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Government of Goa
Labour Department
Secretariat, Porvorim, Bardez-Goa
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No.24/19/2021-LAB/Part-I 208 **Dated: 24/04/2026**

NOTIFICATION

The following draft Rules, which the Government of Goa proposes to make in exercise of the powers conferred by sub-sections (1) and (2) of section 99 of the Industrial Relations Code, 2020 (Central Act No.35 of 2020) and all other powers enabling it in this behalf, and in supersession of earlier draft rules notified vide notification No.24/19/2021-LAB dated21st October, 2021published in the Official Gazette Sr. I, No.30 dated 21st October, 2021 and the Goa, Daman and Diu Trade Unions Regulations, 1963 which were made in exercise of the powers conferred by section 29 of the Indian Trade Unions Act, 1926(XVI of 1926) which is repealed by section 104 of the said Industrial Relations Code, 2020, except as respects things done or omitted to be done before such supersession, are hereby pre-published as required by sub-section (1) of section 99 of the said Code, for information of all persons likely to be affected thereby and notice is hereby given that the said draft Rules will be taken into consideration by the Government after expiry of a period of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and/or suggestions to the said draft Rules may be forwarded to the Secretary (Labour), Secretariat, Porvorim, Goa before the expiry of the said period of thirty days so that they may be taken into consideration at the time of finalization of said draft Rules.

DRAFT RULES

In exercise of the powers conferred by section 99 of the Industrial Relations Code, 2020 (Central Act No.35 of 2020) and all other powers

enabling it in this behalf, the Government of Goa hereby makes the following Rules, namely :-

CHAPTER - I
PRELIMINARY

1. Short title and commencement.-(1) These rules may be called the Industrial Relation (Goa) Rules, 2026.

(2) They shall extend to the whole of the State of Goa and to the industrial establishments and matters for which the Government of Goa is the appropriate Government.

(3) They shall come into force on such date as the Government, by notification in the Official Gazette appoint.

2. Definitions.-(1) In these rules, unless the context otherwise requires,-

(a) "Code" means the Industrial Relations Code, 2020 (Central Act 35 of 2020);

(b) "District Judge" shall have the same meaning as defined in Article 236 of the Constitution of India;

(c) "Electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of code;

(d) "Government" means Government of Goa;

(e) "section" means the section of the Code.

(2) The words and expressions used in these rules and not defined, but defined in the Code, shall have their respective meanings as assigned to them in the Code.

3. Written Agreement for the settlement before the Conciliation Officer under clause (zi) of section 2.- The Agreement under clause (zi) of section 2 for written agreement between the employer and worker shall be

in **Form I** hereto and shall be signed by the parties in 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 under sub-section (1) of section 3 relates, shall forthwith proceed to constitute a Works Committee as is specified in the following sub-rules.

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

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

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

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

(3) Subject to the provisions of this rule, the representatives of the employer in the Works Committee shall be nominated by the employer and shall, as far as may be possible,be officials in direct touch with, or associated with, the working of the industrial establishment.

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

(b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Commissioner, Labour and Employment, who shall, after hearing the parties, shall decide the matter and his decision shall be final.

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

(i) Registered Trade Union may choose their representatives as members for Works Committee in the proportion of their membership.

(ii) Where there is no registered Trade Union, workers may chose amongst themselves representatives for Works Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) (a) The employer shall provide accommodation for holding meetings

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

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

5. Manner of choosing members representing the employer 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 industrial establishment:

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

(4) The tenure of the members of the Grievance Redressal Committee shall be three years.

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

(5) (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 Commissioner, Labour and Employment, who shall, after hearing the parties decide the matter and his decision shall be final.

(6) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of workers' representative on the Committee by two following groups, namely:-

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

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

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

arises.

7. **Manner of filing application 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 electronically or otherwise by registered post or speed post or by hand delivery within the period of sixty days from the date of the decision of the Grievance Redressal Committee or from the date on which the period specified in sub-section (6) of section 4 expires, as the case may be, to the conciliation officer through the Trade Union, of which he is a member or otherwise:

Provided that in case the online portal is not available, the manual receipt of such application through registered post or speed post or hand delivery the conciliation officer shall get the same digitized after the online portal is ready and enter the particulars of the application in the online mechanism under intimation to the concerned worker.

CHAPTER – III
TRADE UNION

8. **Payment of subscription by members of the Trade Union under clause (f) of section 7 and sub-section (4) of section 15.-**(1) A Registered Trade Union may collect the subscription from its members, officers bearers or from others, as provided under the rules of Trade Union approved by the Registrar on monthly, quarterly, half yearly or yearly basis which shall not be less than two hundred fifty rupees per annum.

9. **Manner of audit under clause (j) of section 7.-**(1) Save as provided in sub-rule (2), (3), (4) and (5) of this rule, the annual audit of the accounts of any registered Trade Union shall be conducted by an auditor authorized to audit the accounts of companies under section 141 of the Companies Act, 2013 (Central Act No.18 of 2013).

(2) Where the membership of a Trade Union did not at any time during the

year ending on 31st December exceed 2000 the annual audit of the accounts may be conducted:-

(a) by any examiner of local fund accounts; or

(b) by any local fund auditor appointed by the Government; or

(c) by any person, who, having held an appointment under Government in any auditor accounts department is in receipt of a pension of not less than Rs.5000 per mensem.

(3) Where the membership of a Trade Union did not at any time during the year ending on the 31st December exceed 1000, the annual audit of the accounts may be conducted:-

(a) by any two persons holding office as magistrates or judges or as members of any municipal council, district board, or legislative body; or

(b) by any person who, having held an appointment under Government in any audit or accounts department, is in receipt of a pension from Government of not less than Rs.5000 a month; or

(c) by any auditor appointed to conduct the audit of any co-operative societies by Government or by the Registrar of Co-operative Societies or by any Co-operative organization recognized by Government for this purpose.

(4) Where the membership of a Trade Union did not any time during the financial year exceed 250, the annual audit of the accounts may be conducted by any two members of the Union who were not on the executive during the period to which the accounts pertains.

(5) Where the Trade Union is a federation of Unions, and the number of unions affiliated to it at any time during the financial year did not exceed 50, 15 or 5 respectively, the audit of the accounts of the federation may be conducted as if it had not at any time during the year had membership of more than 2000, 1000 or 250, respectively.

