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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Labour Department

New Secretariat Buildings (12th Floor), Kolkata-700 001

NOTIFICATION

No. Labr/102/Law dated, Kolkata, the 13th July, 2026. The following draft rules which the Governor proposes to make in exercise of the power conferred by section 99 of the Industrial Relations Code, 2020 (No. 35 of 2020) (hereinafter referred to as the said code) and in supersession of all rules, orders, notifications on the subject are hereby published, as required by sub section (1) of section 99 of the said code, for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of forty-five days from the date of publication of this notification in the *Official Gazette*;

Objections and suggestions, if any may be sent to the Secretary, Labour Department through e-mail ID labourcode.ir.ruleswb@gmail.com in the proforma containing columns (i) specifying the name and address of the person/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 therefor;

Objections or suggestions with respect thereto, which may be received within that period, shall be duly considered.

Draft Rules

CHAPTER I
PRELIMINARY

1. **Short title and commencement.**— (1) These rules may be called the West Bengal Industrial Relations Rules, 2026.
- (2) They extend to the whole State of West Bengal and matters for which the State Government is the appropriate Government.

(3) They shall come into force on the date of their final publication in the Official Gazette.

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

- (a) “Code” means the Industrial Relations Code, 2020 (35 of 2020);
- (b) “Electronically” means any information submitted by email or uploading on the official portal or digital payment in any mode for the purpose of the Code;
- (c) “Form” means the form set forth in the Schedule to these rules;
- (d) “section” means a section of the Code.

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

3. Memorandum of Settlement.— (1) The settlement arrived at in the course of conciliation proceedings or a written agreement between the employer and worker arrived at otherwise than in the course of conciliation proceeding, shall be in **Form-I**.

(2) The settlement shall be signed,—

- (a) by the employer or by his authorised agent, or when the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of such company or such other body corporate; and
- (b) on behalf of workers, by any of the following office bearers of the Trade Union, namely: -
 - (i) the President; or
 - (ii) the Vice-President; or
 - (iii) the Secretary (including the General Secretary); or
 - (iv) the Joint Secretary; or
 - (v) any other office bearer of the Trade Union authorised in this behalf by the President and the Secretary of the Trade Union; or
 - (vi) five representatives of workers duly authorized in this behalf at the meeting of the workers held for the purpose; or
 - (vii) In case of an industrial dispute between individual worker and employer, by the worker concerned.

(3) Where the settlement is arrived at in course of conciliation proceeding, the conciliation officer shall send a report thereof to the State Government together with a copy of the Memorandum of the settlement signed by the parties to the dispute.

(4) Where a settlement is arrived at between an employer and his worker/workers otherwise than in course of conciliation proceeding, the parties to the settlement shall jointly send a copy thereof electronically or by speed post, to the concerned Additional/Joint/Deputy Labour Commissioner and the conciliation officer.

(5) The conciliation officer shall file all settlements effected under the Code in respect of industrial disputes in the area within his jurisdiction in the registered maintained electronically or otherwise.

(6) The Register referred to in sub-rule(5) shall contain the details including serial number, name of the industry, parties to the settlement, date of settlement, remarks and whether settlement was arrived at after the intervention of conciliation officer or by the mutual negotiation:

Provided that signature of conciliation officer on the agreement shall not be necessary where the agreement for settlement is arrived at outside conciliation.

Provided further that nothing in this rule shall prohibit a settlement between a worker or workers or Trade Union and an employer on mutually agreed terms and such settlement may be in a format other than **Form-I**.

CHAPTER II

BI-PARTITE FORUMS

Works Committee

4. **Works Committee and its constitution.** —(1) Every employer to whom an order made by the State Government under sub-section (1) of section 3 applies, shall forthwith proceed to constitute a works committee(hereinafter in this chapter referred to as the “committee”) to promote measures for securing and preserving amity and good relations between the employer and workers and, to that end, to comment upon matters of common interest or concern, as specified in these rules.

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

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

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

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

(3) Representation of Employer. — The representatives of the employer in the Committee shall be nominated by the employer and shall, as far as possible, be officials in direct touch with, or associated with, the working of the industrial establishment.

(4) *Consultation with trade unions.* — Where the workers of the establishment are members of a registered Trade Union or Unions, the employer shall request such registered Trade Union or Unions to inform him in writing as to –

(a) number of workers who are members of such registered Trade Union or Unions; and

(b) if the employer has reason to believe that the information furnished to him by the registered Trade Union or Trade Unions is false, he may, after informing such registered Trade Union or Unions, refer the matter to the Regional Additional/Joint/ Deputy Labour Commissioner, who shall, after hearing the parties, decide the matter and his decision shall be final.

(5). *Groups of worker's representatives.*— On receipt of the information called for under sub-rule(4), the employer shall provide for the choosing of worker's representative of the committee in the following manner, namely:—

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

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

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

Provided that the employer may, with the mutual agreement with workers of the industrial establishment, deploy an electronics process of conducting the election process over an information technology application, online platform or such other platform to enable the election of the representatives of workers to the Committee under this clause:

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

Provided also that where any reference has been made by the employer under sub-rule(4), the process of choosing the worker's representative relating thereto shall be held on receipt of the decision of the concerned Senior Additional/Additional /Joint/Deputy Labour Commissioner.

- (6) Electoral Constituency.— The employer may, if he thinks fit, sub-divide the electoral constituency or constituencies, as the case may be, and direct that workers shall vote in either by groups, sections, shops or departments.
- (7) Qualification of candidate for election.— Any workers, of not less than nineteen years of age and with a service of not less than one year in the industrial establishment may, if nominated as provided in this rule, be a candidate for election as a worker's representative of the Committee:

Provided that such service qualification shall not apply to the first election in an industrial establishment which has been in existence for less than a year.

Explanation.— For the purposes of this sub-rule, a worker who has put in a continuous service of not less than one year in two or more industrial establishments belonging to the same employer shall be deemed to have satisfied the service qualification specified therein.

- (8) Qualification for Voters. — All workers who are not less than 18 years of age and who have put in not less than six months' continuous service in the establishment shall be entitled to vote in the election of worker's representative of the Committee.

Explanation.— For the purpose of this sub-rule, a worker who has put in continuous service of not less than six months in two or more industrial establishments belonging to the same employer shall be deemed to have satisfied the service qualification specified therein.

- (9) Fixation of schedule for election. — (i) The employer shall give a minimum time period of three working days for filing nomination along with other requisite details while fixing a date as closing date for receiving nominations from candidates for election as worker's representatives of the Committee.
- (ii) The dates fixed by employer for holding the election referred to in clause (i) shall not be earlier than three days and not later than fifteen days after the closing date for receiving nominations.
- (iii) The date of election fixed under clause (i) shall be notified seven days in advance and such notice shall specify number of seats to be elected and shall be affixed on the notice board or electronics notice board of the industrial establishment and given adequate publicity amongst the workers.
- (10) Nomination of Candidates for election.— (a) Every nomination for election as worker's representative of the Committee shall be made on a nomination paper to be provided by the employer and the copies thereof shall be supplied by the employer to the workers requiring them.
- (b) Each nomination paper shall be signed by the candidate to whom it relates and attested by at least two other voters belonging to the group, section, shop or department the candidate seeking election will represent, and shall be delivered to the employer.
- (11) *Scrutiny of nomination papers.*— (i) On the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those nominations which are not valid shall be rejected.
- (ii) A nomination paper shall be held to be not valid under clause(i), if—
 - (a) the candidate nominated is ineligible for being a candidate under sub-rule(7); or
 - (b) the requirements of sub-rule(10) have not been complied with.

