

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Government Notification, No. I.R.C-2021/C.R.61/LABOUR-9 dated 03rd December, 2021 published in the *Maharashtra Government Gazette*, Part 1-L, Extra Ordinary is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra.

S. M. SATHE,
Joint Secretary to Government

INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 3rd December 2021.

NOTIFICATION

INDUSTRIAL RELATIONS CODE, 2020.

No. I.R.C-2021/C.R.61/LABOUR-9.—The following draft of rules which the Government of Maharashtra, proposes to make in exercise of the powers conferred by sub-section (1) section 99 of the Industrial Relations Code, 2020 (35 of 2020) read with section 24 of the General Clauses Act, 1897 (10 of 1897) and of all other powers enabling it in that behalf and in supersession of the Industrial Disputes (Maharashtra) Rules, 1957, the Maharashtra Industrial Employment (Standing Orders) Rules, 1959 and the Maharashtra Trade Unions Regulations, 1927, is hereby published as required by sub-section (1) of the said section 99, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra after the expiry of forty-five days from the date of publication of this notification in the *Maharashtra Government Gazette*.

2. Any objection or suggestion, may be received by Commissioner of Labour, Maharashtra State, Kamgar Bhawan, C 20, E Block, Bandra Kurla Complex, Bandra (East), Mumbai 400051 or on email- *mahalabourcommr@gmail.com*. The objections and suggestions should be sent in a proforma containing column (i) specifying the name and address of the person or organization and column (ii) specifying the rule or sub-rule which is proposed to be modified and column (iii) specifying the revised rule or sub-rule proposed to be substituted and reasons thereof.

The objections and suggestions, which may be received from any person or organization with respect to the said draft before the expiry of the above mentioned period, will be considered by the State Government.

By order and in the name of the Governor of Maharashtra.

S. M. SATHE,
Joint Secretary to Government

DRAFT RULES

CHAPTER-I

PRELIMINARY

1. *Short title.*—These rules may be called the Maharashtra Industrial Relation Rules, 2021.
2. *Definition.*— (1) In these rules, unless the context otherwise requires,-
 - (a) “Code” means the Industrial Relations Code, 2020;
 - (b) “electronically” means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;
 - (c) “section” means the section of the Code;
 - (d) “State Government” means the Government of Maharashtra.

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

3. *Written agreement for settlement before 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 the form specified in Form-I and shall be signed by the parties in the agreement and a copy thereof shall be sent to the concerned conciliation officer.

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 in the manner as is specified in this rule.

(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 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.

(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 worker of the industrial establishment is member of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to, how many of the workers are members of such Trade Union; and

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

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

(a) registered Trade Union may choose their representatives as members for Works Committee in the proportion of their membership;

(b) where there is no registered Trade Union, workers may choose amongst themselves representatives for Works Committee

(6) (a) The Works Committee shall 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 employer's 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 two consecutive years:

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

(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 in the Works Committee other than a member chosen to fill a casual vacancy shall be two years.

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

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

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

(9) The Works Committee shall have the right to co-opt in a consultative capacity the 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 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 of 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 from employers and 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:

Provided further that, the tenure of the members of Grievance Redressal Committee shall be coterminous with the tenure of the members of the registered Trade Union or two years, whichever is earlier.

(4) (a) Where any worker of the industrial establishment is member 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) mentioned above by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Assistant Commissioner of Labour 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 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 are not members of registered trade union, may choose amongst themselves representatives for the Grievance Redressal Committee.

6. *Manner of filing application by any aggrieved worker under sub-section (5) of section 4 of Code.*—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 conciliation of grievance as against decision of Grievance Redressal Committee to 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 by registered post or by speed post or by hand to the conciliation officer through the Trade Union of which he is a member or otherwise, 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 of the Code expires, as the case may be.

CHAPTER -III

TRADE UNION

8. *Subscription by members to Trade Union under clause (f) of section 7.*—A registered Trade Union may collect a minimum subscription from its members, as provided under the rules of the Trade Union, approved by the Registrar on monthly, quarterly, half yearly or yearly basis, which shall not be less than ten rupees per month.

9. *Manner of annual audit under clause (j) of section 7.*—(1) The annual audit of the account of any registered Trade Union shall be conducted by an auditor authorized to audit the accounts of companies under sub-section (1) of section 139 of the Indian Companies Act, 2013 (18 of 2013) or by an auditor selected from the panel of certified auditor.

(2) The Registrar may constitute such panel of certified auditors to conduct the annual audit of accounts of any registered Trade Union, by notification in the *Official Gazette*.

(3) The Registrar may add or remove the auditors from the panel.

(4) The auditor shall conduct the audit of accounts of the Trade Union and shall submit the audit report to the Trade Union and forward one copy of the same to the Registrar.

(5) *Accessibility to books of accounts.*—The auditor or auditors appointed in accordance with these rules to conduct the audit of accounts of the Trade Union shall be given access to all the books of the concerned registered Trade Union and shall verify the general statement with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration in **Form II**, indicating separately on that form under his signature or their signatures a statement showing in what respect he or they find the return to be incorrect, not supported by vouchers or not in accordance with the Act. The particulars given in the statement shall indicate,—

(a) every payment which appears to be unauthorized by the rules of the registered Trade Union concerned or contrary to the provisions of the Act;

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

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

(6) *Rectification of defects in accounts.*—The Trade union shall explain within three months from the date of audit report, the defects or irregularities pointed out by the auditor and action taken thereon, to the Registrar. The Registrar may also make an order directing the union or its office bearers to take such action, as may be specified in the order to remedy the defects within the time specified therein.

10. *Registration of Trade Union and cancellation thereof.*— (1) Form of application for registration under clause (a) sub-section (1) of section 8.—(1) Every application for registration of trade union shall be made to the Registrar electronically or otherwise in **Form III**.

(2) Every such application shall be accompanied by an affidavit of applicant in **Form IV**.

(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 XIV** shall also be attached with the application.

(4) The fees payable for registration of Trade Union shall be rupees 2000 only for a Trade Union having membership of 1000 workers and above and rupees 1000 only for a Trade Union having membership of less than 1000 workers.

(5) The Registrar shall issue the certificate of registration of Trade Union under sub-section (2) of section 9 in **Form V**.

(6) The fee payable for issue of duplicate certificate of registration shall be rupees 100 only.

(7) The Registrar shall maintain the register of the Trade Union referred to in sub-section (3) of section 9 in **Form VI**.

