.-The annual return to be furnished under section 26 shall be submitted to the Registrar by the 15th day of February in each year and shall be in (Form-II).

CHAPTER IV
STANDING ORDERS

26. Manner of forwarding information to certifying officer under Sub section (3) of section 30 – (1) if the employer adopts the model standing order of the Central Government referred to in section 29 with respect to matters relevant to his industrial establishment or undertaking, then he shall intimate the concerned certifying officer electronically, 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 within period of 30 days from such receipt may give his observation that the employer is required to include certain provision which are relevant to his establishment and indicate those relevant provisions of the model standing orders which have not been adopted shall also direct the employer to amend the standing order so adopted, by way of addition, deletion or modification with in a period of 30 days from the date of the receipt of such direction and ask for compliance report only and respect of provisions which the certifying officer seeks to get so amended and such report shall be sent electronically by the employer.

(3) If no observation is made by certifying officer with in period of 30 days of the receipt of the information as specified in sub-rule (1) and (2), then, the standing order shall be deemed to have adopted by the employer.

27. Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer whereas there is no Trade Union operating, under clause (ii) of sub-section (5) of section 30. - Where there is no such Trade Union and negotiating Union or negotiating Council, as is referred to in clause (i) of said sub-section (5), then, the certifying officer shall call a meeting of the workers to choose three representatives, to whom he shall, upon their being chosen, issue notice along with a copy of the standing order or modification, as the case may be, in the language spoken and understood by the majority of the workers, requiring objections, if any, which the workers may desire to make to the draft standing order to be submitted within fifteen days from the receipt of the notice.

28. Manner of authentication of certified standing orders under sub-section (8) of section 30. - The standing orders or modification in the standing orders, certified in pursuance of sub-section (8) of section 30 or the copies of the order of the appellate authority under sub-section (1) of section 33 shall be authenticated by the certifying officer or the appellate authority, as the case may be, and shall be sent electronically 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.

29. Statement to be accompanied with draft standing orders under sub - sections (9) of section 30. -A statement to be accompanied with, -

- (i) draft standing order shall contain, the particulars such as name of the industrial establishment or undertaking concerned, address, e-mail address, contact number and strength and details of workers employed therein including particulars of trade union to which such workers belong; and
- (ii) draft modification in the existing standing orders, shall contain the particulars of such standing orders which are proposed to be modified along with tabular statement containing details of each of the relevant provision of standing order in force and proposed modification therein and reasons thereof and such statement shall be signed by a person authorized by the industrial establishment or undertaking.

30. Conditions for submission of draft standing order in similar establishment under sub-section (10) of section 30. - In cases of group of employer engaged in similar industrial establishment may submit a joint draft 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 Union, negotiating Union or negotiating Council, 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 Commissioner-cum-Secretary (Labour), Dadra and Nagar Haveli and Daman and Diu, who shall, in consultation with the concerned certifying officers, certify or refuse to certify the said joint draft standing order, after recording reasons therefor.

31. Manner of disposal of appeal by appellate authority under section 32.- (I) An employer or Trade Union or negotiating Union desirous of preferring an appeal against the order of the certifying officer given under sub-section (5) of section 30 shall within sixty days of the receipt of such order shall draw up a memorandum of appeal in tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added and reasons thereof and shall be filed electronically 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 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 dispose of the appeal.

32. The language and the manner of maintaining standing order under sections 33 sub-section (1) and (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 section 30.
- (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 or in English and in the official language of the U.T. of Dadra & Nagar Haveli and Daman & Diu where the industrial establishment is situated.
- (3) The certified standing orders shall be displayed in legible manner by the employer on the special board to be maintained for the purpose at the entrance or near the entrance of the industrial establishment through which majority of workers enter and may also be posted on the designated portal/website, if any, of such industrial establishment.

33. Register for final certified copy of standing order under section 34-(1) The certifying officer shall maintain electronically, a register of standing orders certified or deemed to have been certified or adopted model standing orders of all the concerned industrial establishments, inter -alia, containing the details of –

- (i) The unique number assigned to each standing order;

- (ii) Name of industrial establishment;
- (iii) Nature of industrial establishment;
- (iv) Date of certification or deemed certification or date of adoption of model standing order by each establishment or undertaking;
- (v) The areas of the operation of the industrial establishment; and
- (vi) Such other details as may be relevant and helpful in retrieving the standing orders and create a data base of such of all standing orders.

(2) The certifying officer shall furnish a copy 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.

34. Application for modification of standing order under sub-section and (2) of section 35.- The application for modification of an existing standing order under sub-section (2) of section 35 shall be submitted electronically 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 there in, and such statement shall be signed by a person authorized by the industrial establishment or undertaking.

35. Establishments exempt from this chapter under section 39: - The provisions of this chapter shall not apply to establishments wherein less than 500 workers are employed or were employed on any day of the proceeding twelve months.

CHAPTER V NOTICE OF CHANGE

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

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

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

CHAPTER VI VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

37. Form of arbitration agreement and the manner thereof under sub-sections (3) of section 42.- (1) Where the employer and workers agree to refer the dispute to arbitration, the Arbitration Agreement shall be in Form-Vil and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent in writing or electronically of Arbitrator or Arbitrators.