Provided that where a candidate or the person attesting is unable to be present at the time of the scrutiny, the candidate may send a duly authorised nominee for the purpose.

- (12) Withdrawal of Candidates.— Any candidate whose nomination for election has been accepted may withdraw his candidature within forty-eight hours of the completion of scrutiny of the nomination papers.

- (13) Voting in election.— (i) In case the number of candidates who have been validly nominated for election as worker's representative of the Committee is equal to the number of seats, the candidates as such shall be forth with declared as duly elected.
- (ii) Where, in any industrial establishment, the number of candidates validly nominated for election as worker's representative of the Committee is more than the number of seats allotted to it, voting shall take place on the day fixed for election.
- (14) Officers of the Committee.— (i) The Committee shall have among its office-bearers a Chairman, a Vice-Chairman, a Secretary and a Joint Secretary.
- (ii) The Chairman of the Committee shall be nominated by the employer from amongst the employer's representatives of the Committee and he shall, as far as possible, be the head of the employer's establishment.
- (iii) The Vice-Chairman shall be elected by the members of the Committee representing workers, from amongst themselves:
- Provided that in event of equality of votes in the election of the Vice-Chairperson, the matter shall be decided by a draw of lot.
- (iv) The Secretary and the Joint Secretary of the Committee shall be elected every year.
- (v) The Committee shall elect the Secretary and the Joint Secretary and where the Secretary is elected from amongst the representatives of the employers and the Joint Secretary shall be elected from amongst the representatives of the workers 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 either the employer or the workers for three consecutive years:
- Provided further that the representative of the employer shall not take part in the election of the Secretary or the Joint Secretary, as the case may be, and only the representatives of the workers shall be entitled to votes in the election for the post of the Secretary or the Joint Secretary:
- Provided also that in event of equality of votes in the election of the Secretary or the Joint Secretary, as case may be, under this sub-rule, the matter shall be decided by a draw of lot.
- (15) Term of Office.— (i) The term of office of a member of the Committee other than a member chosen to fill a casual vacancy, shall be three years.
- (ii) Every member chosen to fill a casual vacancy, shall hold office for the remaining period of the term of his predecessor.
- (iii) In case any member who, without obtaining leave from the Work Committee, fails to attend three consecutive meetings of the committee shall forfeit his membership.
- (16) Vacancies.— In the event of the workers' representative ceasing to be a member under clause(iii) of sub-rule(15) 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 these rules from the same group, section, shop or department to which the member vacating the seat belonged for the remaining period of the Committee.
- (17) Power to Co-Opt.— The Works Committee shall have the right to co-opt in a consultative capacity any person employed in the 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 Committee.
- (18) Meetings.— (i) The Works Committee may meet as often as necessary but not less often than once in three months.
- (ii) The Committee shall at its first meeting regulate its own procedure.

- (19) *Facilities for meeting etc.*— (i) The employer shall provide accommodation for holding meetings of the committee. He shall also provide all necessary facilities to the committee and to the members thereof for carrying out the work of the committee.
- (ii) The committee shall ordinarily meet during the working hours of the establishment concerned on any working day and the representative of the workers shall be deemed to be on duty while attending the meeting.
- (iii) The Secretary of the Works Committee may, with the prior concurrence of the Chairman, put up notices regarding the work of the Committee on the notice board of the establishment.
- (20) *Annual Return.*— The employer shall submit the details of the constitution and the functioning of the Works Committee as a part of unified annual return provided in the rules made in this behalf under the Occupational Safety, Health and Working Conditions Code, 2020 (Act No. 37 of 2020).
- (21) *Dissolution of Works Committee.*— The State Government, or officer authorized in its behalf, may after making such inquiry as it or he may deem fit, dissolve any Committee at any time, by an order for reasons to be recorded in writing, on being satisfied that Committee has not been constituted in accordance with provisions of this rule or that not less than two-thirds of the number of representatives of the workers have without any reasonable justification failed to attend three consecutive meeting of the Committee or that the Committee has, for any other reason, ceased to function:

Provided that where a Works Committee is dissolved under this sub-rule, the employer may, and if so, required by the State Government or, as the case may be, by such officer, shall take steps to re-constitute the Committee in accordance with this rule.

Grievance Redressal Committee

5. **Grievance Redressal Committee.**— (1) The Grievance Redressal Committee (hereinafter in this Chapter referred to as the “Grievance Committee”) in an industrial establishment employing twenty or more workers, shall consist of equal number of members representing the employer and the workers, which shall not exceed ten members.
- (2) The representatives of the employer in the Grievance 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, preferably the heads of major departments of the industrial establishment.
- (3) The worker’s representative of the Grievance Committee shall be chosen in the following manner, namely:—
- (a) Where there is a negotiating union under sub-section(2) or sub-section(3) of section 14 of the Code, such negotiating union shall nominate the worker’s representative on the Grievance Committee;
- (b) In the case of the negotiating council under sub-section(4) of section 14 of the Code, every registered Trade Union representing in the negotiating council shall be represented in the Grievance Committee in proportion to the number of workers of the industrial establishment who are members of such Trade Union;
- (c) Where there is no recognized negotiating union or negotiating council referred to in clause (a) and (b), the workers of the industrial establishment shall choose amongst themselves the worker’s representatives of the Grievance Committee:
- Provided that the employer may, deploy an electronic platform for choosing worker’s representatives under this clause, over an information technology application, online platform or such other like platform.
- Provided further that there shall be adequate representation of women workers in the Grievance Committee and such representation shall not be less than the proportion of women workers to the total workers employed in the industrial establishment.
- (4) The tenure of the members of the Grievance Committee shall be three years.
- (5) Where there is no recognised negotiating union or negotiating council and if any dispute arises regarding choosing of the worker’s representative to the Grievance Committee, the matter may be referred to the concerned Additional/Joint/Deputy /Assistant Labour Commissioner, who shall, after hearing the parties, decide the matter, whose decision shall be final.

6. **Application to Grievance Committee.**—(1) Any aggrieved worker may file an application stating his grievance before the Grievance Redressal Committee, along with name, designation, employee code or token number, department where he is posted, length of his service in years, category of worker, address for correspondence, contact number, details of grievance and relief sought therefor.
- (2) The application referred in sub-rule(1) may be filed electronically or otherwise.
- (3) The application referred to in sub-rule(1) may be filed within one year from the date on which the cause of action arose.
7. **Application to conciliation officer.**— Any worker who is aggrieved by the decision of the Grievance 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 speed post, or in person, within a period of sixty days from the date of the decision of the Grievance 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, to the conciliation officer on his own motion in case of discharge, dismissal or retrenchment of an individual worker by the employer or through the trade union, of which he is a member:
- Provided that in case of manual receipt of such application through speed post, the conciliation officer shall get the same digitized and enter the particulars of the application in the online mechanism under intimation to the Trade Union and worker.

CHAPTER III

TRADE UNIONS

Registration of a trade union.