10. **Disqualification of auditors**. – Notwithstanding anything contained in these rules, no persons who at any time during the year for which the

accounts are to be audited was entrusted with any part of the funds or securities belonging to a registered Trade Union shall be eligible to audit the accounts of that Union.

11. Accessibility to the books of accounts. – The auditor or auditors appointed in accordance with these rules shall be given access to all the books of the registered Trade Union concerned and shall verify the general statement with the accounts and vouchers relating thereto and shall thereafter sign the auditors declaration in **Form II** hereto indicating separately on that form under his signature or their signatures a statement showing in what respect he or they find the returns to be incorrect, not supported by vouchers or not in accordance with the Industrial Relations Code, 2020. The particulars given in the statement shall indicate, –

(a) Every payment which appears to be unauthorized by the rules of the registered Trade Union concerned, or contrary to the provisions of the Industrial Relations Code, 2020.

(b) The amount of any deficit or loss which appears to have been incurred bythe negligence or misconduct of any person;

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

12. Manner of amendment and variation in rules of Trade Unions and dissolution of Trade Unions under clause (k) and (l) of section 7.– (1) When a registered Trade Union is dissolved, notice of the dissolution and any amendment or variation in rules shall be sent to the Registrar in **Form III** hereto.

(2) On receiving the notice under sub-rule (1) any amendment or variation made in the rules of a Trade Union under clause (k) of section 7, the Registrar shall, unless he has reasons to believe that the amendment or variation in the rules has not been made in the manner provided by the rules of the Trade Union or unless the amendment or variation in the rules is not in accordance with the provisions of the Act, register the amendment or variation in the rule in a register to be maintained for this purpose and

shall notify the fact that he has done so to the Secretary of the Trade Union.

(3) On receiving the notice under sub-rule (1) of rule 12 for dissolution of a Trade Union the Registrar shall enter the details in the register maintained in respect of the registered trade unions. .

13. Registration of Trade Union and cancellation thereof under section 8 and 9. -(1) Every application for registration of a Trade Union shall be made to the Registrar in **Form IV** hereto electronically or otherwise along-with the documents as required under the provisions of the Industrial Relations Code 2020.

(2) Every such application shall be accompanied by an affidavit of the applicant as required under clause (a) of sub-section (1) of section 8 in **Form V.**

(3) If a Trade Union has been in existence for more than one year before making an application for registration than, a general statement of the assets and liabilities of the Trade Union in **Form XV** heretoshall also be attached with the application.

(4) Upon receipt of an application for registration of a trade union, the Registrar may require from the applicants such evidence, as may seem to be necessary to show that the applicants have been duly authorized to make the application on behalf of the Trade Union and that the other particulars in **Form VI** hereto.

(5) The fee payable for registration of a Trade Union shall be Rs. 1000/- (Rupees One thousand only) or as may be fixed by the Government from time to time and shall be paid electronically or otherwise.

(6) The register of Trade Union referred to in sub-section (1) of section 9 to be maintained by the Registrar shall be in **Form VII** hereto.

(7) The Certificate of Registration issued by the Registrar under sub-section (2) of section 9 shall be in **Form VIII** hereto after due verification of

information and particulars submitted with the application, either by himself or through any other officer authorized by him and found proper .

(8) The certificate of registration shall be issued electronically or otherwise. If no decision is taken and communicated electronically or otherwise on such application by the Registrar within 30 days, the registration shall be deemed to be issued.

(9) Every application by a Trade Union for withdrawal or cancellation of its certificate of registration shall be sent electronically or otherwise to the Registrar through registered post or speed post or hand delivery to the Registrar in **Form IX** hereto.

(10) The Registrar, on receiving an application for registration, withdrawal or cancellation of registration, shall, before granting the application, verify and satisfy himself that the application 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 office bearer of the union.

14. Appeal against non-registration or cancellation of registration under section 10. - Any appeal against the order of the Registrar for refusal to grant registration to the Trade Union or cancellation of a certificate of registration shall be filed by any aggrieved person within thirty days from the date of receipt of the order to the Industrial Tribunal by filing an application mentioning the cause of the appeal accompanied with a certified copy of the order of the Registrar.

15. Communication to trade union and change in its registration particulars by the Registrar and by Trade Union to Registrar under section 11.- (1) All communication and notices to a registered Trade Union shall be sent by the Registrar to the address of the Trade Union as entered in the register maintained by the Registrar electronically or otherwise by registered post or speed post.

(2) All communication and notices to the Registrar by the registered Trade Union with respect to any change in any particulars of trade unions or its rules or office bearers or membership falling below 10 percent or one hundred, whichever is less under sub-section (2) and (3) of section 11 shall be sent electronically or otherwise by registered post or speed post or hand delivery within 30 days from such date of such change or event.

(3) On receipt of any communication under sub-rule (2), the Registrar shall, unless he has reason to believe that such communication has not been made in the manner provided by the rules of the Trade Union and is not in accordance with the provisions of the Code, register such alteration in the register to be maintained for this purpose and he shall inform the fact to the Secretary/General Secretary of the Trade Union in the manner specified under sub-rule (1).

(4) The fees payable for such communication or alteration of rules shall be one hundred rupees or as may be fixed by the State Government, from time to time, by notification and be paid electronically or otherwise for each set of alteration made at one time.

(5) The notice of any change in the name of the Trade Union shall be sent electronically or otherwise to the Registrar in **Form X** hereto.

(6) When the Registrar registers a change in name or any other particulars, he shall certify under his signature at the foot of the certificate issued that the new name and the change in particulars has been registered and communicated the same electronically or otherwise.

16. **Matters on which negotiating union or negotiating council may negotiate under sub-section (1) and criteria to be followed to by employer under sub-section (2) of section 14.**—(1) The matters pertaining to workers which the negotiating union or negotiating council shall negotiate with the employer of the industrial establishment under sub-section (1) and sub-section(2) of section 14 as below, namely :-

(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 their rest days, number of working days in a week, rest intervals, working in shifts;

(v) leave with wage and holidays;

(vi) promotion and transfer policy and disciplinary procedures;

(vii) quarter allotment policy for workers;

(viii) safety, health and working conditions related standards;

(ix) such other matters pertaining to conditions of service, terms of employment 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 council.