(2) The Arbitration Agreement referred to 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, an individual worker by the worker himself or by an officer of registered trade union of which the worker is a member-

Explanation. -(1) For the purpose of this rule, the term “officer”, -

- (a) In case of an association of the employers, means any officer of such association of the employers authorized for such purpose; and
- (b) In case of a registered Trade Union, means any of the following officers of such Trade Union authorized for such purpose, namely: -
- (i) the President;
 - (ii) the Vice -President;
 - (iii) the Secretary (including the General Secretary);
 - (iv) a Joint Secretary; and
 - (v) any other officer of the Trade Union authorized in this behalf, by the President and Secretary of the union.

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

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

CHAPTER VII MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES

40. Terms and conditions of service of the office of the Judicial Member of the Tribunal constituted by the Government under sub-section (1) of section 44.-

- (1) The Judicial member shall be appointed by the Government 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 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-IX) annexed to these rules.
- (2) The salaries and allowances, resignation, removal and other terms and conditions of the Judicial Member so appointed shall be the same as are applicable to them in their respective Cadres of service.
- (3) The Government 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.

41. Terms and conditions of service of the office of the Administrative Member of the Tribunal constituted by the Government under sub-section (1) of section 44 – (1) The Administrative Member of the Tribunal shall be appointed by the Government from the persons who having held the post not below the rank of Joint Secretary or an equivalent rank in the Dadra & Nagar Haveli and Daman & Diu 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-IX) annexed to these rules.
- (b) The salaries and allowances, resignation, removal and other terms and conditions of the Administrative Member so appointed shall be the same as are applicable to them in their respective Cadres of service.
- (c) The Government 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.

42. Manner of holding conciliation proceedings under sub-section (1), full report under sub-section (4), and application and the manner of deciding such application under sub-section (6) of section 53.-(1) Where the Conciliation Officer receives any information about an existing or apprehended industrial dispute and he considers it necessary to intervene in the dispute, he shall give formal intimation to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be specified therein.

(a) The party representing workmen involved in an industrial dispute shall forward a statement of its demands along with a copy of the notice to the Conciliation Officer concerned. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.

(b) The party representing workmen, or in the case of an individual workmen, the workman, himself involved in a dispute shall forward a statement of its demands to the Conciliation Officer concerned before such date as may be specified by him for commencing conciliation proceedings. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.

The conciliation Officer shall send to the opposite party concerned a copy of the statement received, as the case may be, who shall file its rejoinder with the Conciliation Officer within a period of one week of its receipt Provided that the Conciliation Officer may when he considers necessary extend the time limit for the filing of the rejoinder by any party.

(c) The statement of demands submitted by the party representing the workmen, or in the case of individual workman by the workman himself along with a copy of the rejoinder shall be transmitted to the Government by the Conciliation Officer concerned with his report.

(d) Where an employer, or the party representing the workmen, or in the case of individual workman, the workman himself applies to the Government for reference of an industrial dispute to a Labour Court or Tribunal, such application shall be accompanied by a statement of the demands or matters in dispute with as many spare copies thereof as there are opposite parties.

(e) The statement and every copy thereof required under the said sub-rules to accompany the said statement shall be duly signed, on behalf of the party, by the person making it.

(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 within seven days from the date on which the conciliation proceedings are concluded.

(3) The report referred to in sub-rule (2) shall be communicated electronically or otherwise 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 party may make an application in Form-X, before the Tribunal electronically within ninety days from the date of the report under sub-rule (2).

(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. The Tribunal shall direct the party raising the dispute to file a statement of claim with complete details along with relevant documents, list of supporting documents and witnesses within thirty days from the date on which application is filed. A copy of such statement may be sent electronically for service on each of the opposite parties in the dispute.

(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, the Tribunal shall fix the first hearing as soon as possible and within a period of one month from the date of receipt of the application. The opposite party or parties shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party or parties 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) The evidence shall be recorded in Tribunal or may be filed on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. Where the oral examination of each witness proceeds, the Tribunal shall make a memorandum of the substance of what is being deposed. 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 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 to the parties concerned and the Government 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 rupees Two per page.
- (b) For certifying a copy of any such award or order or document, a fee of rupees Two per page shall be payable.
- (c) Copying and certifying fees shall be payable electronically.
- (d) Where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable.

(17) The representatives of the parties appearing before a Tribunal shall have the right of examination, cross-examination and of addressing the Tribunal or State Industrial 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.

42A. Matters in respect of which a conciliation officer and Tribunal shall have powers of a Civil Court under clause (d) of sub-section (3) of section 49.—The Conciliation officer and the Tribunal shall have the powers of a Civil Court as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit in respect of the following matters, namely:—

- (a) inspection of premises of establishment and documents;
- (b) receiving evidence on affidavit;
- (c) discovery of the documents;
- (d) investigation and enquiry;
- (e) any other matters that may be prescribed by the Administrator of Union Territory of Dadra & Nagar Haveli and Daman & Diu

42B Application for recovery of dues.—

(1) Where any money is due from an employer to a worker or a group of workers under a settlement or an award or under the provisions of Chapter IX or Chapter X of the Code, the worker or the group of workers, as the case may be, may apply in Form -17* for the recovery of such money due:

Provided that in the case of a person authorised in writing by the worker, or in the case of the death of the worker, the assignee or heir of the deceased worker shall make the application in Form 18*.