8. **Payment of a subscription by members of the Trade Union under clause (f) of section 7 of the Code.**—
- (1) *The annual subscription* for ordinary members of a trade union relating to unorganized sector and for honorary member shall be by Special or General Order by the State Government.
- (2) *The annual subscription* for ordinary members of a trade union relating to organized sector shall and for honorary member shall be notified by the State Government.
9. **Constitution of a separate fund for civic and political interest.**— A registered trade union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of the objects specified in rule 29.
10. **Manner of annual audit under clause (j) of section 7 of the Code.**— (1) Save as provided in sub-rules(2), (3) (4) and (5) of this rule, the annual audit of accounts of any registered trade union shall be conducted by an auditor eligible to conduct the audit of the accounts of the companies under the Companies Act, 2013 (No. 18 of 2013).
- (2) Where the total receipt of any trade union did not at any time during the financial year exceeds fifty thousand rupees, the annual audit of the accounts may be conducted by any two members of the union.
- (3) Where the total receipt of any trade union did not, at any time during the financial year, exceed one lakh rupees, the annual audit of the accounts may be conducted, -
- (a) by any two persons holding office as member of any municipal board, district board, or legislative body; or
- (b) by any persons, who having held an appointment under government in any audit or accounts department, is in receipt of a pension from Government of not less than thirty thousand rupees in a month; or
- (c) by any auditor appointed to conduct audit of any Co-operative Societies by Government or by Registrar of Co-operative Societies or by any State Co-operative Organization recognized by the Government for this purpose.
- (4) Where the total receipt of any trade union did not, at any time during the financial year, exceed five lakh rupees, annual audit of account may be conducted,-

- (a) by an examiner of local fund accounts; or
 - (b) by any local fund auditor appointed by the Local Government; or
 - (c) by person, who having held an appointment under Government in any audit or accounts department, is in receipt of a pension from the Government of not less than fifty thousand rupees in a month.
- (5) Where the Trade Union is a federation of unions, the audits of accounts of federation shall be conducted in the same manner as prescribed in sub-rules(2), (3) and (4) for audit of trade unions.
- (6) Notwithstanding anything contained in sub-rules(1), (2), (3), (4) and (5), no person who, at anytime during the year was entrusted with fund or any part thereof or securities belonging to the trade union, shall be eligible to audit the accounts of that union.
- (7) The auditor or auditors appointed in accordance with these rules shall be given access to all the books of the Trade Unions and shall verify the annual return with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration in **Form-II**.
- 11. Audit of separate fund for civic and political interest.**— The audit of the separate fund for civil and political interest of a registered Trade Union shall be carried out along with the audit of the general account of the Trade Union and by the same auditors.
- 12. Maintenance of book and registers to facilitate the audit of its accounts.**— Every registered Trade Union shall maintain the following book and registers preferably electronically to facilitate the audit of its accounts-
- (i) Register of membership and subscription,
 - (ii) Register of receipts and disbursements of the General Fund Account,
 - (iii) Minute Books to record the proceeding of all meetings,
 - (iv) Register of stock, tools and plant to show the furniture, fittings and valuable documents relating to the immovable properties of the Union,
 - (v) Matching numbered subscription receipt book,
 - (vi) Register of receipts and disbursements for the political fund (if there is a political fund); and
 - (vii) A file of vouchers.
- 13. Application for registration under sub-section (1) of section 8 of the Code.**— (1) Every application for registration of a trade shall be made in **Form-III** either manually or electronically and shall be submitted to Registrar of Trade Union, West Bengal.
- (2) The application for registration shall be accompanied by the registration fee, as may be notified by the State Government from time to time..
- 14. Affidavit and the manner of making the same under clause(a) of sub-section(1) of section 8 of the Code.** — Every application for registration of a Trade Union, as required under clause (a) of sub-section (1) of Section 8, shall be accompanied by a declaration to be made by an affidavit in **Form IV** of all applicants.
- 15. General statement of the assets and liabilities of the Trade Union under sub-section(2) of section 8 of the Code.**— Where a Trade Union has been in existence for more than one year before making an application for its registration, the application for registration shall be accompanied by a general statement of the assets and liabilities of the Trade Union in Schedule-III.
- 16. Certificate of registration under sub-section(2) of section 9 of the Code.**— The Certificate of registration issued by the Registrar under sub-section(2) of section 9 shall be in **Form-V**.
- 17. Form of entering the name and other particulars of Trade Union in a register maintained by the Registrar in this behalf under sub-section(3) of Section 9 of the Code.**— The Register of Trade Unions referred to in sub-section(3) of Section 9 shall be maintained in **Form-VI** manually or electronically.

- 18. Cancellation or withdrawal of certificate of registration of the Trade Union under sub-section(5) of section 9 of the Code.**— (1) The Registrar on application for the withdrawal or cancellation shall, before granting the application satisfy himself that the withdrawal or cancellation of a registration was approved by a general meeting the Trade Union, or if it was not so approved that it has the approval of the majority of the members of the Trade Union and for this purpose, the Registrar may call for such further particulars as it may deemed necessary and may examine any officer of the Union.
- (2) The Registrar shall, before withdrawing or cancelling the certificate of registration of a Trade Union under clause(ii) of sub-section(5) of Section 9, cause to be served notice in **Form-VII** on the Trade Union through its Secretary electronically or by speed post or in person.
- (3) The certificate of registration issued to Trade Union under rule 16 shall be surrendered by the Secretary of the Union when the Registrar withdraws or cancels such certificate under sub-section(5) of Section 9.
- 19. Period within which appeal against non registration or cancellation of registration is to be preferred by Trade Union to Tribunal under sub-section (1) of section 10 of the Code.**— Any appeal made under sub-section(1) of Section 10 of the Act. must be filed within sixty days of the date on which the Registrar passed the order against which the appeal is made.
- 20. Notices of change under sub-section(1) and (3) of section 11 of the Code.**— (1) The Trade Union shall inform the Regional Additional/Deputy Registrar of any changes in office bearers of the union in writing and such information shall be accompanied by resolution to that effect in accordance with such changes as given in **Form-VIII**. The Regional Additional/Deputy Registrar shall, after being satisfied, record any such change in the register maintain for this purpose in **Form-IX** and shall inform the union concerned.
- (2) The Trade Union shall inform the Registrar of any changes in particulars given by its application regarding its name, constitution or by-laws in writing and shall be accompanied by resolution to that effect in accordance with the constitution or by-laws of the union and shall be communicated to registrar in **Form-VIII**. The Registrar shall, after being satisfied, record change in the constitution or by-laws of the union and shall inform the union concerned.
- (3) In case of transfer of office of the trade union to another State, the Registrar of Trade Unions shall forward to the Registrar of Trade Unions of the State in which head office of the trade union has been transferred, a copy of the entries contained in the register referred to in section 9 of the Code.
- 21. Matters for recognition.** — The matters pertaining to workers which the negotiating union or negotiating council, as the case may be, shall negotiate with the employer of the industrial establishment under sub-section (1) of section 14 of the Code are specified, below: -
- (i) Classification by grades and categories of workers;
 - (ii) Order passed by an employer under the standing orders applicable in the industrial establishment;
 - (iii) Wages of the workers including their wage period, dearness allowance, bonus, increment, customary concession or privileges, compensatory and other allowances;
 - (iv) hours of work of the workers, rest days, number of working days in a week, rest intervals, working of shift;
 - (v) leave with wages and holidays;
 - (vi) promotion and transfer policy and disciplinary procedures;
 - (vii) quarter allotment policy for workers;
 - (viii) safety, health and working conditions and related standards;
 - (ix) the matter pertaining to conditions of service and terms of employment of the workers which are not covered in the foregoing clauses;
 - (x) any other matter which is agreed between employer of the industrial establishment and negotiating union or negotiating council, as the case may be.