(2) If there is only one Trade Union of the worker which is registered and operating in an industrial establishment, having its members not less than thirty percent or more workers on the muster roll of the establishment as members of the said Union, such union shall be entitled to negotiate with the employer under the provisions of sub-rule (1).

17. Manner of verification of membership of Trade Unions in an industrial establishment under sub-sections (3) and (4) of section 14.- (1)(a) The State Government 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 State Government.

(2) The employer of the industrial establishment shall bear all expenses and make arrangements in connection with the verification of membership of trade unions under sub-rule (1).

(3) 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:-

(i) 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 Code, as the case may be; and

(ii) 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.

(4) (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.

(5) The list of Negotiating Unions and members of Negotiating Council referred to in section 14 and verified under sub-rule (2), (3) and (4), shall be maintained by the Registrar in **Form XI** hereto.

(6) 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.

(7) 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, programme and procedure of such secret ballot election.

(8) 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.

(9) 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 sub-rule (3) and the voters list shall contain the name, father's name, designation, employee 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.

(10) 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.

(11) 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.

(12) After final counting of votes, the result shall be declared by the verification officer. The result sheet shall contain the name of all Trade

Unions participated in election, total number of votes polled and the number of votes cast in favour of each of the trade unions which participated in the election.

(13) The verification officer shall submit verification report along with the result sheet to the employer of industrial establishment.

(14) 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.

(15) 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:

18. Facilities to be provided by Industrial establishment to a negotiating union or negotiating council under sub-section (7) of section 14.— In an industrial establishment, where there is a negotiating union or negotiating council, as the case may be, the employer of such industrial establishment shall provide the following facilities to the negotiating union or negotiating council, as the case may be, namely:-

(i) notice board for the purpose of displaying 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 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 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 of the industrial establishment shall deduct subscription of the members of the Trade Union on the basis of the written consent of the worker;

(vi) when the office bearers of the negotiating union or negotiating council shall be holding meetings with the employer as per agreed schedule between employer and such employed office bearers shall be treated as on duty; 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. Objects of funds under sub-section (1) and (2) and subscription under sub-section (4) of section 15. - (1) The general funds of a registered Trade Union shall not be spend on any other objects other than that of the following, namely:-

(a) the payment of salaries, allowances and expenses to office bearers of the Trade Union.

(b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;

(c) the prosecution of defense of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution of defense is undertaken for the purpose of securing or protecting any rights of the Trade Union as such any rights arising out of the relations of any members with his employer or with a person whom the member employs;

(d) the conduct of Trade dispute on behalf of the Trade Union or any member thereof;

(e) the compensation of members for loss arising out of trade disputes;

(f) allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members;

(g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness accident or unemployment;

(h) the provisions of educational, social or religious benefits for the members (including the payments of the expenses or funeral or religious ceremonies for deceased members) or for the dependents of members;

(i) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such;

(j) the payment in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contribution to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contribution in any financial year shall not at anytime during that year be in excess of one-forth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year; and

(k) subject to any conditions contained in the notification, any other object notified by the Government in the Official Gazette.

(2) A Registered Trade Union may constitute a separate fund, for which payments may be made, for the promotion of the civic and political interest of its members with the prior approval of the Registrar.

(3) The registered trade union shall not compel any of its members to contribute to the fund constituted under sub-rule (1) and a member who does not contribute to the said fund shall not be excluded from any benefits

of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund and contribution to the said fund shall not be made a condition for admission to the Trade union. The subscription to any such fund shall not be more than Rupees Five Hundred per annum per member.

(4) Audit of such funds shall be done in the same manner as specified under the Code and these rules.

(5) Any complaint of misappropriation of any funds of the registered Trade Union shall be entertained by the Registrar and the Registrar shall enquire and pass an appropriate order to the trade Union, if any misappropriation is proved and such order shall be binding upon the trade Union.

20. **Manner of making application for adjudication before Tribunal under 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 XII** hereto 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.

21. **Amalgamation and change of name of trade union under sub-sections (2) and (3) of section 24.**-(1) Any two or more registered Trade

Unions may become amalgamated together as one Trade Union with or without dissolution or division of the funds of such trade Unions or either any of them, provided that, votes of at least two third of the members of each or every such Trade Union entitled to votes are recorded, and that at least two third of the votes recorded are in favour of the proposal.

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

(3) 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.

(4) 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.

(5) 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.

22. Dissolution of Trade Union and distribution of funds under sub-section (1) and (2) of section 25.- (1) When a registered trade union is dissolved, notice of dissolution shall be sent, electronically or otherwise by registered post or speed post to the Registrar in **Form XIV**hereto.

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

23. Annual Returns of Trade Union.-(1)The annual return to be furnished under section 26(1) (a) shall be submitted to the Registrar by the

31st day of March in each year and shall be in **Form XV** hereto.

(2) For the purpose of satisfying himself that the information containing in the general statement furnished under sub-rule (1) is correct, the Registrar may require any registered Trade Union to produce before him any documents or to furnish such information or may make or may authorize any person to make such investigation as he thinks necessary.

24. Recognition of Trade Union at State Level under sub-section (2) of section 27. - (1) Application shall be filed in **Form XVI** hereto by the Trade Union or the federation of the Trade Unions to be recognized as State Trade Union or Federation of Trade Unions to the State Government or the Officer authorized by the State Government in this behalf by Notification.

(2) The State Government or the officer authorized by it, shall after due enquiry, as it deemed fit, decide such application within sixty days of its receipt and send the copy of the decision to the applicant with a copy to the Registrar and Commissioner, Labour and Employment.

(3) If any dispute arises in relation to such recognition, it shall be decided by the Industrial Tribunal. The Industrial Tribunal shall, after giving opportunity of hearing to both parties and going through the relevant records of the case, decide the appeal within forty five days and the order shall be binding on the parties.