(2) Where any worker or a group of workers is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money, the worker or the group of workers, as the case may be, may apply to the Tribunal having jurisdiction in Form 19* for the determination of the amount due or, as the case may be, the amount at which such benefit should be computed and such Tribunal shall decide the application within a period not exceeding three months from the date on which the application is filed:

Provided that in the case of the death of a worker referred to in this sub-rule, the application shall be made in Form 20 by the assignee or heir of the deceased worker.

CHAPTER VIII
STRIKES AND LOCK-OUTS

43. 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-XI, which shall be duly signed by the President or General Secretary of the concerned registered Trade Union or where there is no registered Trade Union, by five elected representatives of the workers giving the notice relating to the concerned industrial establishment, endorsing the copy thereof electronically or by speed post to the Assistant / Deputy / Joint Commissioner (Labour)-cum-Conciliation Officer, Labour Commissioner, U.T. of Dadra & Nagar Haveli and Daman & Diu and the Government.

44. Manner of giving notice of lock-out under sub-section 5 and authority under sub section 6 of 62. (1) The notice of lock-out referred to in sub-section (2) of section 62 shall be given by the employer of an industrial establishment in Form XII to the President or General Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof electronically to the Assistant / Deputy / Joint Commissioner (Labour)-cum-Conciliation Officer, Labour Commissioner, U.T. of Dadra & Nagar Haveli and Daman & Diu and the Government.

The notice shall be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

(2) If the employer of an industrial establishment receive 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 Assistant / Deputy / Joint Commissioner (Labour)-cum-Conciliation Officer and Labour Commissioner, U.T. of Dadra & Nagar Haveli and Daman & Diu.

(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 Assistant / Deputy / Joint Commissioner (Labour)-cum-Conciliation Officer and Labour Commissioner, U.T. of Dadra & Nagar Haveli and Daman & Diu

CHAPTER IX
LAY-OFF, RETRENCHMENT AND CLOSURE

45. Manner of serving notice before retrenchment of the worker under clause (c) of section 70.- If any employer desires to retrench any worker and 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-XIII to the Government, Labour Commissioner, U.T. of Dadra & Nagar Haveli and Daman & Diu and Assistant/ Deputy/ Joint Commissioner (Labour)-cum-Conciliation Officer through e-mail or, by registered or speed post.

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

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

(3) The employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment the details of vacancies at least fifteen days before the date on which such vacancies are to be filled and shall also give intimation of those vacancies by registered post or

speed post or through e-mail to every one of all the retrenched workers eligible to be considered therefor, to the latest address or e-mail, given by each of them at the time of retrenchment or at any time thereafter:

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

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

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

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

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

47. Manner of serving notice by the employer for intended closure under sub-section (1) of section 74.- If an employer intends to close down industrial establishment, he shall give notice of such closure in Form XIII to the Government, Labour Commissioner, and Assistant/ Deputy/ Joint Commissioner (Labour)-cum- Conciliation Officer and Labour Commissioner, U.T. of Dadra & Nagar Haveli and Daman & Diu by e-mail or registered post or speed post.

CHAPTER X

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

48. Manner of making application to Government by the employer for the intended lay-off and the manner of serving copy of such application to workers under sub-section (2) of section 78.- An application for permission under sub-section (I) of section 78 shall be made by the employer in Form XIV stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to the worker concerned electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.

49. Manner for applying for permission from Government to continue the lay-off under sub-section (3) of section 78.-The employer shall in case of an industrial establishment being a mine specified in sub-section (3) of section 78 where the workers (other than Badli workers or casual workers) have been laid-off under sub-section (1) of section 78 for reasons of fire, flood or excess of inflammable gas or explosion, within a period of thirty days from the date of commencement of such lay-off, apply to the Government electronically and by registered or speed post with a copy to the Labour Commissioner, U.T. of Dadra & Nagar Haveli and Daman & Diu and the Assistant / Deputy / Joint Commissioner (Labour)-cum- 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 layoff and the reasons for continuation of such layoff.

50. Time-limit for review under sub-section (7) of section 78.-The Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (4) of the section 78 within a period of thirty days from the date on which such order is made.

51. Manner of making application to Government by the employer for the intended retrenchment and manner of sending copy of such application to workers under sub-section (2) of section 79.- An application for permission referred to in sub-section (1). of section 79 shall be made by the employer in Form XIV stating clearly therein the reasons for the intended retrenchment electronically and a copy of such application shall also be sent to workers electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

52. Time-limit for review under sub-section (6) of section 79.-The Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub -section (3) of section 79 within a period of thirty days from the date on which such orders is made.