- 22. Criteria for recognizing single registered Trade Union under sub-section(2) of section 14 of the Code.**— Where only one union is functioning in the industrial establishment, the employer shall recognize such union as sole negotiating union of worker:

Provided that not less than thirty percent of the total workers employed in the industrial establishment are members of the said trade union.

- 23. Manner of verification of membership of the Trade Unions in the industrial establishment under sub-section(3) and (4) of section 14 of the Code.**— (1) (a) The State Government shall appoint a Verification Officer for the purpose of verification of membership of the Trade Unions in the industrial establishment who shall not have any interest with any of the Trade Unions in the industrial establishment, whose membership verification is to be carried out by him.

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

- (b) The Verification Officer may utilize the services of other officers to assist him depending upon the quantum of work of membership verification.
 - (c) The Verification Officer shall carry out the work of membership verification in the industrial establishment within the time as determined by the State Government.
- (2) The employer of the industrial establishment shall bear all expenses and make arrangements in connection with the verification of membership of trade unions under sub-clause (a).
- (3) The Trade Unions may submit an application in **Form-X** to the employer of the industrial establishment to accord status of negotiating union or the representatives of negotiating council of the workers, as the case may be, on fulfillment of the following conditions namely:-
- (a) such Trade Union has a valid registration under the Trade Unions Act, 1926 (Act No. 16 of 1926) and continuing as such or has the registration under the Industrial Relations Code, 2020 (Act No. 35 of 2020), as the case may be; and
 - (b) the application for recognition made by Trade Union shall be accompanied with a copy of the registration certificate, a copy of list of members, details of the membership subscription and a copy of latest annual return of the trade union submitted to the Registrar of Trade Unions.
- (4) (a) In case the negotiating union or negotiating council, as the case may be, has been constituted under the Code, the employer of the industrial establishment shall initiate action before expiry of the tenure of negotiating union or negotiating council, as the case may be, sufficiently in advance but not later than three month before the expiry of the tenure of negotiating union or negotiating council, as the case may be.
- (b) The date of reckoning shall be fixed by the verification officer for the industrial establishment for the purpose of verification of membership of the trade unions.
 - (c) The employer of the establishment shall forward the documents and records submitted by trade unions, to the verification officer.
 - (d) On receipt of the documents and records, the Verification Officer shall scrutinize the records and documents submitted by the trade union to ascertain the status of registration of trade unions and related matters.
 - (e) The Verification Officer shall hold meeting with representatives of employer of industrial establishment and all participating Trade Unions to decide about the process of verification of the membership of Trade Unions through secret ballot.
 - (f) The employer may, in consultation with the Verification Officer, deploy an electronic process for conducting the election over an information technology application, online platform or like other platform.
 - (g) The list of negotiating unions and members of negotiating council referred to in section 14 and verified shall be maintained in **Form-XI** by the Registrar, Trade Unions.

- 24. Verification of membership of Trade Unions through secret ballot.** – (1) The Verification Officer shall convene meeting of representatives of all registered Trade Unions functioning in the industrial establishment sixty days before the date of actual voting, to decide,-
- (i) publication of voters list;
 - (ii) date, time, mode of voting, place of voting;
 - (iii) date, time and place of counting; and
 - (iv) other modalities relating to secret ballot.
- (2) The Verification Officer shall cause the minutes of the meeting to be prepared and signed by all participating Trade Unions.
- (3) All participating Trade Unions shall be allotted symbols in the same meeting.
- (4) In case no decision could be taken regarding date, time, mode of voting, place of voting, allotment of symbols, date, time and place of counting and like other matters in the meeting, then, the decision of the Verification Officer shall be final and he shall publish the schedule, program and procedure of such secret ballot election.
- (5) All workers whose names are borne on the muster roll of the industrial establishment on the date of reckoning shall be eligible to cast their vote.
- (6) The voter list shall be prepared by the employer of the industrial establishment on the basis of names of the workers borne on the muster roll referred to in sub-rule(3) and the voter list shall contain the name, Father's name, designation, employee number/identity card number issued by the employer and place of posting of the worker. The final voter list shall be published by the employer after obtaining the approval of Verification Officer and shall be displayed at notice board at the main entrance and website, if any, of the industrial establishment. A copy of such voter list shall also be sent to the participating Trade Unions by hand or by speed post or through electronic mode.
- (7) The Verification Officer shall display the list of the name of the participating Trade Unions with the symbol allotted to them on the notice board at the main entrance and website, if any, of the industrial establishment within two days of finalization of the list.
- (8) The voting and counting of votes shall be held on the date, time and place fixed by the Verification Officer under the supervision of the Verification Officer and during the counting, agents of all participating Trade Unions shall be allowed to remain present.
- (9) After final counting of votes, the result shall be declared by the Verification Officer. The result sheet shall contain the name of all Trade Unions participated in election, total number of votes polled and the number votes cast in favour of each of the trade unions which participated in the election.
- 25. Verification report to the employer-** The Verification Officer shall submit verification report along with the result sheet to the employer of industrial establishment.
- 26. Recognition of Trade Union as negotiating union or constituents of negotiating council.** — (1) On the basis of verification report submitted by Verification Officer, the employer of the industrial establishment shall grant recognition to a Trade Union as a negotiating union or a constituent of negotiating council.
- (2) The recognition granted under clause (a), either as negotiating union or the the negotiating council shall be valid for three years from the date of recognition or constitution or such further period not exceeding five years, in total, as may be mutually agreed by the employer and the Trade Union, as the case may be.
- 27. Facilities provided by industrial establishment.** — (1) In an industrial establishment, where there is a negotiating union or negotiating council, as the case may be, the employer of such industrial establishment shall provide the following facilities namely: -
- (i) notice board for the purpose of displaying information relating to activities of the negotiating union or negotiating council;

- (ii) venue and necessary facilities for holding discussions by the negotiating union or negotiating council, as the case may be, as per schedule and agenda to be settled between employer of the industrial establishment and the negotiating union or negotiating council;
 - (iii) venue and necessary facilities for holding discussions amongst the members of the negotiating union or constituents of negotiating council;
 - (iv) entrance of the office bearers of the negotiating union or negotiating council, in the industrial establishment for the purposes of ascertaining the matters which are relating to working conditions of the workers;
 - (v) employer of an industrial establishment, having three hundred or more workers, shall provide suitable office accommodation with necessary facilities to the negotiating union or negotiating council.
- (2) The employer of the industrial establishment shall deduct subscription of the members of the Trade Union on the basis of the written consent of the worker;
 - (3) The office bearers of the negotiating union or negotiating council shall be treated on duty while holding meetings with the employer.

28. Purpose of general fund under sub-section (1) section 15 of the Code.—The general funds of the union shall not be spent on any objects other than the following objects, namely: —

- (1) the payment of salaries allowances and expenses to officers of the trade union;
- (2) the payment of expenses for the administration of the trade union including the audit of the accounts of the general funds of the trade union;
- (3) the prosecution or defense of any legal proceedings 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 right arising out of the relations of any member with his employer;
- (4) the conduct of trade disputes on behalf of the trade union or any member thereof, the compensation of members for loss arising out of trade disputes;
- (5) allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members;
- (6) 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;
- (7) 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 dependants of members;
- (8) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers/workmen as such;
- (9) the payment, in furtherance of any of the objects on which the general funds of the trade union may be spent, of contribution to any cause intended to benefit workmen in general:

Provided that the expenditure in respect of such contributions if 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 end of the balance at the credit of those funds the commencement of that year; and

- (10) any other object which shall be notified by the State Government from time to time.