CHAPTER – IV
STANDING ORDERS

25. 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 or otherwise, the specific date from which the provisions of the model standing order which are relevant to his establishment have been adopted.
(2) On receipt of information in sub-rule (1) the certifying officer within a period of thirty days from such receipt may give his observation that the

employer is required to include certain provisions which are relevant to his establishment and indicate those relevant provisions of the model standing orders which have not been adopted and shall also direct the employer to amend the standing order so adopted, by way of addition, deletion or modification within a period of thirty days from the date of the receipt of such direction and ask for compliance report only in respect of provisions which the certifying officer seeks to get so amended and such report shall be sent electronically or otherwise by the employer.

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

26. Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer where there is no Trade Union operating, under clause (ii) of sub-section (5) of section 30. –Where there is no Trade Union or negotiating union or negotiating council operating then, the certifying officer shall call a meeting of the workers or shall direct the workers to choose three representatives, to whom he shall, upon their being chosen, forward a copy of the standing order 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.

(2) The Trade Union or negotiating union or constituent of negotiating council shall be given a copy of the draft standing orders or modification, as the case may be, in English, as well as the translation thereof in the language known by the majority of the workers, for seeking their comments or suggestions, if any, within fifteen days from the date of the receipt of the notice in this rule.

27. Manner of authentication of certified standing orders under sub-section (8) of section 30.- The standing orders or the modifications in the standing orders certified in pursuance of sub-section (8) of section 30 shall

be authenticated by the certifying officer and shall be sent electronically, and a hard copy thereof by registered post or speed post, within seven days from the date of such authentication to all concerned, that is to say, the employer and all the registered Trade Unions or chosen representative of workers:

Provided that there shall not be any requirement of authentication under this rule 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.

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

(i) draft standing order shall contain, the particulars such as name of the industrial establishment or undertaking concerned, address, e-mail address, contact number and strength and details of workers employed therein including particulars of Trade union to which such workers belong; and

(ii) draft modification in the existing standing orders, shall 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.

(iii) The statement referred to in sub-rules (1) and (2) shall be signed by a person authorised by the industrial establishment or undertaking.

(iv) The model standing orders, if modified, shall also apply to all the units of the industrial establishment or undertaking in the country.

29. **Conditions for submission of draft standing order in similar establishment under sub-section (10) of section 30.**- In cases of group of employers engaged in similar industrial establishments 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 Unions, negotiating union or negotiating council, if any:

Provided that, the joint draft standing order, in case of the group of employers engage in similar establishment, will be drafted and submitted to the Deputy Labour Commissioner of the area, who shall certify or refuse to certify the said joint draft standing orders, after recording reasons therefor:

Provided further that certifying officer shall give notice to all the concerned parties, and ensure reasonable opportunity of being heard before certifying the standing orders.

30. **Manner of disposal of appeal by appellate authority under section 32.**- (1) A memorandum of appeal stated in section 32 shall be in tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added and reasons thereof and shall be filed electronically or otherwise to the appellate authority.

(2) The appellate authority shall, after giving the appellant and the opposite parties an opportunity of being heard, pass an order within 60 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.

31. The language and the manner of maintaining standing order under sub-section (1) and (2) of section 33.- (1) The standing order finally certified by certifying officer shall be sent electronically or otherwise to the concerned parties 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 shall be maintained by the employer in Hindi or in English or in the official language of the State where the industrial establishment is situated.

(3) The certified standing orders shall be displayed in legible condition 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.

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

(a) the registration unique number assigned to each standing order;

(b) name of industrial establishment;

(c) nature of industrial establishment;

(d) date of certification or deemed certification or date of adoption of model standing order by each establishment or undertaking;

(e) the areas of the operation of the industrial establishment; and

(f) such other details as may be relevant and helpful in retrieving the standing orders and create a data base of all such standing orders.

(2) The certifying officer shall furnish a copy of the certified standing order(s) or deemed certified order(s) to any person applying there for on payment of two rupees per page of the certified standing order(s) or deemed certified standing order(s), as the case may be. The payment for such purpose can also be made through electronic mode or otherwise.

33. **Application for modification of Standing Order under sub-section (2) of section 35.**- The application for modification of an existing standing order under sub-section (2) of section 35 shall be submitted electronically or otherwise by registered post or speed post or hand delivery and contain the particulars of such standing orders which are proposed to be modified alongwith a tabular statement containing details of each of the relevant provisions of standing order in force, and proposed modifications therein, reasons thereof and the details of registered Trade union(s) operating therein, and such statement shall be signed by a person authorized by the industrial establishment or undertaking.

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

(2) The notice referred in sub-rule (1) shall be displayed conspicuously by the employer on the notice board at the main entrance of the industrial establishment and the office of the 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/General Secretary of such Trade Union or each of the Presidents/General Secretaries of such Unions, as the case may be.

CHAPTER - V
VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

35. Form of arbitration agreement and the manner thereof under sub-section (3) of section 42. - (1) The employer and workers may agree to refer any industrial dispute to arbitration by entering into an arbitration agreement as provided in **Form XVIII** hereto.

(2) The arbitration agreement referred to in sub-rule (1) shall be signed by the parties to the said agreement and it shall be accompanied by the consent, either in writing or electronically, of arbitrator or arbitrators.

(3) The arbitration agreement referred to in sub-rule (1) shall be signed,-

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

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

(iii) in the case of an individual worker, by such worker himself or by an officer of the registered Trade Union, of which the worker is a member, or

by another worker in the same establishment duly authorised by him in this behalf.

Explanation.- For the purposes of this rule, the term "officer",--

(a) in case of an association of the employers, means any officer of such association of the employers authorised for such purpose; and

(b) in case of a registered Trade Union, means any of the following officers of such Trade Union authorised for such purpose, namely:-

(i) President; or

(ii) Vice-President; or

(iii) Secretary (including the General Secretary); or

(iv) a Joint Secretary; or

(v) any other officer of such Trade Union authorised in this behalf by the President and Secretary of such Trade Union.

36. Manner of issue of notification under sub-section (5) of section 42.- Where an industrial dispute has been referred to arbitration and the 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, upload it on the website of the Labour Department and also submit electronically or otherwise 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.

37. 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 XIX**hereto authorizing therein to represent the case. Such workers shall be bound by the acts of representatives who have been chosen to represent before the arbitrator or arbitrators, as the case may be.