53. Manner of making application to Government by the employer for intended closing down of an industrial establishment and the manner of sending copy of such application to the representatives of workers under sub-section (1) of section 80.- An employer who intends to close down an industrial establishment to which Chapter X of the Code applies, shall apply electronically in Form XIV for prior permission at least ninety days before the date on which intended closure is to become effective to the Government, stating clearly therein the reasons for the intended close of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers electronically and by registered post or speed post.

54. Time-limit for review under sub-section (5) of section 80.- The Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (2) of section 80 within a period of thirty days from the date on which such order is made.

CHAPTER XI WORKER RE-SKILLING FUND

55. Manner of utilization of fund under sub-section (3) of section 83.- Every employer who has retrenched a worker or workers under this Code, shall, within ten days, at the time of retrenching a worker or workers shall electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account (name of the account shall be displayed on the website of the Labour Department, UT of Dadra & Nagar Haveli and Daman & Oiu to be maintained by the of Dadra & Nagar Haveli and Daman & Diu. The fund so received shall be transferred by the Administration of Dadra & Nagar Haveli and Daman & Diu to each worker or workers' account electronically with in forty-five days of receipt of funds from the employer. 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 Administration of Dadra & Nagar Haveli and Daman & Diu to transfer the amount in their respective account.

55A. Contribution from such other sources to be made to 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 workers re-skilling fund shall consist of,-

- (1) Corporate Social Responsibility fund of the Companies;
- (2) Donations from Industrial or Employer or Builders association;
- (3) Donations from Employees associations;
- (4) Donations from citizens of India;
- (5) Grants from Central and State Governments;
- (6) Contributions from the Funds of Member of Parliament and State Legislatures;
- (7) Grants or donations from local authority or such other institutions.

CHAPTER XII
OFFENCES AND PENALTIES

56. Officer for holding enquiry- For the purpose of Section 85 (1), the appropriate Government may, by notification, appoint any officer not below the rank of Under Secretary to the Government of India or an officer of equivalent rank in the Administration of Dadra & Nagar Haveli and Daman & Diu, as the officer appointed for holding enquiry within his jurisdiction.

57. Manner of composition of offence by a Gazetted Officer specified under sub-section (1) of section 89 and the manner of making application for the compounding of an offence specified under sub-section (4) of section 89.- (1) The officer notified by Government for the purposes of compounding of offences under sub-section (1) of section 89 (hereinafter referred to as the compounding officer), shall in the offences in which prosecution is not instituted, if the compounding officer is of the opinion that any offence under the Code for which the compounding is permissible under section 89, he shall send a notice electronically or otherwise to the accused in Form XV consisting of three parts. In Part I of such Form, the compounding officer shall inter-alia specify the name of the offender and his other particulars, the details of the offence and in which section the offence has been committed, the compounding amount required to be paid towards the composition of the offence. Part II of the Form shall specify the consequences, if the offence is not compounded and Part III of the Form shall contain the application to be filed by the accused, if he desires to compound the offence. Each notice shall have a continuous unique number containing alphabets or numeric and other details such as officer sending notice, year, place, type of inspection for the purpose of easy identification.

(2) The accused to whom the notice referred to in sub-rule (1) is served, may send the Part III of the Form duly filled by him to the compounding officer electronically or otherwise and deposit the compounding amount electronically or otherwise, within fifteen days of the receipt of the notice, in the account specified by the compounding officer in the notice.

(3) Where the prosecution has already been instituted against the accused in the competent Court, he may make an application to the Court to compound the offence against him and the court, after considering the application, may allow composition of the offence by the Compounding Officer in accordance with provisions of Section 89.

(4) If the accused complies with the requirement of sub-rule (2), the compounding officer shall compound the offence for the amount of money deposited by the accused and-

- (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 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 Government.

CHAPTER XIII
MISCELLANEOUS

58. Manner of making complaint by an aggrieved worker under section 91.- (1) Every complaint under section 91 shall be made electronically and by registered post or speed post in Form XVI 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, and the Industrial Tribunal, as the case may be, to be acquainted with the facts of the case.

58A. 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 recognised as —protected workers^{III}. Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.

(2) The employer shall, subject to sub-section (3) and sub-section (4) of section 90, recognise such workers to be —protected workers for the purposes of section 90 and communicate to the Union, in writing, within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workers recognised as protected workers for the period of twelve months from the date of such communication.

(3) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workers, admissible for the industrial establishment, under sub-section (4) of section (90), the employer shall recognise as protected workers only such maximum number of workers:

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

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

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

59. 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 VIII.

60. 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 VIII 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.

61. Collection of Statistics: -The employer shall submit the details of strike, lockout, lay-off, retrenchment and closures, statistics required under these rules electronically in Form and manner time to time to the Government as well as the Office of Director General, Labour Bureau.

FORM I
(See rule 3)

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

Names of Parties:

..... Representing employers;

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

Terms of the settlement

Signature of the parties

Witnesses:

(1)

(2)

*Signature of Conciliation Officer

In case the settlement arrived at between the employer and his workers otherwise than in the course of conciliation proceeding the copy of the memorandum shall be marked to the concerned Assistant Labour Commissioner/Labour-cum-Conciliation Officer.