(8) The Application for withdrawal or cancellation of certification of registration of the Trade Union under sub-section (5) of section 9 shall be made to the Registrar in **Form-VII**.

(9) The Registrar, on receiving an application for withdrawal or cancellation of registration of the Trade Union, shall, before granting such application, verify that the application is approved in the general meeting of the Trade Union, or if it is not so approved, it has approved the majority

of members of the Trade Union. The registrar may call for such further particulars as he deems necessary and may examine any office of the Trade Union for this purpose.

11. Appeal against non-registration or cancellation of registration under sub-section (1) of section 10.—An appeal under sub-section (1) of section 10 of the Code against the order of the Registrar, refusing to grant registration of a Trade Union under section 9 of the Code or cancellation of registration under sub-section (5) of the said sections, shall be filed within sixty days from the date of receipt of order against which the appeal is preferred.

12. Communication and notices to Trade Union by Registrar and by Trade Union to Registrar under sub-section (1) and (3) of section 11.—(1) All communication and notices shall be sent electronically or otherwise to a registered Trade Union by the Registrar through the postal address or email address, as mentioned in the register.

(2) All communication and notices by a registered Trade Union with respect to any change in any particulars of the Trade Unions or its rules or membership thereof shall be sent electronically or otherwise to the Registrar to his official postal address or email address within thirty days from the 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 shall inform the fact to the Secretary of the Trade Union in the manner specified under sub-rule (1).

(4) The fee payable for such communication or alteration of rules shall be 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 alterations 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 VIII**.

(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 under rule 10 of this Rules, that, the new name and the change in particulars has been registered and communicate the same electronically or otherwise.

13. Matters on which negotiating union or negotiating council negotiate under sub-section (1) and criteria to be followed to by employer under sub-section (2) of section 14.—(1) Negotiating union or Negotiating council shall be entitled to negotiate with employer with respect to demands, counter demands, disputes or disagreement over any industrial matter or any other matter prescribed by the State Government by notification, from time to time.

(2) If there is only one Trade Union of the worker is registered and functioning in the industrial establishment, which is having fifty-one per cent. or more workers on the muster roll of the establishment as members of the said Union, shall make an application in **Form IX** to the area conciliation officer for recognition of a sole negotiating union, under sub-section (2) of section 14. The application shall be made alongwith the statement of object and resolution passed and signed by the majority of members of the union employed in that establishment.

(3) After receiving the application, the conciliation officer shall call upon the representatives of the Union, employer and any other person, as he deems fit and after making such inquiry as he deems fit, pass an order in relation thereto, within a period of three months from the date of receipt of such application.

(4) On the basis of order of the conciliation officer the employer shall recognize the Trade Union as a sole negotiating union and shall issue certificate of sole negotiating union in **Form X** within fifteen days from the date of order of the conciliation officer and the copy of the same shall be submit to the concern conciliation officer.

14. Manner of verification of workers on muster roll under sub-section (3) and manner of verification under sub-section (4) of section 14.—(1) If more than one Trade Union workers are

registered and functioning in the industrial establishment, the Trade Union having more than fifty one per cent. or more workers on the muster roll in the industrial establishment shall make an application in **Form IX** to the area conciliation officer for sole negotiating union under sub-section (3) of section 14. The application shall be made along with statement of object and resolution passed and signed by the majority of members of the union employed in that establishment.

(2) After receiving the application, the conciliation officer shall call upon the representatives of the Trade Union, employer and any other person, he deems fit and after making such inquiry as he deems fit, pass an order in relation thereto, within a period of three months from the date of receipt of such application.

(3) On the basis of order of the conciliation officer the employer shall recognize the Trade Union as a sole negotiating union and shall issue certificate of sole negotiating union in **Form X** within fifteen days from the date of order of the conciliation officer and the copy of the same shall be submit to the concerned conciliation officer.

(4) Representative of any trade union having more than twenty per cent. membership in the industrial establishment shall make an application to the area conciliation officer for a representative of union for negotiating council in **Form XI** along with statement of object and resolution passed and signed by the majority of members of the union employed in that establishment.

(5) After receiving the application, the conciliation officer call upon the representatives of employer and workmen and after making such inquiry as he deems fit pass such order in relation thereto, within a period of three months from the date of receipt of such notice. On the basis of order of the conciliation officer, the employer shall issue certificate as a representative of union for negotiating council to the member of union in **Form XII** within fifteen days from the date of order of conciliation officer and the copy of the same shall submit to the concern conciliation officer.

*15. Facilities to be provided by Industrial establishment to a negotiating union or negotiating council under sub-section (7) of section 14.—(1) Right of holding discussions on premises of undertaking with employees.—*The officers of Negotiating Union or member unions of Negotiating Council shall have the right and shall be permitted by the employer, to hold discussions on the premises of the undertaking with the employees concerned who are the members of such union:

Provided that,-

(a) the union shall intimate, in advance to the employer the name or names of the union representatives authorized for the purposes and the name of the department or departments in which the members concerned are employed; and

(b) the discussions shall be held in such manner as not to interfere with the working of the undertaking.

(2) *Right of holding discussions on premises of undertaking with employer.—* The representatives of a Negotiating Union or member of unions of Negotiating Council shall have the right to meet the employer or any person appointed by him for the purpose and discuss with him the grievances of its members employed in his undertaking subject to the following conditions, namely:-

(a) the discussion shall ordinarily be held on one day in a week during such working hours of day shift from 10 a.m. to 6 p.m. as may be fixed by the employer and the union except in urgent cases when it may be held on any day and at any time by previous appointment;

(b) the union shall ordinarily communicate, in advance, the nature of the grievances which it desires to discuss;

(c) the name of the representatives or member authorized in this behalf shall either be communicated to the employer in advance or such representative shall carry a letter of authority.

(3) *Collections of sums on premises of undertakings by certain officers of Negotiating Unions.—* Every representative of the negotiation union and such members of the union as have completed at least six months of membership and been authorized by the President

in this behalf shall, be entitled to collect sums payable by its members on the premises of an undertaking where wages are paid to them, subject to the following conditions, namely:-

(a) the name or names of the representative or members, authorized in this behalf shall be intimated in advance to the employer and changes, if any, therein shall be communicated to the employer at least twenty-four hours before the date of collection;

(b) the representatives and members visiting the undertaking for this purpose shall carry a letter of authority;

(c) no coercion or force shall be used on any employee;

(d) the collection shall be made without causing hindrance to the staff of the undertaking or interference in the management's work;

(e) not more than ten employees at a time shall be allowed together at the place where such sums are collected;

(f) collections shall be made on the usual pay day or days and the subsequent three days and the day on which unclaimed wages are paid.