CHAPTER – VI

MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTE

38. Manner of filling up of the vacancy and procedure for appointment, term of office, salaries and allowances, resignation and other terms of conditions of service of Judicial Member of the Industrial Tribunal under sub-section (5) of section 44. - (1) The qualifications for appointment of the Judicial Member of the Industrial Tribunal (hereinafter referred to as "the Judicial Member") shall be in accordance with the rules made under section 184 of the Finance Act, 2017 (Central Act 7 of 2017).

(2) The Judicial member shall be appointed by the Government on the recommendation of the Search-cum-Selection Committee (SCSC) as specified in sub-rule (3).

(3) The SCSC shall consist of the following members, namely :-

(a) a Judge of a High Court of Bombay Goa Bench, ... Chairman

(b) Chief Secretary/Principal Secretary, Government of Goa ..... Member.

(c) Secretary (Labour), Government of Goa ..... Member.

(d) Commissioner, (Labour and Employment) ..... Member Secretary.

Explanation: The role of the Member Secretary is merely to ensure co-ordination among members of SCSC. He shall have no formal say in the selection process and functioning of the SCSC in any manner whatsoever.

(4) The SCSC shall determine its procedure for making its recommendation and, after taking into account qualifications, suitability, record of past performance, integrity as well as adjudicatory experience keeping in view the requirement of the Industrial Tribunal, recommend more than two persons as it deems fit for appointment to the post of Judicial member.

(5) The Government shall make appointment to the post of Judicial

Member within three months from the date on which the SCSC completes the selection process and submits its recommendations.

(6) No appointment of a Judicial Member shall be declared invalid merely by reason of a vacancy or absence of any member in the SCSC.

(7) A Judicial Member shall hold office for a term of three years from the date on which he enters upon his office or till he attains the age of sixty-two years, whichever is earlier.

(8) In case of causal vacancy in the office of Judicial Member, the Government shall appoint other Judicial Member on the recommendation of the SCSC as specified in sub-rule (3).

(9) (a) A Judicial Member shall be paid a salary of rupees 2,25,000/- per month or such higher salary as fixed by the Government from time to time and shall be entitled to draw allowances as are admissible to an officer of the Government holding Group 'A' post carrying the same pay.

(b) In case of appointment of a retired High Court/District Court Judge, his pay shall be reduced by the gross amount of pension drawn by him.

(10) (a) In case of a serving High Court/District Court Judge, the service rendered in the Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service to which he belong and he shall be governed by the provisions of the General Provident Fund (Central Services) Rules, 1960 and the rules for pension applicable to him.

(b) In case of a retired High Court/District Court Judge, he shall be entitled to join Contributory Provident Fund Scheme as per rules during the period of his re-employment and additional gratuity shall not be paid for the service rendered in the Industrial Tribunal.

(11) A Judicial Member shall be entitled for rent free furnished accommodation or house rent allowance at the rate as admissible to an officer of the Government of Goa holding Group 'A' post carrying the same

pay.

(12) (a) In case of serving High Court/District Court Judge, leave entitlement shall be as admissible to the serving High Court/District Court Judge as the case may be.

(b) In case of retired High Court/District Court Judge, leave entitlement shall be as admissible to an officer of the Government holding Group 'A' post carrying the same pay.

(13) (a) The Government shall be the leave sanctioning authority for the Judicial Member;

(b) The Government shall be the sanctioning authority for foreign travel to the Judicial Member.

(14) The Government Health Scheme facilities as admissible to an officer of the Government holding Group 'A' post carrying the same pay shall be applicable to Judicial member.

(15) (a) The Travelling allowance to a Judicial member shall be admissible as per entitlement of an officer of the Government holding Group 'A' post carrying the same pay.

(b) In case of retired High Court/District Court Judge, transfer travelling allowance for joining the Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible as admissible to an officer of the Government holding Group 'A' post carrying the same pay.

(16) A Judicial Member shall be entitled for leave travel concession as admissible to an officer of the Government holding Group 'A' post carrying the same pay.

(17) A Judicial Member shall be entitled for transport allowance as admissible to an officer of the Government holding Group 'A' post

carrying the same pay.

(18) No person shall be appointed as a Judicial Member unless he is declared medically fit by an authority specified by the Government in this behalf.

(19) (a) If a written and verifiable complaint is received by the Government, alleging any definite charge of misbehavior or incapacity to perform the functions as Judicial Member, it shall make a preliminary scrutiny of such complaint.

(b) If on preliminary scrutiny, the Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of a Judicial Member, it shall make a reference to the SCSC to conduct the inquiry.

(c) The SCSC shall complete the inquiry within six months' time or such further time as may be specified by the Government.

(d) After conclusion of the inquiry, the SCSC shall submit its report to the Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit.

(e) The SCSC shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

(20) A Judicial Member may resign his office at any time by giving notice to that effect in writing under his hand addressed to the Government:

Provided that the Judicial Member shall, unless he is permitted by the Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a

person duly appointed as a successor enters upon his office or until the expiry of his term of the office, whichever is earlier.

(21) (a) The Government shall, on the recommendation of SCSC, remove from office a Judicial Member, who,

(a) has been adjudged as an insolvent ; or

(b) has been convicted of an offence which involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such a Judicial Member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Judicial Member ; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

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

(22) Every person appointed as a Judicial Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the **Form XX** hereto.

(23) Matter relating to the terms and conditions of service of the Judicial Member with respect to which no express provision has been made in these rules, shall be referred by the Industrial Tribunal to the Government for its decision, and the decision of the Government thereon shall be binding.

(24) The Government shall have power to relax any provision of this rule in respect of any class or categories of persons for the reasons to be recorded in writing.

39. **Manner of fillingup of the vacancy and procedure for appointment, term of office, salaries and allowances, resignation and other terms and conditions of Administrative Member of the Industrial Tribunal under sub-section (5) of section 44.** – (1) The qualifications for appointment of the Administrative Member of the Industrial Tribunal (hereinafter referred to as "the Administrative Member") shall be in accordance with the rules made under section 184 of the Finance Act, 2017 (Central Act 7 of 2017).

(2) The Administrative Member shall be appointed by the Government on the recommendation of the SCSC as specified in sub-rule (3) of rule 38.

(3) The SCSC shall determine its procedure for making its recommendation and, after taking into account qualifications, suitability, record of past performance, integrity as well as adjudicatory experience keeping in view of the requirement of the Industrial Tribunal, recommend more than two persons as it deems fit for appointment to the post of the Administrative Member.