29. Purpose of civic and political interest fund and subscription under sub-section(2) and (4) of section 15 of the Code. — (1) The fund constituted under sub-section(2) of section 15 shall not be spent on any object other than:-

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

- (b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
 - (c) the maintenance of any person who is a member of any legislative body constituted under the Constitution or for 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.
- (2) The subscription to the fund created for civic and political interests shall be separately levied on members of the trade union and shall not be more than twice of the annual subscription of the member to general fund.

30. Application for adjudication of disputes before Tribunal. —Where any dispute arises between:-

- (a) one Trade Union and another; or
- (b) one or more workers who are members of Trade Union and the Trade Union regarding registration, administration or management or election of office bearers of the Trade Union; or
- (c) one or more workers who are refused admission as members and the Trade Union; or
- (d) where the dispute is in respect of a Trade Union which is a federation of Trade Unions and office bearer authorized in this behalf by the Trade Union.

The aggrieved worker or the Trade Union, as case may be, may make application in **Form-XII** to the Tribunal having jurisdiction within a period of one year from the date on which the dispute arises, electronically or by speed post or in person.

31. Manner of amalgamation under sub-section(2), and the manner sending signed amalgamation to the Registrar of a different State under sub-section(3) of section 24 of the Code:- (1) Any two or more trade unions may apply to Registrar of Trade Unions for amalgamation of their unions in **Form-XIII**.

- (2) The application for amalgamation shall be accompanied with the resolutions passed by at least three-fourth members of their unions.
- (3) The Registrar, if satisfied, after making such inquiry as he deems fit, shall record the amalgamation of unions in a register in **Form-VI**.
- (4) On receipt of notice of amalgamation under sub-section(3) of section 24, if the Head office of the amalgamated Trade Union is in the other State, the Registrar, Trade Union, West Bengal shall send notice of such amalgamation to the Registrar, Trade Union of such other State.
- (5) When the amalgamated trade union is registered under sub-section(6) of section 24, it shall be assigned a number in the register in **Form-VI** and the Registrar shall issue a new certificate in Form therefore. The Registrar shall also mention the fact of amalgamation against the entries, if any, related to the trade unions so amalgamated, in the register in **Form-VI** and shall send intimation of the registration of the amalgamated unions to the Registrars of the trade unions of other State, if any.

32. Distribution of Funds of trade union after dissolution under sub-section(2) of section 25 of the Code:- (1)

Where it is necessary for the registrar under sub-section(2) of section 25 to distribute the funds of a trade union, which has been dissolved, he shall divide the funds, among the members on the books of trade union on the date on which the notice of dissolution is issued in proportion to the amount contributed by such members by way of subscription during their membership.

- (2) In the event of death of a member of a trade union subsequent to the date of its dissolution but prior to the distribution of funds, the registrar shall pay the sum payable to such member to his legal heirs.

- 33. Annual Return under clause (a) of sub-section(1) of section 26 of the Code:** The annual return to be furnished under section 26 of the Code shall be submitted manually or electronically to the Registrar by 31st day of July in each year and shall contain a full and correct statement of the particulars prescribed in **Form-XIV** duly audited according to provisions of rule 10.
- 34. Recognition of State trade union under sub-section(2) of section 27 of the Code.-** (1) If the State Government is of the opinion that it is necessary or expedient to recognize a Trade Union or federation of Trade Unions as State Union at State level, the State Government may constitute a Standing Committee for consultation in this regard. The Labour Commissioner shall be the ex-officio Chairperson and two members from each Trade Union or federation of Trade Unions participating in recognition process shall be the members of the standing committee.
- (2) Only those Trade Unions or federation of Trade Unions, which affiliates at least combined membership of ten thousand in the State and Trade Unions registered in atleast in five district and membership is in at least eight industries, shall be recognized by the State Government under sub-section (2) of Section 27.
 - (3) For the purpose of recognition as a State Trade Union at the State-level, a trade union or Federation of trade unions, shall make an application in writing to Labour Commissioner in this regard on **Form-XV**. Such application shall be signed by the Secretary of the trade union or Federation of trade unions and accompanied with the resolution of the union or Federation.
 - (4) On receipt of an application under sub-rule (2), the Labour Commissioner may after making such enquiries as he deems fit recognize the State trade union/Federation or reject the application. In case if State trade union/Federation is recognized, the applicant shall be informed of the position in writing by the Labour Commissioner.
 - (5) The State Government may at any time before or after a trade union or federation of unions has been recognized as a State level trade union or federation, as the case may be, call for such information from such union or federation as it considers necessary, and the union or federation shall furnish the information so called for.
 - (6) Every such recognized trade union or federation of unions shall: —
 - (a). intimate to the State Government in **Form-XVI** every change in the address of its head office and in the members of the executive, including its office bearers within seven days thereof, and
 - (b). submit to the State Government by December 31, every year, a list of unions affiliated to it in **Form- XVII**.
 - (7) The State Government may at any time and for reasons to be recorded in writing withdraw the recognition granted to a trade union or federation of unions under sub-rule (3) above.
 - (8) A party aggrieved by the order of the State Government under sub-rules (4) or (7) may within one month from the date of receipt of such order, prefer an appeal before the Tribunal, whose decision in the matter shall be final and binding.

CHAPTER IV

STANDING ORDERS

- 35. Forwarding of information to certifying officer: —** (1) In case the employer adopts the Model Standing Orders of the Central Government referred to in section 29 of the Code with respect to matters relevant to his industrial establishment or undertaking, the employer shall inform the concerned certifying officer electronically or in person or by speed post, the specific date from which the provisions of the Model Standing Orders have been adopted.
- (2) The model standing order adopted under sub-rule (1) shall apply to the industrial establishment and to all its units in West Bengal.
 - (3) On receipt of information under sub-rule (1), the certifying officer shall enter the details of the industrial establishment which has adopted the Model Standing Order in the register specified in rule 42.

- (4) Where, the certifying officer observes that the industrial establishment, which has intimated adoption of Model Standing Orders is also engaged in activities other than for which Model Standing Orders have been adopted, he may, within a period of thirty days from such receipt of intimation of Model Standing Orders so adopted, direct such employer to include or adopt certain provisions which are relevant to his industrial establishment and indicate those relevant provisions to comply the same within a period of thirty days from the date of the receipt of such direction and send a compliance report in respect of those provisions only which the certifying officer has so directed to get included.
- (5) If no observation is made by the certifying officer within a period of thirty days of the receipt of the information specified in sub-rule (1), the Model Standing Order shall be deemed to have been certified by the certifying officer.
- (6) The provisions of the Model Standing Orders adopted in accordance with the provisions of these rules shall come in force with effect from the date specified in sub-rule (1).
- (7) The certifying officer shall not raise any observation, if the industrial establishment is engaged in activities which are wholly covered by the activities of the industrial establishment to which the standing orders apply.

36. Choosing of representatives of workers for issuing notice where there is no Trade Union.— (1) Where there is no Trade Union in the industrial establishment, or undertaking, the certifying officer shall call a meeting of the workers to choose three representatives, to whom shall, upon their being chosen, issue notice along with a copy of the standing order or modification, as the case may be, in the language spoken and understood by the majority of the workers, requiring comments or suggestions, if any, which the workers may desire to make to the draft standing orders to be submitted within fifteen days from the date of receipt of such notice.