(4) *Putting up notice boards of Negotiating Unions in undertaking.*— President of the Negotiating union or an office bearer authorized by the President shall be entitled to put up or cause to be put up a notice board outside the time-keeper's office or at any other conspicuous place mutually agreed upon between the employer and the union and affix notices therein during the hours the undertaking is open:

Provided that, the notice board to be put up shall be of a reasonable size; and the notices to be affixed shall be signed by the President and in absence of the President, the Vice-President and the General Secretary, the Secretary, and such notices shall relate to lawful activities of the union and shall not be of an offensive or provocative nature.

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

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

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

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

(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 of their dependency on account of death, old age, sickness, accidents or unemployment of such members;

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

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

(i) the upkeep of a periodical publicized mainly for the purpose of discussing questions affecting employers or workman 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 contributions to any cause intended to benefit workman in general:

Provided that, the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year; and

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

(2) A registered Trade Union may constitute a separate fund in furtherance of any of the objects as follows, namely:-

(a) the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body constituted under the Constitution of India or of any local authority, before, during, or after the election in connection with his candidature or election; or

(b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or

(c) the maintenance of any person who is a member of any legislative body constituted under the Constitution or of any local authority; or

(d) the registration of electors or the selection of a candidate for any legislative body constituted under the Constitution or for any local authority; or

(e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

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

17. *Manner of making application for adjudication before Tribunal under section 22.*—(1) The application before the State Industrial Tribunal shall be filed within thirty days of occurrence of any dispute as provided under section 22 or any such order of the Registrar passed in relation to such dispute alongwith the relevant copies of the documents related to such dispute or order and mentioning the cause of such dispute.

(2) The Tribunal shall give an opportunity of hearing to all concerned parties and shall pass the order within forty-five days.

(3) This order shall be final and binding upon all the parties and the Registrar.

(4) The Registrar shall make relevant entries in the relevant records maintained by his Office in accordance with the order of the State Industrial Tribunal.

18. *Manner of amalgamation under sub-section (2) and manner of sending signed amalgamation to Registrar of a different State under sub-section (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 favor of the proposal.

(2) Notice of every amalgamation shall be sent to the Registrar in **Form XIII**.

19. *Distribution of funds of Trade Union on dissolution by Registrar under sub-section (2) of section 25.*—Where it is necessary for the Registrar under sub-section (2) of section 25 to distribute the funds of a registered Trade Union which has been dissolved, he shall divide the fund amongst the members proportionate to the amounts contributed by them by way of subscription during their membership.

20. *Date, form and manner of forwarding general statement of Trade Union and its audit under sub-section (1) of section 26.*—(1) Every registered Trade Union shall submit general statement in **Form XIV** to the Registrar on or before the 30th April in every year.

(2) The audit of general statement shall be conducted in the manner specified in rule 9.

(3) After an inquiry if the Registrar finds any irregularities in general statement, he may take all the necessary action, as he deems fit.

21. *Manner and purpose of recognition of a Trade Union or a federation of Trade Unions under sub-section (2) of section 27.*—(1) The Trade Union or federation of the Trade Unions having substantial membership in major sectors of employment across the State shall make an application to the State Government or the Officer authorized by the State Government by notification issued, in this regard, for recognition of a Trade Union or a federation of Trade Unions as a State Trade Union at State level.

(2) The State Government or the officer appointed by the State Government in this behalf, shall, after due enquiry, as it deems fit, decide such application within ninety days of its receipt and send the copy of the decision to the applicant with a copy to the Labour Commissioner and the Registrar.

(3) If any dispute arises in relation to such recognition, the Government or the officer appointed by the State Government in this behalf, shall refer the dispute to the State Industrial Tribunal. The State Industrial Tribunal shall, after giving opportunity of hearing to the applicant and going through the relevant records of the case, decide the reference preferably within forty-five days and the order of the Tribunal shall be binding upon the parties.

CHAPTER- IV

STANDING ORDERS

22. *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, he shall intimate the concerned certifying officer, 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 specified 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. He 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. Such report shall be sent electronically 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.

23. *Manner of choosing representatives of workers of 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 such Trade Union or negotiating union, as referred to in clause (i) of sub-section (5) of section 30, then, the certifying officer shall call a meeting of the workers to choose three representatives, to whom he shall, upon their being chosen, forward a copy of the standing order 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.

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

shall be sent within a week to all concerned. There shall not be any requirement of certification in cases of deemed certification under sub-section (3) of section 30 and in cases where the employer has certified adoption of model standing orders.

25. *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 a 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.

26. *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 union, negotiating union or negotiating council, if any:

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

27. *Manner of disposal of appeal by appellate authority under section 32.*—(1) An employer or the Trade Union or negotiating union desirous of preferring an appeal against the order of the certifying officer given under sub-section (5) of section 30 shall within sixty days of the receipt of such order shall draw up a memorandum of appeal in tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added and reasons thereof and shall be filed to the appellate authority.

(2) The appellate authority shall, after giving the appellant and the opposite parties an opportunity of being heard, pass an order within sixty days of the filing of appeal, either confirming the standing orders or directing the employer to modify the standing orders.

(3) In case 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.

28. *The language and the manner of maintaining standing order under of section 33.*—(1) The standing order finally certified by certifying officer shall be sent electronically or otherwise to concern 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 under this Chapter shall be maintained by the employer in Marathi and English or the language understood by majority of workers.

29. *Register for final certified copy of Standing Order under section 34.*—(1) The certifying officer shall maintain, 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 following details, namely:—

- (a) the unique number assigned to each standing order;
- (b) name of industrial establishment;
- (c) nature of industrial establishment;
- (d) date of certification or deemed certification or date of adoption of model standing order by each establishment or undertaking;
- (e) the areas of the operation of the industrial establishment; and
- (f) such other details as may be relevant and helpful in retrieving the standing orders and create a data base of such of all standing orders.

(2) The certifying officer shall furnish a copy thereof to any person applying there for on payment of ten rupees per page of the certified standing orders or deemed certified standing orders, as the case may be.

30. *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 and contain the particulars of such standing orders which are proposed to be modified along with a tabular statement containing details of each of the relevant provisions of standing order in force, modifications proposed therein, reasons thereof and the details of registered Trade Unions operating therein, and such statement shall be signed by a person authorized by the industrial establishment or undertaking.