(4) The Government shall make appointment to the post of Administrative Member within three months from the date on which the SCSC completes the selection process and submits its recommendations.

(5) No appointment of a Administrative Member shall be declared invalid merely by reason of a vacancy or absence of any member in the SCSC.

(6) An Administrative Member shall hold office for a term of three years from the date on which he enters upon his office or till he attains the age of sixty-two years, whichever is earlier.

(7) In case of causal vacancy in the office of Administrative Member, the Government shall appoint other Administrative Member on the recommendation of the SCSC as specified in sub-rule (3) of rule 38.

(8) (a) The Administrative Member shall be paid a salary of rupees 2,25,000/- per month or such higher salary as fixed by the Government

from time to time and shall be entitled to draw allowances as are admissible to an officer of the Government holding Group 'A' post carrying the same pay.

(b) In case of retired Government Officer, his pay shall be reduced by the gross amount of pension drawn by him.

(9) (a) In case of a serving Government Officer, the service rendered in the Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service to which he belong and he shall be governed by the provisions of the General Provident Fund (Central Services) Rules, 1960.

(b) In case of a retired Government Officer, he shall be entitled to join Contributory Provident Fund Scheme as per rules during the period of his re-employment and additional gratuity shall not be paid for the service rendered in the Industrial Tribunal.

(10) The Administrative Member shall be entitled for rent free furnished accommodation or house rent allowance at the rate as admissible to an officer of the Government holding Group 'A' post carrying the same pay.

(11) (a) In case of a serving Government Officer, leave entitlement shall be as admissible under the extant rules of the service which he belongs.

(b) In case of a retired Government Officer, leave entitlement shall be as admissible to an officer of the Government holding Group 'A' post carrying the same pay.

(12) (a) The Government shall be the leave sanctioning authority for the Administrative Member.

(b) The Government shall be the sanctioning authority for foreign travel to the Administrative Member.

(13) The Government Health Scheme facilities as admissible to an officer of

the Government holding Group 'A' post carrying the same pay shall be applicable.

(14) (a) The Travelling allowance to a Administrative Member shall be admissible as per entitlement of an officer of the Government holding Group 'A' post carrying the same pay.

(b) In case of a retired Government Officer, transfer travelling allowance for joining the Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible as admissible to an officer of the Government holding Group 'A' post carrying the same pay.

(15) An Administrative Member shall be entitled for leave travel concession as admissible to an officer of the Government holding Group 'A' post carrying the same pay.

(16) An Administrative Member shall be entitled for transport allowance as admissible to an officer of the Government holding Group 'A' post carrying the same pay.

(17) No person shall be appointed as an Administrative Member unless he is declared medically fit by an authority specified by the Government in this behalf.

(18) (a) If a written and verifiable complaint is received by the Government, alleging any definite charge of misbehavior or incapacity to perform the functions as Administrative Member, it shall make a preliminary scrutiny of such complaint.

(b) If on preliminary scrutiny, the Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of a Administrative Member, it shall make a reference to the SCSC to conduct the inquiry.

(c) The SCSC shall complete the inquiry within six months' time or such

further time as may be specified by the Government.

(d) After conclusion of the inquiry, the SCSC shall submit its report to the Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit.

(e) The SCSC shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

(19) An Administrative Member may, resign his office at any time by giving notice to this effect in writing under his hand addressed to the State Government:

Provided that the Administrative Member shall, unless he is permitted by the Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of the office, whichever is earlier.

(20) (a) The Government shall, on the recommendation of SCSC, remove from office an Administrative Member, who,

(a) has been adjudged as an insolvent ; or

(b) has been convicted of an offence which, involves moral turpitude; or

(c)has become physically or mentally incapable of acting as such a Administrative Member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Administrative Member ; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

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

(21) Every person appointed as an Administrative Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the **Form XX** hereto.

(22) Matter relating to the terms and conditions of service of the Administrative Member with respect to which no express provision has been made in these rules, shall be referred by the Industrial Tribunal to the Government for its decision, and the decision of the Government thereon shall be binding.

(23)The Government shall have power to relax the provision of any of this rule in respect of any class or categories of persons for the reasons to be recorded in writing.

40. 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.

41. Manner of holding conciliation proceedings under sub-section (1), full report under sub-section (4), and application and the manner of deciding such application under sub- section (6) of section 53.-(1) Where any industrial dispute exists or is apprehended or a notice under section 62

has been given, the Conciliation Officer shall if he finds that the dispute pertains to the jurisdiction of Central Government, transfer the dispute to the Concerned authority. In other cases, he will issue notice to the parties concerned declaring his intention to commence conciliation proceedings.

(2) The employer or the worker's representative in the first meeting of the conciliation proceedings shall submit their respective statement in the matter of said dispute.

(3) The Conciliation Officer shall without delay, ascertain the facts and circumstances relating to the dispute and enquire into all matters affecting the merits and right settlement thereof and hold conciliation proceedings between the parties to the dispute for the purpose of bringing about a settlement of the dispute and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement.

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

(5) The report referred to in sub-rule (2) shall be communicated through electronically or otherwise to the parties concerned and shall also be made accessible to the parties concerned on the designated portal if any.

(6) 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.

(7) Any dispute which is not settled during the conciliation proceedings, then, either of the concerned party may make an application in **Form XXI** hereto before the Tribunal electronically or otherwise within ninety days from the date of the report under sub-rule (2).

(8) In case of an industrial dispute which has not been settled during the conciliation proceedings, anclaimwith complete details may be made before the Tribunal by either of the parties concerned for adjudication. along with relevant documents, list of supporting documents and witnesses within thirty days. A copy of such claim may be sent electronically or otherwise for service on each of the opposite parties in the dispute.

(9) The Tribunal after ascertaining the facts shall fix the first hearing as soon as possible and within a period of one month from the date of receipt of the application. The opposite party or parties shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party or parties for service.

(10) Where the 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.

(11) Evidence shall be recorded either in Tribunal or may be filed on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. Where the oral examination of each witness proceeds, the Tribunal shall make a memorandum of the substance of what is being deposed. While recording the oral evidence the Tribunal shall follow the procedure laid down in rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (5 of1908).