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

37. Authentication of certified standing order.—The certified standing orders or the modifications in the standing orders shall be authenticated by the certifying officer and shall be sent electronically, and a hard copy thereof by speed post, within seven days from the date of such authentication to the employer and all the registered Trade Unions or chosen representative of workers.

Provided that there shall not be any requirement of authentication under this rule in cases of deemed certification under sub-section (3) of section 30 of the Code and in cases where the employer has certified adoption of Model Standing Orders.

38. Statement to accompany draft standing orders.— (1) The draft standing order shall be accompanied with a statement containing, the name of the industrial establishment or undertaking concerned, address, email address, contact number and the strength and details of workers employed therein including particulars of Trade Union, if any, to which such workers belong.

- (2) The draft modification in an existing standing order, shall be accompanied with a statement to containing the particulars of such standing order which is proposed to be modified along with a tabular statement containing details of each of the provision of that standing order in force and the proposed modification therein and reasons therefor.
- (3) The statement referred to in sub-rules (1) and (2) shall be signed by a person authorized by the industrial establishment or undertaking.
- (4) The Model Standing Orders, if modified, shall also apply to all the units of the industrial establishment or undertaking in West Bengal.

39. Condition for submission of draft standing orders in similar establishment.— In case of group of employers engaged in similar industrial establishments, they may, after consultation with the concerned Trade Union, submit a joint draft of standing order under section 30 of the Code and provision of these rules shall apply:

Provided that the joint draft of standing orders, in cases of group of employers engaged in similar industrial establishments, shall be drafted and submitted to the Additional Labour Commissioner, who shall, in consultation with the concerned certifying officers, certify or refuse to certify such joint draft standing orders, after recording reasons therefore:

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

40. Disposal of appeal by appellate authority.— (1) An employer or Trade Union or the negotiating union or negotiating council, or where there is no negotiating union or negotiating council in an industrial establishment or undertaking, any union or such representative body of the workers of the industrial establishment or undertaking, may prefer an appeal against the order of the certifying officer made under sub-section(5) of section 30 of the Code within sixty days of the receipt of such order, and for that purpose draw up a memorandum of appeal in a tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added along with the reasons there for, and file it electronically or in person with the appellate authority.

(2) The appellate authority 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, to Trade Union or the negotiating union or negotiating council, as the case may be, or where there is no negotiating union or negotiating council in an industrial establishment or undertaking, any union or such representative body of the workers of the industrial establishment or undertaking;
- (b) where the appeal is filed by a Trade Union or the negotiating union or negotiating council, to the employer and the negotiating union or the negotiating council or all other Trade Unions of the workers of the industrial establishment, as the case may be, or where there is no negotiating union or negotiating council in an industrial establishment or undertaking, any union or such representative body of the workers of the industrial establishment or undertaking; and
- (c) where the appeal is filed by a representative body of the workers, to the employer and other Trade Unions of the workers of the industrial establishment, or where there is no trade union of the workers in an industrial establishment or undertaking, any other worker who joins as party to the appeal.

(3) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal referred to in sub-rule(1).

(4) The appellate authority may at any stage of the proceeding call for any evidence, if it considers necessary for the disposal of the appeal.

(5) On the date fixed under sub-rule(2) for the hearing of the appeal, the appellate authority shall take such evidence as it considers relevant, if produced, and after hearing the parties, dispose of the appeal.

41. Serving of order and text of standing orders.— (1) The order of the appellate authority shall be served electronically or otherwise within three days of the disposal of appeal to the employer or Trade Union or the negotiating union or negotiating council or any union or representative body of the workers, as the case may be, by whom the appeal has been filed.

(2) The text of the standing orders as finally certified or deemed to have been certified or adopted model standing orders under this Chapter, shall be maintained by the employer in Bengali, English and in the language spoken and understood by majority of workers where the industrial establishment is situated.

(3) The certified standing orders shall be displayed in legible manner by the employer on the special board to be maintained for the purpose at the entrance or near the entrance of the industrial establishment through which majority of workers enter and may also be posted on the designated portal/website, if any, of such industrial establishment.

42. Register of standing orders.— (1) The certifying officer shall maintain electronically, a register in **Form-XVIII**, of all finally certified standing order or deemed to have been certified or adopted model standing orders of all the concerned industrial establishments, which shall, contain details of-

- (a) the unique number assigned to each standing order;
 - (b) name of industrial establishment;
 - (c) nature of industrial establishment;
 - (d) date of certification or deemed certification or date of adoption of Model Standing Orders by each establishment or undertaking;
 - (e) the areas of operation of the industrial establishment; and
 - (f) such other details as may be relevant and helpful in retrieving the standing orders and create a database of such of all standing orders.
- (2) The certifying officer shall furnish a copy of the certified standing orders or deemed certified standing orders referred to in sub-rule (1) to any person applying therefor, on payment of two rupees per page of the certified standing orders or deemed certified standing orders, as the case may be.
- (3) The payment of fee for getting certified standing orders may also be made electronically.
- 43. Application for modification of standing orders.**— (1) The application for modification of an existing standing orders shall be submitted electronically or in person or by speed post.
- (2) The application specified in sub-rule(1) 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 provisions of standing order in force and proposed modifications therein, reasons thereof and the details of registered Trade Unions operating therein,
- (3) The statement mentioned in sub-rule (2) shall be signed by a person authorized by the industrial establishment or undertaking or workers or a Trade Union or other representative body of the workers, as the case may be, who has submitted such application for modification.

CHAPTER V

NOTICE OF CHANGE

- 44. Notice for change.**— (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-XIX** electronically or by speed post or in person, to such workers likely to be affected by such change and shall also upload such notice on the designated portal, if any, of the industrial establishment.
- (2) The notice referred to in sub-rule (1) shall be displayed conspicuously by the employer on the notice board or on the electronic notice board at the main entrance of the industrial establishment:

Provided that when there is a registered Trade Union or registered Trade Unions or a negotiating union or negotiating council relating to the concerned industrial establishment. a copy of such notice shall also be served in the manner specified in sub-rule (1) on the Secretary of such Trade Union or Secretaries of such Trade Unions, or Secretary of the negotiating union or constituent of negotiating council, as the case may be.

CHAPTER VI

VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

- 45. From of arbitration agreement and the manner thereof.**— (1) The employer and workers may agree to refer any industrial dispute to arbitration by entering into an arbitration agreement as provided in **Form-XX**.
- (2) The arbitration agreement referred to in sub-rule (1) shall be signed by the parties to the said agreement and it shall be accompanied by the consent, either in writing or electronically, of arbitrator or arbitrators.
- (3) The arbitration agreement referred to in sub-rule (1) shall be signed, —
- (i) in case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other officer of the company or corporation authorized for such purpose;

- (ii) in the case of workers, by the officer of the registered Trade Union authorized in this behalf or by five representatives of the workers duly authorized in this behalf at a meeting of the concerned workers held for such purpose; and
- (iii) in the case of an individual worker, by such worker himself or by an officer of the registered Trade Union, of which the worker is a member, or by another worker in the same establishment duly authorized by him in this behalf.

Explanation. — For the purposes of this rule, the term “officer”, -

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

46. Issue of notification.— 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 and upload it on the website of the Labour Department, Government of West Bengal for the information of the employers and workers who are not parties to the arbitration agreement but are concerned in the dispute so that they may present their case before the arbitrator or arbitrators, as the case may be, appointed for such purpose.