CHAPTER-V

NOTICE OF CHANGE

31. *The manner of giving of notice for change in conditions of service proposed to be effected under clause (i) of section 40.*—

(1) Any employer intending to effect any change in the conditions of service applicable to any worker in respect of any matter specified in the Third Schedule to the Code, shall give notice in **Form - XV** to such worker or workers.

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

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

CHAPTER-VI

VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

32. *Form of arbitration agreement and manner thereof under sub-section (3) of section 42.*—
(1) Where the employer and workers agree to refer the dispute to arbitration, the arbitration agreement shall be in **Form-XVI** and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent either in writing or electronically of arbitrator or arbitrators.

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

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

(b) in the case of the workers by the officer of the registered Trade Union authorized in this behalf or by three representatives of the workers duly authorized in this behalf at a meeting of the concerned workers held for such purpose;

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

Explanation 1.—In this rule, the expression ‘officer’ means any officer of a registered Trade Union or an association of the employer authorized for such purpose.

Explanation 2.—In this rule ‘officer’ means any of the following officers, namely:-

(a) the President;

(b) the Vice-President;

(c) the Secretary (including the General Secretary);

(d) a Joint Secretary; and

(e) any other officer of the Trade Union authorized in this behalf by the President and Secretary of the union.

33. *Manner of issue of notification under sub-section (5) of section 42.*—Where an industrial dispute has been referred to arbitration and the State Government is satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the *Official Gazette*, 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.

34. *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-XVII authorizing therein to represent the case. Such workers shall be bound by the acts of representatives who have been authorized to represent before the arbitrator or arbitrators, as the case may be.

CHAPTER-VII

MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES

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

(a) inspection of premises of establishment and documents;

(b) receiving evidence on affidavit;

(c) discovery of the documents;

(d) investigation and enquiry;

(e) any other matters that may be prescribed by the State Government.

36. *Manner of conciliation proceeding under sub-section (1), full report under sub-section (4) and application and manner of dealing 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 on receipt of such application, examine the application and if he finds that

the dispute is pertaining to the jurisdiction of the State Government, he shall register the dispute and adopt the procedure in such manner as he may deem fit for holding conciliation proceedings.

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

(3) The report referred to in sub-rule (2) shall be accessible to the parties concerned.

(4) The report referred to in sub-rule (2) shall contain inter-alia the submissions of the employer, worker or Trade union, as the case may be, and it shall also contain the efforts made by the conciliation officer to bring the parties to the amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion of the conciliation officer.

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

(6) In case of an industrial dispute which has not been settled during the conciliation proceedings, an application may be made before the Tribunal by either of the parties concerned for adjudication. The Tribunal shall direct the party raising the dispute to file a statement of claim with complete details along with relevant documents, list of supporting documents and witnesses within thirty days from the date on which application is filed. A copy of such statement may be sent to each of the opposite parties in the dispute.

(7) The Tribunal after ascertaining that the copies of statement of claim and other related documents are furnished to the other side by the party raising the dispute, the Tribunal shall fix the first hearing as soon as possible and within a period of one month from the date of receipt of the application. The opposite party or parties shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party or parties for service.

(8) Where the Tribunal finds that the party raising the dispute, despite its directions, did not forward the copy of the statement of claim and other documents to the opposite party or parties, it shall give directions to the concerned party to furnish the copy of the statement to the opposite party or parties, granting extension of fifteen days for filing the statement, if the Tribunal finds sufficient cause for not filing the statement of claim and other documents within time.

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

(10) On completion of evidence, arguments may be heard immediately or a date may be fixed for arguments, which shall not be beyond a period of fifteen days from the closure of evidence.

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

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

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

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

(13) The Tribunal shall communicate its award to the parties concerned and the State Government within one month from the date of the pronouncement of the award.

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

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

(16) A party in an award, who wants to obtain a copy of the award or other document, may obtain a copy of the award or other document after depositing the fee electronically in the Tribunal in the following manner, namely:-

(a) fee for obtaining a copy of an award or the document filed in any proceedings of Tribunal be charged at the rate of ten rupees per page,

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

(c) copying and certifying fees shall be payable electronically or manually,

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

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

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

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

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

CHAPTER-VIII

STRIKES AND LOCK-OUTS

37. *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 XIX which shall be duly signed by the Secretary and five elected representatives of the registered Trade Union relating to such industrial establishment endorsing the copy thereof electronically or otherwise to the concerned conciliation officer, Labour Commissioner, Mumbai and the State Government.

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

38. *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- XX to the Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof to the concerned conciliation officer, Labour Commissioner and the State Government electronically or otherwise. The notice shall be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

(2) 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.

CHAPTER -IX

LAY-OFF, RETRENCHMENT AND CLOSURE

39. *Manner of serving notice before retrenchment of 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-XXI to the State Government and the concerned Deputy Commissioner of Labour through e-mail or, by registered or speed post.

40. *Manner of giving an opportunity for re-employment to retrenched workers under section 72.*—Where any vacancy occurs in an industrial establishment and there are workers of such industrial establishment retrenched within one year prior to the proposal for filling up such vacancy, then, the employer of such industrial establishment shall offer an opportunity at least ten days before by registered post or speed post and through e-mail to such retrenched workers who are citizens of India. If such workers give their willingness for employment then, the employer shall give them preference over other persons in filling up of such vacancy.

41. *Manner of serving notice by 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-XXI to the State Government and a copy thereof to the concerned Deputy Commissioner of Labour, by e-mail or registered post or speed post.

CHAPTER - X

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

42. *Manner of making application and serving copy of such application to workers under sub-section (2) of section 78.*—An application for permission of lay-off under sub-section (1) of section 78 shall be made by the employer in Form-XXII 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 and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.

43. *Manner for application under sub-section (3) of section 78.*—The employer shall in case of an industrial establishment being a mine specified in sub-section (3) of section 78 where the workers (other than *Badli* workers or casual workers) have been laid-off under sub-section (1) of section 78 for reasons of fire, flood or excess of inflammable gas or explosion, within a period of thirty days from the date of commencement of such lay-off, apply to the State Government electronically and by registered or speed post with a copy to the concerned Deputy Commissioner of Labour for permission to continue the lay-off specifying the number of days; intimating the number of workers to be laid-off, the total number of workers employed in the industrial establishment, the date of lay-off and the reasons for continuation of such lay-off.