(12) On completion of evidence, arguments may be heard immediately or a date may be fixed for arguments, which shall not be beyond a period of

fifteen days from the closure of evidence.

(13) The Tribunal shall not ordinarily grant an adjournment for a period exceeding a week at a time and in any case not more than three adjournments in all at the instance of the parties to the dispute shall be granted:

Provided that the Industrial Tribunal for reasons to be recorded in writing, grant an adjournment exceeding a week at a time more than three adjournments at the instance of any one of the parties to the dispute.

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

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

(15) The Tribunal shall communicate its Award electronically or otherwise to the parties concerned and the Government within one month from the date of the pronouncement of the award.

(16) 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).

(17) 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.

(18) A party in an award, who wants to obtain a copy of the award or other document, may obtain a copy of the award or other document after depositing the fee electronically or otherwise 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 at the rate of rupees two per page shall be payable.

(b) For certifying a copy of any such award or order or document, a fee of rupees two per page shall be payable.

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

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

(19) The proceedings before Industrial 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, the Tribunal may at any stage direct that any witness shall be examined or its proceedings be held in-camera.

(20) A conciliation officer, Judicial Member or an Administrative Member of the Tribunal or National Industrial Tribunal or any person authorised in writing by the Conciliation Officer, Tribunal or National Industrial Tribunal in this behalf may, for the purposes of any conciliation or adjudication under the Code at any time between the hours of sunrise and sunset and in the case of person so authorised, after giving reasonable notice in writing, may enter any building, factory, workshop, or other place or premises whatsoever, and inspect the same or any work, machinery, appliance or article therein or enquire any person therein in respect of anything situated therein or any matter relevant to the subject matter of conciliation or adjudication, as the case may be.

(21) A Tribunal or a National Industrial Tribunal may, in the interest of justice and after recording reasons therefor, admit or accept any evidence at any stage of the proceeding before it.

CHAPTER VI
STRIKES AND LOCK-OUTS

42. Manner of giving notice of strike under sub-section (4) of section 62. – (1) The notice of strike referred to in sub-section (1) of section 62 shall be given to the employer of an industrial establishment in **Form XXII**hereto which shall be duly signed by the President or General Secretary and five elected representatives of the registered Trade Union relating to such industrial establishment endorsing the copy thereof electronically or otherwise to the concerned Conciliation Officer of the area, Office of the Commissioner, Labour and Employment and the Government.

(2) The date of receipt of the notice referred to in sub-section (1) shall be the date of receiving the notice for the purposes of sub-rule (1) of rule 41.

(3) If the employer of an industrial establishment receives from any person employed by him any notice of strike as referred to in sub-section (1) of section 62 then he shall within five days from the date of receiving of such notice, intimate the same electronically or otherwise to the concerned Conciliation Officer of the area and to the Commissioner, Labour and Employment.

43. Manner of giving notice of lock-out under sub-section (5) and authority under sub- section (6) of section 62. – (1) The notice of lock-out referred to in sub-section (2) of section 62 shall be given by the employer of an industrial establishment in **Form XXIII**hereto to the President or General Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof to the concerned Conciliation Officer of the area, the Commissioner, Labour and Employment and the Government electronically or otherwise. 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) The notice referred to in sub-rule (1) shall be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment and a copy of the said notice may also be posted on the designated portal, if any, of such industrial establishment and the date of receipt of such notice by the Conciliation Officer shall be the date of receiving the notice for the purposes of clause (a) of sub-rule (1) of rule 41.

(3) If the employer gives to any person employed by him a notice of lock-out, then he shall within five days from the date of such notice, intimate electronically or otherwise the same to the concerned conciliation officer and to the Commissioner, Labour and Employment.

CHAPTER – VII
LAY-OFF, RETRENCHMENT AND CLOSURE

44. Manner of serving notice before retrenchment of the worker under clause (c) of section 70. - If any employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year under him then, such employer shall give notice of such retrenchment in **Form XXIV**hereto to the Government, the Commissioner, Labour and Employment and the concerned Conciliation officer of the area having jurisdiction, through e-mail or, by registered or speed post or hand delivery.

45. 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).

46. Manner of serving notice by the employer for intended closure under sub-section (1) of section 74. – If an employer intends to close down an industrial establishment he shall give notice of such closure in **Form XXIV**heretoto the Government and a copy forwarded to the Commissioner, Labour and Employment and the concerned Conciliation Officer of the area having jurisdiction, by e-mail or registered post or speed post or hand delivery.

(2) A copy of the notice referred to in sub-rule (1) shall also be sent to the registered Trade Unions or authorised representatives of workers, as the case may be, operating in the Industrial establishments.

CHAPTER – VIII
SPECIAL PROVISION RELATING TO LAY-OFF, RETRENCHEMENT AND CLOSURE IN CERTAIN ESTABLISHMENTS

47: **Manner of making application and serving copy of such application to workers under sub- section (2) of section 78.**-An application for permission under sub-section (1) of section 78 shall be made by the employer in **Form XXV** hereto stating clearly therein the reasons for the intended lay off electronically or otherwise and a copy of such application shall be served simultaneously to the worker concerned electronically or 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.

48. **Manner of making application for the intended retrenchment and manner of serving copy of such application under sub-section (2) of section 79.**-An application for permission referred to in sub-section (2) of section 79 shall be made by the employer in **Form XXV** hereto stating clearly therein the reasons for the intended retrenchment electronically or

otherwise and a copy of such application shall also be sent to workers electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

49. Time-limit for review under sub-section (6) of section 79.- (1) The state Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (3) of section 79.

(2) The employer or any worker concerned, along with the order referred to in sub-rule (1), may make an application within thirty days from the date on which such order is made, to the state Government for reviewing that order and that Government shall within a period of two months from the date on which such application is made, dispose of the application after providing the concerned parties an opportunity of being heard.

(3) Where the state Government decides to review the order referred to in sub-rule (1), on its own motion, it may take necessary steps within one month from the date on which such order is made and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

50. Manner of making application for intended closing down and serving copy of such application under sub-section (1) of section 80.-An employer who intends to close down an industrial establishment to which Chapter X of the Code applies shall apply electronically or otherwise in **Form XXV** hereto 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 closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers electronically and by registered post or speed post.