FORM II
(See rule 9(3), Rule 11 and Rule 25)
(Form for Trade Union)

Annual Audit Report, Details of Assets and Liabilities and Annual Return to be furnished by the Trade Union for the year ending 31 December, 20_____.

PART A

1. Name of the Union _____
2. Address of the Union _____
3. Registered Head Office _____
4. Number and date of certificate of registration _____
5. Classification of Industry (to be shown as per Schedule of Industries attached) _____
6. Classification of Sector [Please state to which of the following four categories the union belongs] - (a) Public Sector - Central Sphere; (b) Public Sector - State Sphere; (c) Public Sector - General Sphere; and (d) Public Sector - State Sphere] _____
7. Name of the All-India Body/Federation to which affiliated _____
8. Affiliation number _____
9. Affiliation fee paid during the year _____
10. Number and date of receipt for payment of affiliation fee _____
11. Membership fee per month _____
12. No. of the member on books at the beginning of the year _____
13. No. of members admitted during the year _____
14. No. of members who left during the year _____
15. No. of the members on books at the end of the year (i.e. on 31st March, 20_____) Male _____ Female _____ Total _____
16. No. of members contributing to political fund _____
17. No. of members who paid their subscription for the whole year _____
18. A copy of the rules of the trade union corrected upto the date of dispatch of this return is appended _____
19. Part B of the return over-leaf has been duly completed.

Date the

President or General Secretary

Note. (1) If the Federation falls under more than one category, the membership claim in each category may be shown, separately.

Note. - (2) Name of Unions should be given in separate statements marked 'A', 'B', 'C' & 'D'.

Part B

Statement of Liabilities and Assets of the 31st Day on March,

20.

Liabilities	Rs. Ps.	Assets	Rs. Ps.
Amount of general fund		Cash -	
Amount of political fund		In hands of Treasurer	
Loans from		In hands of Secretary	
		In hands of	
		In the Bank	
		In the Bank	
		Securities as per list below	
		Un-paid subscription due for -	
		*(a) the year	
		*(b) previous year	
		Loans to-	
		(a) Officers	
		(b) members	
		(c) others	
Debts due to-		Immovable property	
Other liabilities (to be specified)		Goods and Furniture	
		Other assets (to be specified)	
Total liabilities		Total liabilities	

List of Securities

Particulars	Face Value	Cost Price	Market price at date on which accounts have been made up	In hands of
GENERAL FUND ACCOUNT				
				Treasure
Income			Expenditure	
	Rs. Ps.			Rs. Ps.

Balance at the beginning of the year		Salaries, allowance and expenses of Officers	
Subscription from the members (including unpaid subscription due for the year)		Travelling allowance, salaries, allowances and expenses of establishment	
		Auditors fees	
		Legal expenses	
a) Subscription received		Expenses in conducting trade dispute	
b) Subscription in arrears for three months or less		Compensation paid to members for loss arising out of trade disputes	
c) Subscription in arrears for more than three months		Funeral, old age, sickness, unemployment benefits etc.	
		Educational, Social and religious benefits	
Donations		Cost of publishing periodicals	
Sale of periodicals, books, rules, etc			
Interest on investments Income from Miscellaneous sources (to be specified)		Rents, rates and taxes, Stationery, Printing and postage Expenses incurred under section 15 of the Industrial Relations Code, 2020 (to be specified)	
		Other expenses (to be specified)	
		Balance at the end of year	
Total		Total at	

Political Fund Account

	Rs Ps.		Rs Ps.
Balance at the beginning of year		Payments made on objects specified in section 15 of the Industrial Relations Code, 2020 (to be specified)	
Contribution from members at per member		Expenses of management (to be fully specified) Balance at end of year	

Treasurer

Auditors Declaration

The undersigned, having had access to all the books and accounts 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 Trade Union had properly maintained its membership register and its accounts and the members had paid their membership subscriptions to the Trade Union as shown in the foregoing statement of the general fund account of the Union, subject to the remarks, if any, appended hereto.

The following changes of (office bearers) have been made during the year.

(officer bearers) Relinquishing Office

Name of [Office bearer]	Date of relinquishing office

[office Bearers]				Appointed		
Name	Date of birth	Private address	Personal occupation	Title or position held in the Trade Union	Date on which appointment in column 5 was taken up	Other offices held in addition to membership of executive with date
1	2	3	4	5	6	7

Elections

Date of Last election
of officer bearer _____

Date of next election
of officer bearer _____

Precedent or General Secretary

FORM III
(See rule 10)

Application for Registration of Trade Union

Dated _____ day of _____ 20

1. We hereby apply for the registration of a trade union under the name of _____
2. The address of the head office of the union is _____
3. The union came into existence on the _____
4. The union is union of employers/workers engaged in the industry _____ or (profession).
5. The particulars required by section 8 (1) of Industrial Relations Code, 2020 are given in Schedule I.
6. The particulars given in Schedule II show the provision made in the rules for the matters detailed in section 8 (1)(b) of Industrial Relations Code, 2020.
7. To be struck out in the case of unions which have not been in existence for one year before the date of application. The particulars required by section 8 (2) of the Industrial Relations Code, 2020 are given in Schedule III.
8. We have been duly authorised to make this application by*

Serial No.	Signature	Occupation	Address

*State whether the authority was given by a resolution of a general meeting of the Union if not in what other way it as given.