44. *Time-limit for review under sub-section (7) of section 78.*—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 (4) of the section 78 within a period of thirty days from the date on which such order is made.

45. *Manner of making application for 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 (1) of section 79 shall be made by the employer in Form-XXII 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.

46. *Time-limit for review under sub-section (6) of section 79.*—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 within a period of thirty days from the date on which such orders is made.

47. *Manner of making application for intended closing down and of 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- XXII** for prior permission at least ninety days before the date on which intended closure is to become effective to the State 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.

48. *Time-limit for review under sub-section (5) of section 89.*—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 for closing down an industrial establishment under sub-section (2) of section 80, within a period of thirty days from the date on which such order is made.

CHAPTER - XI

WORKER RE-SKILLING FUND

49. *Contribution from such other sources to be made to worker re-skilling fund under clause (b) of sub-section (2) of section 83.*—In addition to contribution of employer under clause (a) of sub-section (2) of section 83, the workers re-skilling fund shall consist of,-

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

50. *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 State Government. The particulars of the account shall be displayed on the official website of the Labour Department maintain by the State Government. The fund so received shall be transferred by the State 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.

CHAPTER - XII

OFFENCES AND PENALTIES

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

(2) The accused to whom the notice referred to in sub-rule (1) is served, may send 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.-

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

(b) if the offence is compounded after institution of prosecution under sub-rule (3) with the permission of the Court, then, the compounding officer shall treat the case as closed as if no prosecution had been launched and will proceed in accordance with 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 State Government.

CHAPTER – XIII

MISCELLANEOUS

52. *Manner of making complaint by an aggrieved worker under section 91.*—(1) Every complaint under section 91 of the Code shall be made electronically and by registered post or speed post in **Form XXIV** and shall be accompanied by as many copies as there are opposite parties mentioned in the complaint.

(2) Every complaint under sub-rule (1) shall be verified by the worker making the complaint or by authorized representative of the worker proved to the satisfaction of the conciliation officer, arbitrator or Tribunal, as the case may be, to be acquainted with the facts of the case.

53. *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- XVII**.

54. *Manner of authorization of employer under sub-section (2) of section 94.*—Where the employer, is not a member of any association of employers, he may authorize in **Form-XVII** to 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.

55. *Manner of engaging fixed term employment.*—Any employee or worker engaged on the basis of written contract of employment for fixed period within the meaning of section 2(o) shall not be engaged for the same work in an establishment for a total period exceeding three years:

Provided that, the total number of fixed term employee or worker shall not be engaged exceeding twenty per cent. of total employee or worker of the category.

56. *Collection of Labour Statistics.*—The employer shall submit the details of strike, lockout, lay-off, retrenchment, closure and any other statistics required under these rules electronically or otherwise and in the manner specified by the office of Director General, Labour Bureau, Government of India and State Government, from time to time.

57. *Repeal and saving.*—The Industrial Disputes (Maharashtra) Rules, 1957, the Maharashtra Industrial Employment (Standing Orders) Rules, 1959 and the Maharashtra Trade Unions Regulations, 1927, are hereby repealed.

FORM-I

(See Rule 3)

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

Names of Parties:

..... Representing employer(s);
..... Representing workers;

Short recital of the case

.....

Terms of settlement

.....

Signature of the parties

Witnesses:

(1)

(2)

*Signature of conciliation officer

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

FORM-II

(See Rule 9 (5))

Auditors' Declaration

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

(1) Auditor

(2) Auditor

FORM-III

(See Rule 10(1))

Application for Registration of Trade Unions

Name of Trade Union:

Address:

Dated the day of 20.....

1. This application is made by the persons whose names are subscribed at the foot hereof.

2. The name under which it is proposed that the Trade Union on behalf of which this application is made shall be registered is as set forth in Rule No
.....

3. The address of the Head Office of the Union to which all communications and notices may be addressed is

4. The Union came into existence on the day of 20 .

5. The union is a union of employers/workers engaged in the industry/or
..... profession/or (establishment), and has
..... members.

6. The particulars required by code in Schedule I,II, III is attached to this application.

7. One copy of the Rules of the Union, is attached to this application.

8. We have been duly authorized by the Trade Union to make this application on its behalf, such authorization consisting of *.....

Sr. No.	Name	Occupation	Address	Signed
1				
2				
3				
4				
5				

To

The Deputy Registrar of trade Union,(Concern Area)

SCHEDULE I

Industrial Relations Code, 2020

List of Officers

Name of Trade Union

Office Held in Union	Name	Age	Address	Occupation

SCHEDULE II

Reference to Rules

The number of the rules making provision for the several matters details in column (1) are given in column (2) below:

Matter (1)	Number of rules (2)
Name of Union	
The Whole of the objects for which the Union has been established	
The Whole of the purpose for which the general funds of the union shall be applicable	
The maintenance of a list of members	
The facilities provided for the inspection of the list of members, by officer and members	
The admission of ordinary members	
The admission of honorary or temporary members	
The condition under which members are entitled to benefits assured by rules	
The conditions under which fines or forfeitures can be imposed or varied	
The manner in which the rules shall be amended, varied or rescinded	
The manner in which the members of the executive and the other officers of the union shall be appointed and removed	
The safe custody of funds	
The annual audit of the accounts	
The facilities for the inspection of the account books by officers and members	
The manner in which the union may be dissolved.	

SCHEDULE III

(This need not be filled in if the Union came into existence less than one year before the date of application for Registration)

Statement of Liabilities and Assets on the day of 20

Liabilities	Rs.	Assets	Rs.
Amount of General Fund Amount of Political Fund		Cash In hands of Treasurer In hands of Secretary In hands of	
Loans from		In the Banks In the Bank	
Debts due to		Securities as per list below Unpaid subscription due Loans to-	
Other liabilities (to be Specified)		Immovable property :- Goods and furniture Other assets (to be specified)	
Total Liabilities		Total assets	

List of Securities

Particulars	Face value	Cost Price	Market value	In hands of
(Signed) 1.				
2.				
3.				
4.				
5.				
6.				
7.				

FORM-IV

(See Rule 10(2))

I Shri/Smt -----

Address -----

Occupation -----

Age -----Years ----- truly declare in writing that on this date in this region for the purpose of this business meeting of the Union under the chairmanship of..... in which (Name of the Union) has been registered under The Industrial Relations Code 2020.

The name and the registration details is as follows

S.N	Name	Age	Occupation	Address
1-				
2-				
3-				
4-				
5-				
6-				
7-				

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

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

The above mentioned persons have filed the application regarding cancellation of registration or registration in my case. According to my information, the application has been included in the list of members, attached membership list is true.