47. Choosing of representatives of workers where there is no Trade Union.— Where there is no Trade Union to present the case before the arbitrator or arbitrators, the representative of workers shall be chosen by a resolution passed by the majority of concerned workers in **Form-XXI** authorizing to represent the case. Such workers shall be bound by the acts of their representatives who have been so chosen to represent before the arbitrator or arbitrators, as the case may be.

CHAPTER VII

INDUSTRIAL TRIBUNAL AND MECHANISM FOR RESOLUTION OF

INDUSTRIAL DISPUTES

48. Manner of appointment, term of office, salaries and allowances, resignation and other terms of conditions of service of Judicial and Administrative Members of the Industrial Tribunal under sub-section (5) of section 44 of the Code.— (1) (a) The Judicial and Administrative members of the (1) Industrial tribunal shall be appointed by the State Government on the recommendation of the selection committee.

- (b) The Judicial members of the Industrial Tribunal shall be appointed from serving and retired Judges of High Court, members of higher Judicial services and members of State Judicial Services, who have been a District Judge or Additional District Judge for not less than three years.

Provided that in case of appointment on deputation of serving Judge as Judicial Member, the normal period of appointment on deputation shall be for a period of three years and in case of retired Judges, the appointment shall be till the age of 67 (sixty-seven) years.

- (c) The Administrative members of the Industrial Tribunal shall be appointed from the serving and retired members, who has held a post not below the rank of Joint Secretary to the Central Government or an equivalent rank in the Central Government or State Government, of :

- (i) Indian Administrative Services who have served at least three years in this service having experience in labour laws; or
- (ii) West Bengal Civil Service (Exe.) who have served at least three years in this service having experience in labour laws; or
- (iii) West Bengal Legal Service who have served at least three years in this service having experience in labour laws; or
- (iv) West Bengal Labour Services having experience of administering/dealing with labour Laws for a period of at least three years;

Provided that in case of appointment on deputation of serving Officer as Administrative Member, the normal period of appointment on deputation shall be for a period of three years and in case of retired Officers, the appointment shall be till the age of 67 (sixty-seven) years.

- (2) For the purpose of appointment of Judicial and Administrative members of Industrial Tribunal, the State Government shall prepare a list of suitable persons after due consideration of applications received in which the qualifications of all persons, their past performance and experience shall be clearly stated.
- (3) The Selection Committee shall comprise of the following members, namely-Chief Justice of High Court at Calcutta or a Judge of High Court at Calcutta nominated by him- Chairperson:
 - (i) Chief Secretary, Government of West Bengal- Member:
 - (ii) Additional Chief Secretary/ Principal Secretary/Secretary to the Government of West Bengal in the Labour Department- Member; (Convener).
 - (iii) Additional Chief Secretary/ Principal Secretary/Secretary to the Government of West Bengal in the P&AR Department- Member;
 - (iv) Principal Secretary/Secretary to the Government of West Bengal in the Judicial Department- Member;
 - (v) Principal Secretary/Secretary to the Government of West Bengal in the Law Department- Member
- (4) The Selection Committee shall determine its procedure for making its recommendation and after taking into account qualification, suitability, record of past performance, integrity as well as experience in view of the requirement of the Industrial Tribunal, shall recommend a panel of one along with one in waiting, as it deems fit, for appointment to each vacant post. In this matter, the decision of the Chairperson shall be final.
- (5) A Judicial/Administrative Member shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-seven years, whichever is earlier.
- (6) The salary and allowances of the Judicial and Administrative members of the Tribunal shall be at the rate as admissible under the applicable Service Rules or as decided by the State Government from time to time, as case may be.

Provided that in case of an appointment of a person as a Judicial or Administrative Member, who has retired from service and who is in receipt of or has received or has become entitled to receive any retirement benefit by way of pension, shall be treated as re-employed and will be entitled to receive the salary at the rate of last pay drawn minus the total amount of pension.

- (7) A retired person appointed as Judicial/ Administrative Member shall be entitled for rent free accommodation or house rent allowance at the rate as admissible under the applicable Service Rules or as decided by the State Government from time to time, as case may be.
- (8) A retired person appointed on the post of Judicial member or administrative member shall not be entitled to any temporary or ad-hoc increase in pension.
- (9) If retired person appointed as Judicial or Administrative member does not join within a period of one month from the date of appointment, then the State Government may cancel his appointment and thereafter the vacant post shall be filled from the person in waiting list.

- (10) (a) If a written and verifiable complaint is received by the State Government, alleging any definite charge of misbehavior or incapacity to perform the functions as Judicial/Administrative Member, it shall make a preliminary scrutiny of such complaint.
- (b) If on preliminary scrutiny, the State Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of a Judicial/Administrative Member, it shall set up an inquiry which shall be headed by a person nominated by the Chairperson of the selection committee

Provided that in case of inquiry against judicial member, the Chief Justice of High Court shall be consulted.

- (c) The inquiry officer shall complete the inquiry within a time of six months or such further time as may be specified by the Chairperson of the Selection Committee.
- (d) After conclusion of the inquiry, the inquiry Officer shall submit its report to the State Government stating its findings and the reasons therefore on each of the charges separately with such observations on the whole case as it may think fit.
- (e) The selection committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (Act No. 5 of 1908). but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.
- (11) The State Government after affording the principles of natural justice, may remove any Judicial/Administrative member from Industrial Tribunal.
- (12) A retired person appointed as Judicial/ Administrative Member may resign from his office at any time by giving notice to this effect in writing under his hand addressed to the State Government.
- (13) The State Government shall, on the recommendation of Selection Committee, remove from office any Judicial/ Administrative Member, who-
- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence which, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as such a Judicial Member or Administrative member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Judicial Member or Administrative Member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest:

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

Provided further that in case of removal of Judicial member, the Chief Justice of High Court shall be consulted.

- (14) Matter relating to the terms and conditions of services with respect to which no express provisions have been made in these Rules, shall be decided by the State Government after consulting the Chairperson of the selection committee.
- (15) In case of retired Judicial/Government Officer, transfer travelling allowance for joining the Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible under the applicable Service Rules or as decided by the State Government from time to time, as case may be.
- (16) The State Government shall have power to relax the provision of any of these rules in respect of appointment, salary and allowances, resignation and other terms and conditions of service of Judicial/Administrative member of Industrial Tribunal.

(17) Every person appointed as Judicial Member or Administrative Member, as the case may be, shall before entering upon his office, make and subscribe an oath of office and secrecy in **Form XXII**.

(18) A person appointed to the post under these Rules after retirement from Government Service on reaching the age of superannuation, will be entitled to all kind of leave admissible to a temporary Government servant or as decided by the State Government from time to time, as case may be.

49. Manner of filling up the vacancy under sub-section (9) of section 44.- (1) If for any reason any vacancy occurs in Industrial Tribunal it shall be filled in the manner prescribed in rule 45 of these rules.

(2) the State Government, if it deems necessary, may transfer Judicial/Administrative member appointed in an Industrial Tribunal to another Industrial Tribunal and may give additional charge of Judicial/Administrative member of any Industrial Tribunal to Judicial/Administrative member of another Industrial Tribunal.