To

The Registrar,
Trade Unions, U.T. of DNH & DD.

Schedule I List of Officers

Serial No.	Title	Name	Age	Address	Occupation

Note Enter in this schedule the name of all members of the executive of the Union, showing in column 1 the names of any posts held by them (e.g. President, Secretary including the General Secretary, Treasurer, etc.) in addition to their [office bearers] a member of the executive.

Schedule II

The numbers of the rules making provision for the several matters detailed in column 1 are given in column 2 below: -

Serial No.	Matter	Number of rules
1.	Name of union	
2.	The whole of the subjects 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 [office bearers] 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 reminded	
11.	The manner in which the members of the executive and the other [Office bearers] of the union shall be appointed and removed	
12.	The safe custody of the funds	
13.	The annual audit of 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.	The procedure for declaring a strike	

Schedule III

This Need Not Be Filled in If The Unions Came Into Existence Less Than One Year Before.

The Date of Application for Registration

Statement of Liabilities and Assets on the day of _20

Liabilities

Rs. A. P.

Assets

Rs. A. P.

Amount of general Fund

Cash: -

Amount of political fund

In hands of Treasurer

In hands of Secretary

Loan from _____

In hands of

In the Bank

Securities as per list below

Debts due to _____

Other Liabilities (to be specified)

Unpaid subscriptions due

_____ Loans to _____

Immovable property,
Goods and furniture other
assets (to be specified)

Total Liabilities

Total Assets List of Securities

List Securities

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

FORM IV

(See rule 12)

Serial No.	Officer						
Name of Union	Year of entering office	Name	Age on entry	Addresses	Occupation	Year of relinquishing office	Other Offices held In addition to membership of Executive with dates
Address of Head Office							
Date of Registration							
Number of application form							
List of members applying for registration							
1.							
2.							
3.							
4.							
5.							
6.							
7.							

FORM V
{See rule 13}

Certificate of Registration of Trade Union

No.

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

'Seal'
Unions

Registrar of Trade

FORM VI
(See rule 36(1))

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

Name of employer.....

Address.....

Dated theday of 20.....

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

Signature

Designation

ANNEXURE

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

Copy forwarded to:

1. The President or General Secretary of registered Trade Union, if any.
2. Concerned Conciliation Officer of the area.

Signature

Designation.....

FORM VII
(See rule 37(1))

(Agreement for voluntary arbitration)

BETWEEN

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

Representing worker

It is hereby agreed between the parties to refer the following dispute to the arbitration of

..... [here specify the name(s) and address(es) of the arbitrator (s).

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

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

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

stand automatically cancelled and we shall be free to negotiate for fresh arbitrator.

Signature of the parties Representing employer/Representing worker/workers.

Witnesses

1.

2.

Copy to:

- (i) The Conciliation Officer I Deputy I Joint Commissioner (Labour), Daman I DNH/Diu
- (ii) The Secretary Labour, DNH & DD Administration.
- (iii) The Labour Commissioner, U.T. of DNH & DD.

FORM VIII

(See rule 39, rule 59 and rule 60)

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

Before the Authority

(Here mentions the authority concerned)

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

.....workers

Versus.....Employer

I/we hereby authorize Shri/Sarvashri(if representatives are more than one) 12.....3..... to represent me/us in the Above matter.

Dated thisday of20.....

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

FORM IX

(See clause (c) of sub - rule 1 of rule 40 and clause (a) sub- rule 1 of rule 41)

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

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

(Signature)

Place:

Date:

FORM X

{See Sub - rule 5 of rule 42}

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

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

In the matter of: Applicant Address

Versus Opposite party (ies)

Address

The above-mentioned applicant begs to state as follows :-(Here set out the relevant facts and circumstances of the case).

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

Date

Place

Form XI

(See rule 43)

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

Name of five elected representatives of workers

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

To

(The name of the employer).

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of section 62 of the Industrial Relation code !/We hereby give you notice that I propose to call a strike / we propose to go on strike on20....., for the reasons explained in the annexure.

Yours faithfully,

(President or General Secretary of the Union)

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

ANNEXURE

Statement of the case

Copy to:

- 1) Conciliation Officer, UT of DNH & DD
- 2) Labour Commissioner, U.T. of DNH & DD.

FORM XII

(See rule 44)

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

Name of employer

Address.....

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

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

Signature.....

Designation.....

ANNEXURE

Statement of reasons 1.

Copy forwarded to:

- (1) The President or General Secretary of the Registered Union, if any
- (2) Conciliation officer [Here enter office address of Conciliation Officer of the concerned area.]
- (3) Labour Commissioner, U.T. of DNH & DD
- (4) The Secretary Labour, U.T. of DNH & DD.