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

Date

Signature.

Place

FORM-V*(See Rule 10(5))*

Certificate of Registration of Trade Unions

Name of Trade Union-

Registration Number Office of the Registrar of Trade Union, (Concerned area)

It is hereby certified that the Union having address ----- has been registered under the Industrial Relations Code, 2020, this.....day of.....20.....

SEAL

Registrar/ Deputy Registrar of Trade Unions.

FORM-VI

(See Rule 10(7))

Register of Trade Union

Name of Trade Union ----- Date of Registration----- Remarks

Registration Number ----- Number of application form -----

Addresses of Head Office -----

Subsequent changes of the address of the head office	Name of Members making application
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.
6.	6.
7.	7.
8.	8.

Offices (Transfer from one post to another count as relinquishment of appointment held)

Year of entering in office	Name	Office held in Union	Age on entry	Address	Occupation	Year of relinquishing Office	Other Offices held in addition to membership of executives with dates

FORM-VII

[See Rule 10(8)]

Request to withdraw or cancel Certificate of Registration

Name of Trade Union-

Registration Number

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

To,

Registrar/Deputy Registrar of Trade Union

.....

The above mentioned Trade Union desires that its certificate of registration under the Industrial Relations Code, 2020, may be withdrawn (or cancelled) and at general meeting* duly held on the..... day of..... 20 it was resolved as follows

(Here give exact copy of Resolution)**(Signed)**

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

FORM-VIII

[See Rule 12 (5)]

Application for any change in Particulars given by union in its application form for Registration and in its constitution or rules to Registrar

Name of Trade Union: Address: dated the day of 20.....

R/s sir,

We want to make following changes in application Form / in constitution / rules / office bearers etc. submitted along with the application Form dated —

1.
2.
3.

SEAL

Signature.

To,

The Deputy Registrar of Trade Union, (Concern Area)

FORM-IX

[See Rule 13 (2) and 14(1)]

Application for verification of Sole Negotiating Union

To,

The Conciliation Officer,

..... (for the area)

Sub : Application for verification of Sole Negotiating Union

Sir/madam,

We (name of trade union) registered under the Industrial Relations Code, 2020 having Registration No. is the only one union having fifty-one per cent membership in the (name of establishment) apply for negotiating union under sub-section (2) or (3) of section 14 of the Industrial Relations Code, 2020 in the same establishment for the first time or in place of union.

We hereby request you that please enquire in the matter and pass the necessary order.

Signature of President /General Secretary / Secretary

Encl: Statement of object

Copy to:

The Owner/Director / Manager of the establishment.

FORM-X

(See Rule 13(4) and 14(3))

Certificate of Sole Negotiating Union

Name of Trade Union-

Address of the Trade Union-

Registration Number of Union.....

It is hereby certified that, as per the Order No., dated of Conciliation Officer of (area), (Name of the union) union has been recognized as a sole negotiating union for our establishment under sub-section (2) or (3) of section 14 of the Industrial Relations Code, 2020.

SEAL

Signature of the Employer.

Date :

Place :

Copy to – Concern Conciliation Officer.

FORM-XI

[See Rule 14 (4)]

Application for verification of representative for negotiating council

To,

The Conciliation Officer,

..... (for the area)

Sub : Application for verification of representative for negotiating council

Sir/madam,

We hereby nominate Shri (name of representative) representative of the (name of trade union) having more than percent membership in -----(name of establishment) apply for negotiating council in the same establishment under sub-section (4) of section 14 of the Industrial Relations Code, 2020 for the first time/ or in place of Shri representative of (name of trade union).

We hereby request you that, please enquire in the matter and pass the necessary order.

Signature of President /General Secretary / Secretary.

Encl : (1) Statement of object

(2) Resolution passed in general body meeting of the union

Copy to:

The Owner / Director / Manager of the establishment.

FORM-XII

[See Rule 14 (5)]

Certificate of Representative of union for negotiating council

Name of representative

Name of Trade Union

Address of the Trade Union

Registration Number of Union

It is hereby certified that, as per the Order No. dated of conciliation officer, Shri representative of (name of trade union) has been recognized as a representative for negotiating council union under sub-section (4) of section 14 of the Industrial Relations Code, 2020 for our establishment.

Date :

Place :

SEAL

Signature of the Employer.

Copy to – Concern Conciliation Officer

FORM-XIII

[See Rule 18(2)]

Notice of Amalgamation of Trade Unions

A. Name of registered trade union

B. Number of registration

Serial No.	Name of the Trade Union	Registration Number	Address
(1)	(2)	(3)	(4)
1			
2			
3			

C. Dated the.....day of.....19.....

To,

The Registrar / Deputy Registrar of Trade Unions,

(Concerned area)

Notice is hereby given that in accordance with the requirements of section 24 of the Industrial Relations Code 2020, the members of each of the above-mentioned trade unions have resolved to become amalgamated together as one trade union. Copies of the resolution approving the amalgamation are enclosed.

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

(State the terms)

And that it is intended that the trade union shall henceforth be called the

Accompanying with the notice, a copy of the Rules intended to be henceforth adopted by the amalgamated trade union, which are the rules (if so) of the union.

(To be signed by seven members and the
Secretary of each trade union)

Name and address to (Signed)
Which registered copy is to be sent

1

Secretary

2

3

4

5

Members

6

7

8

FORM-XIV

[See Rule 20(1) and 10(3)]

General Statement prescribed under section 26 of the Industrial Relations Code, 2020

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

Part A

1. Name of Trade Union
2. Address.....
3. Registered Head Office.....
4. No. and date of certificate of Registration No.....
date.....
5. To which category of industry the union belongs ? *viz.*, the public sector or private sector.
6. Under whose jurisdiction the above-mentioned Industry falls? *viz.*, whether Central Government or State Government.
7. Is the union affiliated to any All India Body? If so, state its name and affiliation number.No.....
8. Affiliation fee..... Rs.
9. Number and date of payment of affiliation fee to the All India Body. Receipt No.....
date.....
10. Number of the members of the Working Committee.
11. Number of outsider members, if any, in the Working Committee.
12. Name of the industry to which the union belongs.
13. Details about the jurisdiction of the union.
14. Monthly subscription for the members.
15. (This information need not be given by federations of trade unions) :-
 - (a) Number of members on books at the beginning of the year
 - (b) Number of members admitted during the year
 - Total of (a) and (b)
 - (c) Number of members leaving the union during the year
 - Balance by deduction from the
 - Total of (a) and (b)
 - (d) Total number of members on books at the end of the year (i.e., on 31st December):-
 - Males.....
 - Females.....
 - Total.....
 - (e) Number of members contributing to political fund.
 - (f) Number of members paying their subscription for the whole year.