51. Time-limit for review under sub-section (5) of section 80.- (1)The state Government may, either on its own motion or on an application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (2) of section 80.

(2) The employer or any worker concerned may make an application along with the order referred to in sub-rule (1), within thirty days from the date on which such order is made, to the Central Government for reviewing of the order and that Central Government shall, within two months from the date on which such application is made, dispose of that application after providing the concerned parties an opportunity of being heard.

(3) Where the Central Government decides to review the order referred to in sub-rule (1) on its own motion, it may take necessary steps within one month from the date on which the order is made, and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

CHAPTER - IX
WORKERS RE-SKILLING FUND

52. 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,-

a. Corporate Social Responsibility fund of the Companies;

b. donations from Industrial or Employer or Builders association;

c. donations from Employees associations;

d. donations from citizens of India;

e. grants from Central and State Governments;

f. grants or donations from any institutions willing to contribute.

53. Manner of utilization of fund under sub-section (3) of section 83.- Every employer who has retrenched a worker or workers under the 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 to be maintained by the Government. The particulars of the Account shall be displayed on the Official Web Site of the Labour Department notified by the Government. The fund so received shall be transferred by the Government to each worker or workers account electronically within 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 State Government to transfer the amount in their respective account.

54. Manner of holding and enquiry under sub-section(1) of section 85.-The State Government may appoint Commissioner, Labour and Employment or an officer of equivalent rank in the State Government as notified by the State Government under sub-section (1) of section 85 as enquiry officer to investigate into the complaint of offences committed under sub-sections (3), (5), (7), (8), (9), (10), (11) and (20) of section 86 and sub-section (7) of section 89.

(2) If the complaint filed is admitted by the enquiry officer, the enquiry officer shall issue notices to the parties electronically or otherwise by speed post or Registered post to appear before him on a specified date together with all relevant records, documents and witnesses, if any, and shall inform the complainant of the date so specified.

If any party or the authorised representatives fails to appear on the specified date without any intimation on two consecutive occasions/hearings/dated, the enquiry officer may proceed to hear and determine the complaint ex-parte.

If the complainant fails to appear on the specified date without any intimation to the enquiry officer on two consecutive dates, the complaint may be dismissed.

Provided that not more than three consecutive adjournments may be given to the complainant and the opposite party.

(3)The authorisation to appear on behalf of any person, under sub-section (2) of section 85 shall be given by a certificate which shall be presented to the enquiry officer during the hearing of the complaint and shall form part of the record.

(4) Any documents relevant to the complaint may be presented in person to the enquiry officer at any time during hours fixed by the enquiry officer or may be submitted in advance. The enquiry officer shall endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be.

(5) The enquiry officer may refuse to entertain a complaint presented under sub-section (1) of section 85 after giving the complainant an opportunity of being heard and being satisfied, for reasons to be recorded in writing that—

(i) the complainant is not entitled to present the complaint; or

(ii) the complainant is barred by limitation under the provisions of this Code; or

(iii) the complainant fails to comply the directions given by the Enquiry Officer under sub-section (2) of section 85.

(b) The Enquiry Officer may refuse to entertain complaint which is otherwise incomplete. He may ask complainant to rectify the defects and if the Enquiry Officer thinks that the complaint cannot be rectified he may return the complaint indicating the defects and, if he, so refuses shall return it at once indicating the defects. If the complaint is presented again, after the defects have been rectified, the date of representation shall be deemed to be the date of presentation for the purpose of sub-section (1) of section 85.

(6) The enquiry officer shall in all cases mention the particulars at the time of passing of order containing the details, i.e., date of complaint, name and address of the complainant, name and address of the opposite party or parties, section-wise details of the offence committed, plea of the opposite

party, findings and brief statement of the reason and penalty imposed with signature, date and place.

(7) The enquiry officer appointed under sub-section (1) of section 85 shall be guided in respect of procedure by relevant orders of the First Schedule of the Code of Civil Procedure, 1908, with such alterations as the enquiry officer may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of this Code or these rules.

(8) The enquiry officer, after the case has been heard, shall make the order or direction on a future date to be fixed for this purpose.

(9) The complainant or the opposite party or any authorised representative of the parties shall be entertained to inspect the complaint or any other document filed with the enquiry officer.

CHAPTER - X
OFFENCES AND PENALTIES

55. **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 the 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 XXVI**hereto 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 under 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 compounding 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 if,-

(a) the offence is compounded before the prosecution, then no complaint for prosecution shall be instituted against the accused; and

(b) 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 compounding as under clause (a) and intimate the compounding 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 - XI
MISCELLANEOUS

56. **Protected workers under sub-section (3) 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 30the April of every year, the names and addresses of such of the officers of the union who are employed in that establishment and who, in the opinion of the Union should be recognized as "protected workers". Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.

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

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

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

Provided further that where the number of protected workers allotted to a Union under this sub-rule falls short of the number of officers

of the Union seeking protection, the union shall be entitled to select the officers to be recognized as protected workers. Such selection shall be made by the Union and communicated to the employer within five days of the receipt of the employer's letter in this regard.

(4) Where a dispute arises between an employer and any registered trade union in any matter connected with the recognition of "protected workers", under this rule, the dispute shall be referred to the Commissioner, Labour and Employment, whose decision thereon shall be final.

57. **Manner of making complaint by an aggrieved worker under section 91**.- (1) Every complaint under section 91 of the Code shall be made electronically and by registered post or speed post or hand delivery in **Form XXVII** hereto 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.

58. **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 XXVIII** hereto.

59. **Manner of authorization of employer for representing in any proceeding under sub- section (2) of section 94**- Where the employer, is not a member of any association of employers, may authorize in **Form XXVIII** hereto, 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.

Labour Department * Govt. of Goa, Secretariat, Porvorim-Goa *

By Order and in the name of the Governor of Goa

(Manesh Hari Kedar)
Under Secretary (Labour)

To,

The Director, Government Printing Press, Government of Goa, Panaji, with a request to publish the same in the next issue of Government Gazette.

Copy to :-

1. The Commissioner, Labour and Employment, 7th floor, Kamat Tower, PattoPlaza, Panaji-Goa.
2. Guard file.
3. O/c.