Form XIII

(See sub-section (c) of section 70, rule 45 and rule 47)

(Notice of Intimation of Retrenchment/Closure to be given by an employer to the U.T. Administration of DNH & DD)

[In cases of Part I, the prior notice of intimation should be served thirty days before the commencement of retrenchment and in cases of Part II, i.e., closure, prior notice of intimation of sixty days is required to be given before the commencement of closure]

Name of Industrial Establishment or Undertaking or Employer

.....

Address..... Dated (DD/MM/YYYY).

To,

The Secretary Labour,
UT Administration of DNH & DD
Department of Labour,
Daman.

Sir,

Part I (Retrenchment)

1. Under clause (a) of section 70 of the Industrial Relation Code, 2020, I/ we hereby inform you that I/we have decided to retrench (number of workers) workers with effect from (DD/MM/YYYY) for the reasons explained in the Annexure 2The workers concerned have been given on the.....(DD/MM/YYYY) one month's notice in writing as required.

or

The worker(s) have been given on the.....(DD/MM/YYYY) one month's pay in lieu of notice as required.

3. The total number of workers employed in the industrial establishment/undertaking are.....and the total number of those who are being retrenched are.....

Part II

(Closure)

1. Under sub-section (1) of section 74 of the Industrial Relation Code, 2020, I/ we hereby inform you that I/we have decided to close down..... (Name of the industrial establishment or undertaking or employer) with effect from (DD/MM/YYYY) for the reasons explained in the Annexure I.

2 The number of workers whose services would come to an end on account of the closure of the industrial establishment or undertaking are (number of workers).

Category and designation of workers, who have been affected due to closure.

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

Yours faithfully,

(Name & Designation of the
Employer/ authorized representative

ANNEXURE I

Statement of Reasons for retrenchment/closure (strike whichever is not applicable) with reference to Rule 25 and Rule 27 and Form VIII.

Copy to:

1. To the office of Labour Commissioner, U.T. of DNH & DD (Only for statistical purpose)
2. Conciliation Officer, Daman/ Diu / DNH

FORM XIV

(See rule 48, rule 51 and rule 53)

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

To

The Secretary Labour,
Department of Labour
U.T. Administration of DNH & DD

Sir

*1. Under *sub-section (2) of Section 78 of the Industrial Relations Code, 2020, I/we hereby apply for -permission to lay-off. 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-1.

*2. Under sub-section (2) of section 79 of the Industrial Relation Code 2020, I/we hereby apply for permission for proposed retrenchment of.....Workers(indicate number in figures and words) with effect from (DD/MM/YYYY) for the reasons set out in the Annexure-1.

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

*4. Under section 80(1) of the Industrial Relation Code, 2020, I / we hereby inform you that I/we propose to **close down the undertaking specified below of (name of the industrial establishment).(Give details as in Annexure II) with effect from (DD/MM/YYYY)

5. The number of workers whose services will be terminated on account of the closure ofthe undertaking is.

(Number of workers).

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

All Such workers permitted to be laid-off/ retrenched or terminated due to c l o s u r e w i l l be paid such compensation, to which they are entitled under section 67, read with section 78(10), or, 79(9) or, 80(8) respectively of this Code as per the details given below.

Yours faithfully,

(Signature)

(*Strike off which is not applicable)

(** The application for permission in case of closure must be given at least 90 days before of the intended closure)

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.		I	I	I	I
2.	Reasons for lay-off/retrenchment/Closure (strike out whichever is not applicable)-				

ANNEXURE I II

	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 State 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) GST Number	
	(c) Registration number of the labour department	
4.	(a) *Names and identification number of the affected workers proposed to be laid-off/retrenched/ to be affected by closure.	The identification number UAN of EPFO under SS Code.
5.	(i) Annual production, item wise for pre-ceeding three years- (ii) Production figures, month-wise, for the preceding twelve months.	
6.	Balance sheets, profit and loss accounts and audit reports for the last three years.	To be annexed
7.	Net worth of the company	
8.	Names of the inter-connected companies or companies under the same management.	
9.	Details of lay-off/ Retrenchment resorted to in the last three years (other than the lay-off/ Retrenchment for which permission is sought), including the periods of such lay-offs/ Retrenchment the number of workmen involved in each such lay-off/ Retrenchment/ continuation of lay off	
10.	Any other relevant details which have bearing on lay-off or retrenchment or Closure.	

A copy of this form is also to be submitted to the office of Labour Commissioner, DNH & DD.

FORM XV
{See rule 57 (1)}

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

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

PART -I

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

PART - II

You are advised to deposit the above-mentioned amount within fifteen days from the date of issue of this notice for compounding the offence as per section 89 (1) of the Industrial Relation Code, 2020, 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--shall be issued.

Date:

Place:

(Signature of the
Compounding Officer)

PART -III

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

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

Applicant

(Name and signature)

Date:

Place:

FORM XVI
{See rule 58 (1)}

(Complaint under Section 91 of the Industrial Relation Code, 2020) Before the Conciliation officer/Arbitrator/Industrial Tribunal.