16. Return to be made by federations of trade unions :-

- | | |
|--|--|
| (a) Number of unions affiliated at the beginning of the year. | |
| (b) Number of unions joining during the current year. | |
| (c) Number of unions disaffiliated during the year. | |
| (d) Number of unions affiliated at the end of the year. | |
| (e) Membership fee realised from the affiliated unions. | Rs..... |
| (f) Number of affiliated unions from whom membership fee was received during the year. | |
| (g) Number of affiliated unions contributing to political fund. | |
| (h) Number of members of affiliated unions. | Males.....
Females.....
Total..... |

Note :— Information in regard to—

1. (a) Columns 1 to 13 of Part A of this statement to be filled in by both the categories, *i.e.*, unions and federations.

(b) Columns 14 and 15 to be filled in only by the trade unions, not by federations.

(c) Column No. 16 to be filled in only by the federations.

2. A copy of the rules of the trade union corrected up to the date of dispatch thereof to be enclosed with the statements of annual return.

Part B
General Fund Account

Income		Expenditure	
Details	Rs..	Details	Rs.
1. Balance at the beginning of the year.		1. Salaries, allowances and expenses of offices.	
2. Subscription received from members as per the following details : -		2. Salaries, allowances and other expenses of the establishment	
(a) Subscription received for the current year.		3. Auditors fees.....	
(b) Subscription in arrears for the current year -		4. Legal expenses.....	
(1) Subscription in arrears for 3 months or less.		5. Expenses in conducting trade disputes.	
(2) Subscription in arrears for 6 months or more than 6 months.		6. Compensation paid to members for loss arising out of trade disputes	
(c) Subscription in arrears for more than one year		7. Funeral, old age, sickness, unemployment benefits, etc.	
Total		8. Educational social and religious benefits.	
3. Donations.		9. Cost of publishing periodicals	
4. Interest on investments		10. Rents, rates and taxes	
5. Sales of periodicals, books and rules, etc.		11. Stationery, printing and postage.	
6. Income from miscellaneous sources (to be specified).		12. Expenses incurred under Rule 15(1) (j) of this rule.	
(1).....		13. Other expenses (to be specified)-	
(2).....		(1).....	
(3).....		(2).....	
(4).....		(3).....	
(5).....		Total expenditure	
(6).....		Balance at the end of the year.....	
Total.....		Total.....	

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

On..... 20.....

Liabilities

Assets

Details	Rs.	Details	Rs.
1. Amount of general fund		1. Cash	
2. Amount of political fund		(a) In hands of the Treasurer	
3. Loans from ...		(b) In hands of the Secretary or other person to be named.	
		2. In the Bank	
4. Arrears to be paid -		3. Securities (as per list in Part D)	
		4. Unpaid subscription due (as shown in Part B in columns (b) and (c))	
5. Other liabilities (to be specified)-			
(1).....		(a) Amount of the current year's subscription	
(2).....		(b) Amount of the last year's subscription	
(3).....		5. Loans	
(4).....		(a) Officers	
		(b) Members	
		(c) Others	
		6. Immovable property	
		7. Goods and furniture -	
		(a) Of the current year	
		(b) Of the last year	
		8. Other assets	
Total.....		Total.....	

Part D

List of Securities

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

Part E

Political Fund Account

Income

Expenditure

Details	Rs.	Details	Rs.
1.	Balance at the beginning of the year	1.	Payments made on objects specified Rule 16(2) of this rule
2.	Contributions from members	2.	Expenses of management (to be fully specified)
		Total	
		Balance at the end of the year	
	Total	Total	

Part F

Auditors' Declaration

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

(1) Auditor

(2) Auditor

Part G**Officers appointed by election or nomination**

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

Part H

The following changes of officers have been made during the year

Officers relinquishing office

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

I do solemnly declare that above information is true to best of my knowledge. This verification is signed by me at..... onday of.....20.....

Signature.

FORM-XV

[See Rule 31(1)]

Notice of change of service conditions proposed by an employer

Name of employer.....

Address.....

Dated theday of20.....

In accordance with sub-section (1) of section 40 of the Industrial Relations Code, 2020 I/We hereby give notice to all concerned that it is my/our intention to affect the change/changes specified in the annexure, with effect from in the conditions of service applicable to workers in respect of the matters specified in the Third Schedule to this code.

Signature.....

Designation.....

ANNEXURE

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

Copy forwarded to :

1. The Secretary of registered Trade Union, if any.
2. Concerned Additional /Deputy / Assistant Labour Commissioner.

FORM-XVI

[See Rule 32(1)]

Agreement for voluntary arbitration

BETWEEN

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

.....Representing workers

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

(i) Specific matters in dispute.

(ii) Details of the parties to the dispute including the name and address of the establishment
 or undertaking involved.

(iii) Name of the worker in case he himself is involved in the dispute or the name of the union,
 if any, representing the worker or workers in question.

(iv) Total number of workers employed in the undertaking affected.

(v) Estimated number of workers affected or likely to be affected by the dispute.

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

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

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

Witnesses

1.

2.

Copy to : (i) The Conciliation Officer (***)here enter office address of the Conciliation Officer for
 the area concerned).

(ii) The Principal Secretary to the Government of Maharashtra.

FORM-XVII

[See Rules 34,53 and 54]

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

Before the Authority

(Here mention the authority concerned)

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

.....workers

Versus

.....Employer

I/we hereby authorize Shri / Sarvashri (if representatives are more than one) 1.....2.....
3 to represent me/us in the above matter.

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

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

FORM-XVIII

[See Rule 36(5)]

Application to be submitted before the Tribunal in the matter not settled
by the conciliation officer

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

In the matter of :

..... Applicant

Address.....

Versus

..... Opposite party (ies)

Address.....

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

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

Date

Place

Signature of Applicant.

FORM-XIX

(See Rule 37)

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

Name of five elected representatives of workers.....

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

To

(The name of the employer).

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of section 62 of the Industrial Relations Code, 2020 I/We hereby give you notice that I propose to call a strike / we propose to go on strike on..... 20...., for the reasons explained in the annexure.

Yours faithfully,
(Secretary of the Union)

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

ANNEXURE

Statement of the Case.

Copy to

- (1) Labour Commissioner, Mumbai.
- (2) Additional/Deputy Labour Commissioner of the concerned area.
- (3) Assistant Labour Commissioner of the concerned area.

FORM- XX

[See Rule 38(1)]

Notice of lock-out to be given by an employer of an industrial establishment

Name of employer

Address

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

In accordance with the provisions of section 62(6) of the Industrial Relations Code, 2020, I/we hereby give notice to all concerned that it is my/our intention to effect lock-out in.....
department(s), section(s) of my/our establishment with effect from.....
 for the reasons explained in the annexure.

Signature.....

Designation.....

ANNEXURE

1.	Statement of reasons

Copy forwarded to :

- (1) The Secretary of the Registered Union, if any
- (2) Conciliation officer (Here enter office address of the Assistant Labour Commissioner/Deputy Labour Commissioner/Additional Labour Commissioner of the concerned area.).
- (3) Labour Commissioner, Mumbai.

FORM-XXI

(See Rules 39 and 41)

Notice of Intimation of Retrenchment/Closure to be given by an
employer to the State Government

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

Name of Industrial Establishment or Undertaking or Employer

Address.....

Dated (DD/MM/YYYY).

To,

The Principal Secretary (Labour) Government of Maharashtra,
Labour Department,
Mumbai.

Sir,

Part-I

(Retrenchment)

1. Under clause (c) of section 70 of the Industrial Relation Code, 2020, I/ we hereby inform you that I/we have decided to retrench (number of workers)..... workers with effect from. (DD/MM/YYYY) for the reasons explained in the Annexure I.

2. The workers concerned have been given on the (DD/MM/YYYY) one month's notice in writing as required.

or

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

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

Part - II*(Closure)*

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

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

Number of workers

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

I/We hereby declare that the worker/workers concerned has/have been/will be paid compensation due to them under section 75 of the Industrial Relations Code, 2020 before or on the date of expiry of the notice period.

Yours faithfully,

(Name & Designation of the employer/
Authorized Representative)

ANNEXURE I

Statement of Reasons for retrenchment/closure (strike whichever is not applicable)

Copy to :

1. Labour Commissioner, Mumbai
2. Additional /Deputy Labour Commissioner of the concerned area
3. Assistant Labour Commissioner of the concerned area

FORM - XXII

(See Rules 42, 45 and 47)

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

To,

The Principal Secretary (Labour)
Government of Maharashtra,
Labour Department,
Mumbai.

Sir,

*1. Under *sub-section (2) of section 78 of the Industrial Relations Code, 2020, I/we hereby apply for "permission to lay-off workers (indicate number in figures and words) out of total of..... workers (indicate number in figures and words) employed in my/our establishment with effect from (DD/MM/YYYY) for the reasons set out in the Annexure-I.

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

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

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

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

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

All such workers permitted to be laid-off or retrenched or terminated due to closure will be paid such compensation, to which they are entitled under section 67, read with section 78(10), or, 79(9) or, 80(8) respectively of Industrial Relations Code, 2020 as per the details given below.

Yours faithfully,

(Signature)

(*Strike off which is not applicable)

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

ANNEXURE I

	Total No. of workers/ No. of to be Retrenched	Unskilled (total No. of workers/ to be retrenched)	Semi- skilled (total No. of workers/ to be retrenched)	Skilled (total No. of workers/ to be retrenched)	Highly skilled (total No. of workers/ to be retrenched)
1.					
2.	Reasons for lay-off/retrenchment/Closure (strike out whichever is not applicable)-				

ANNEXURE- II

	Particulars	Remarks, if any
1.	Name of the industrial establishment/ undertaking with complete postal address along with Pin Code, e-mail, telephone number (s).	
2.	Status of undertaking— (i) Whether central public sector/State public sector/Foreign majority company /joint sector company, etc., (In case of foreign holding company then indicate the extent of foreign holding)	Indicate the status of the company
	(ii) Whether a private limited company/ partnership firm or proprietorship firm	
3.	(a) MCA number	
	(b) GSTN number	
	(c) Registration number of the labour department	
4.	(a) *Names and identification number of the affected workers proposed to be laid-off/retrenched/ to be affected by closure.	The identification number UAN of EPFO under SS Code.
5.	(i) Annual production, item wise for pre-ceding three years-	
	(ii) Production figures, month-wise, for the preceding twelve months,	
6.	Balance sheets, profit and loss accounts and audit reports for the last three years.	To be annexed
7.	Net worth of the company	

8.	Names of the inter-connected companies or companies under the same management.	
9.	Details of lay-off/ Retrenchment resorted to in the last three years (other than the lay-off/ Retrenchment for which permission is sought), including the periods of such lay-offs/ Retrenchment the number of workmen involved in each such lay-off/ Retrenchment /continuation of lay off	
10.	Any other relevant details which have bearing on lay-off or retrenchment or Closure.	

Copy to :

1. Labour Commissioner, Mumbai
2. Additional/Deputy Labour Commissioner of the concerned area
3. Assistant Labour Commissioner of the concerned area

FORM-XXIII

(See Rule 51)

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

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

PART - I

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

PART - II

You are advised to deposit the above mentioned amount within fifteen days from the date of issue of this notice for compounding the offence as per section 89 (1) of the Industrial Relations Code, 2020, along with an application dully filled in Part – III of this notice.

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

Date:

Place:

(Signature of the Compounding Officer)

PART – III

Application under sub-section (4) of section 89 of the Industrial Relations Code,
2020 for compounding of offence

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

Applicant
(Name and signature)

Date :

Place :

To,

The Compounding Officer

FORM-XXIV

[See Rule 52(1)]

(Complaint under section 91 of the Industrial Relations Code, 2020) Before the Conciliation officer/
Arbitrator/ Tribunal In the matter of Reference
No.....

A.....

Complainant(s);

Versus

B.....

Opposite Party(ies).

Address:

The petitioner (s) begs/beg to complain that the Opposite Party(ies) has/have been guilty of a
contravention of the provisions of section 90 of the Industrial Relations Code, 2020, as shown below:

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

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

The number of copies of the complaint and its annexure required under section 91 of the
Industrial Relations Code, 2020 are submitted herewith.

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

Verification

I do solemnly declare that what is stated in paragraph above is true to my

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

Signature of the person verifying.

By order and in the name of the Governor of Maharashtra,

Principal Secretary to Government.