In the matter of _____ Reference
No _____

A _____

Complainant(s);
Versus

B _____ Opposite Party(ies).

Address:

The petitioner(s) begs/beg to complain that the Opposite Party(ies) has/have been guilty of a contravention of the provisions of section 90 of the Industrial Relation code, as shown below: (Here set out briefly the particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act of the management is challenged.)

The complainant(s) accordingly prays/pray that the Conciliation officer/ Arbitrator/ Industrial Tribunal

may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

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

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

I do solemnly declare that what is stated in paragraph _____ above is true to my Knowledge and that what is stated in paragraphs..... above is stated upon information received and believed by me to be true. This verification is signed by me at. Day of20

Signature or Thumb
impression of the
person verifying

FORM- XVII
(See rule 43B*)

[APPLICATION UNDER SECTION 59(1) OF THE INDUSTRIAL RELATIONS CODE, 2020)
FOR RECOVERY OF MONEY]

To,

- (1) The Secretary Labour, DNH & DD
- (2) The Labour Commissioner, DNH & DD

Sir,

I/We have to state that I am/we are entitled to receive from M/s a sum of Rs.(in words) on account of under the provisions of Chapter IX and X of the Industrial Relations Code, 2020 (35 of 2020) /in terms of the award dated the..... given by..... /in terms of the settlement dated the arrived at between the said M/s and their worker through..... the duly elected representatives.

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

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

Signature of the applicant(s)

Address(es)
Place:
Date:

ANNEXURE
(Specify the details of the amount(s) claimed.)

FORM- XVIII

(See rule 43B*)

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

To,

(1) The Secretary Labour, DNH & DD

(2) The Labour Commissioner, DNH & DD

Sir,

I Shri/Shrimati/Kumari..... state that Shri/Shrimati/ Kumari..... is/was entitled to receive from M/s..... a sum of Rs.(in words) on account of..... under the provisions of Chapter IX and X of the Industrial Relations Code, 2020 (35 of 2020) /in terms of the award dated the..... given by/in terms of the settlement, dated the..... arrived at between the said M/s..... and their worker through..... the duly elected representatives.

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

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

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

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

Signature of the authorised person/assignee/heirs

Address(es)

Place:

Date:

ANNEXURE

(Specify the details of the amount(s) claimed.)

FORM- XIX

(See rule 43B*)

[(APPLICATION TO TRIBUNAL UNDER SECTION 59(2) OF THE INDUSTRIAL RELATIONS CODE, 2020 BY WORKER)]

Before the Central Government Industrial Tribunal at

between and

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

(2) Name of the employer

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

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

Signature or thumb impression (s) of the applicant(s)

Address (es)

Place.....

Date.....

ANNEXURE

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

FORM- XX
(See rule 43B*)

[(APPLICATION UNDER SECTION 59(2) OF THE INDUSTRIAL RELATIONS CODE, 2020 BY
ASSIGNEE/ HEIR OF DECEASED WORKER)]

Before the Central Government Industrial Tribunal at Between
(i) Name of the applicant/applicants
(ii) Name of the employer
I am/We are the assignee(s) of the deceased worker and am/are entitled to make an application on his
behalf.
Shri/Smt..... former worker of M/s of.....is entitled to receive
from the said M/s..... the money/benefits mentioned in the statement hereto annexed;
It is prayed that the Tribunal be pleased to determine the amount/amounts due to the deceased worker.
Name and Address of worker.....

Signature of the assignee/heirs

Address (es)
Place.....
Date.....

ANNEXURE

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

Form XXI
[See rule 23 (1)]

Notice of the Amalgamation of Trade Unions

A. Name of Registered Trade Union
Number of Registration

B. Name of Registered Trade Union
Number of Registration
(and so on if more than two)

Address: _____

Dated, the ____ day of _____ 20 ____

To,

Registrar of Trade Unions,
Administration of Dadra & Nagar Haveli and Daman & Diu,

-----.

Notice is hereby given that in accordance with the requirements of section 24 of the Industrial
Relations Code 2020 the members of each (or every-one) of the above-mentioned Trade Unions have
resolved to become amalgamated together as one Trade Union.

And that the following are the terms of the said amalgamation (state the terms)
And that it is intended that the Trade 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 which are the rules (if so) of the _____ Union.

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

Name and address to which
registered copy is to be sent

(Signed) 1. Secretary
2.
3.
4.
5.
6.
7.

Form XXII

[See rule 23 (2)]

Notice of the Change of Name of Trade Union

Name of Trade Union.....

Registration Number: _____

Address: _____

Dated, the ____ day of _____ 20 ____

Registrar of Trade Unions

Government of Goa,

Panaji – Goa.

Notice is hereby given that the provisions of Section 11 of the Industrial Relations Code, 2020, 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 by

Secretary : -----

Members

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

By Order and in the name of the Administrator
of Dadra and Nagar Havel and Daman & Diu

Sd/–

(Aarti Agarwal)

Deputy Director-cum-Deputy Secretary (Labour)
DNH & DD