50. Conciliation proceedings.—(1) Where the conciliation officer receives any—

- (a) notice of a strike or lockout given under rule 53 or rule 54; or
- (b) application in respect of an existing industrial dispute; or
- (c) information regarding apprehended industrial dispute,

such officer shall—

- (i) in case of clause (a), enter the details on the designated portal and hold conciliation proceedings and inform the concerned parties the date of sitting for such purpose;
 - (ii) in case of clause (b), enter the details on the designated portal and examine the application and if such dispute pertains to the jurisdiction of State Government, transfer the application to the concerned authority or otherwise proceed with the application and hold the conciliation in respect thereof; and
 - (iii) in case of clause (c), enter the details on the designated portal and issue a fresh notice to the parties concerned declaring his intention to commence conciliation proceedings.
- (2) The employer's representative and the worker's representative shall, on receipt of the notice referred to in sub-rule (1), submit their respective statements in respect of the said dispute in the first meeting of the conciliation proceedings.
- (3) The conciliation officer shall, without delay, ascertain the facts and circumstances relating to the dispute and enquire into all matters affecting the merits and right settlement thereof and hold conciliation proceedings between the parties to the dispute and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.
- (4) If no settlement is arrived at in the conciliation proceedings referred to in sub-rule (3), the conciliation officer shall, within seven days from the date on which the conciliation proceedings are concluded, upload a report on designated portal and forward a copy thereof electronically or by speed post or in person to the parties to the dispute and to the appropriate Government.
- (5) The report shall be made accessible to the parties concerned on the said designated portal.
- (6) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings, the conciliation officer shall, apart from submitting a report thereof to the appropriate Government or an officer authorised in this behalf by that Government along with a memorandum of the settlements signed by the parties to the dispute, also upload such report and memorandum of settlement on the designated portal.
- (7) All the evidences before the conciliation officer, except the documentary evidence, shall be filed in the form of affidavit and the parties to the dispute shall also file the application or, as the case may be, reply or rejoinder thereof in the form of an affidavit.

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

51. Application to Industrial Tribunal. — (1) Where any dispute is not settled during the conciliation proceedings, the concerned party may make an application in **Form-XXIII** before the Tribunal manually or electronically, within ninety days from the date of the report under sub-rule(5) of rule 50.

- (2) The application to the Tribunal shall be accompanied with a statement containing complete details of dispute, documents and its list and name, addresses, contact numbers and e-mail addresses, if available, of the opposite parties.
- (3) The applicant shall file such copies of applications, in a registered envelope with address of the opposite parties, as is equivalent to the number of opposite parties.
- (4) The Tribunal, if satisfied prima-facie that the cause of dispute is legal, may take cognizance of dispute, and issue notice to opposite parties fixing the date which shall be within one month from submission of application as far as possible, accompanied with application and statement submitted by person raising the dispute.
- (5) If opposite party is trade union or federation of trade unions, notice shall be issued to Secretary or General Secretary of the Trade Union or the Federation of trade unions and service to such Secretary or General Secretary shall be deemed service to union or federation respectively.
- (6) If Tribunal finds that the application is not in accordance with rules, the application is incomplete or that the statement/ document/ addressed envelope is not enclosed with the application he may direct the person raising the dispute to submit the same in accordance with the rules.
- (7) Where the Tribunal finds that the party raising the dispute despite its directions did not forward the copy of the statement of claim or any 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 15 days for filing the statement, if the Tribunal finds sufficient cause for not filing the statement of claim and other documents within time.
- (8) If party raising the dispute, files an application on affidavit then the opposite party must file the written statement on affidavit, and if opposite party does not file written statement on affidavit, the Tribunal may construct the material in application as true.
- (9) The opposite party or parties shall within thirty days from the date of first hearing so far as possible, file a written statement accompanied with the documents and the list of documents, list of witnesses and shall provide copies to other parties.
- (10) Within two weeks of submission of written statements, other parties shall file their rejoinder and forward copies of the same to other parties.
- (11) The Tribunal shall frame issues for decision in the dispute on the basis of written statements and documents filed.
- (12) Evidence shall be recorded either in Tribunal or may be filed on affidavit and the opposite party shall have the right to cross-examine each of the deponent tiling the affidavit or the witnesses, as the case may be. Where the oral examination of each witness proceeds, the Tribunal shall make a memorandum of the substance of what is being deposed. While recording oral evidence, the Tribunal shall follow the procedure laid down in the Rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure. 1908 (Act No. 5 of 1908).
- (13) All parties may submit additional document with prior permission of the Tribunal.
- (14) 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.

- (15) 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, may 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.

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

Provided that the Tribunal may on the application of either party before the submission of the award, revoke the order to 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.

- (17) The Tribunal shall communicate its award, electronically or otherwise, to the parties concerned and to the State Government or the Officer notified in this behalf within one month from the date of the pronouncement of the award.

- (18) 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 384, 385 and 387 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No.46 of 2023).

- (19) 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.

- (20) 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.

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

- (22) 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 through Court fee stamp manually or 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 or any proceedings recorded by the Tribunal in the course of adjudication, be charged at the rate of two rupees per page;
- (b) for certifying a copy of any such award or order or document, an extra fee of rupees two per page shall be payable;
- (c) where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this Rule shall be payable.

- 23) Any person who is not a party to dispute may get copies of award or document after paying the fee as prescribed in sub-Rule (22) of this Rule.

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

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

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

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

CHAPTER-VIII

STRIKES AND LOCK-OUTS

- 53. Notice of strike shall be given, the person or persons to whom such notice be given and the manner of giving such notice.** — (1) The notice of strike referred to in sub-section (1) of section 62 of the Code shall be given in **Form-XXVIII**, to the employer of an industrial establishment, which shall be duly signed by the Secretary of the concerned registered Trade Union or where there is no registered Trade Union, by five elected representatives of the workers giving the notice relating to the concerned industrial establishment, endorsing the copy thereof electronically or by speed post to the concerned Conciliation Officer, Labour Commissioner and the State Government through the Secretary, Labour Department.
- (2) The date of receipt of the notice referred to in sub-section (1) shall be the date of receiving the notice for purpose of clause (a) of sub-rule (1) of rule 50.
- (3) If the employer of an industrial establishment receives any notice of strike from any person employed, then the employer shall, within five days from the date of receiving of such notice, intimate the same electronically to the concerned conciliation officer, Labour Commissioner and the State Government through the Secretary, Labour Department.
- 54. Notice of lock-out and authority.** - (1) The notice of lock-out referred to in sub-section (2) of section 62 shall be given in **Form-XXIX** by the employer of an industrial establishment to the Secretary of every registered Trade Union relating to such industrial establishment by speed post or electronically, endorsing a copy thereof to the concerned Conciliation Officer, Labour Commissioner and the State Government through the Secretary, Labour Department.
- (2) The notice referred to in sub-rule (1) shall be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment and a copy of the said notice may also be posted on the designated portal, if any, of such industrial establishment and the date of receipt of such notice by the conciliation officer shall be the date of receiving the notice for the purposes of clause (a) of sub-rule (1) of rule 50.
- (3) If the employer gives to any person employed by him a notice of lock-out, then he shall, within five days from the date of such notice, intimate electronically the same to the concerned conciliation officer and the Labour Commissioner.

CHAPTER IX

LAY-OFF, RETRENCHMENT AND CLOSURE

- 55. Service of notice before retrenchment**— If an employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year, such employer shall give prior notice of such retrenchment in **Form-XXX** to the State Government, and to the concerned Additional /Joint/Deputy/ Assistant Labour Commissioner through e-mail or speed post, in the following manner, namely:—
- (a) where prior notice is given to a worker under clause (a) of section 17 of the Code, notice of such retrenchment shall be sent within three days from the date on which notice is served on the worker;
- (b) where no prior notice is given to the worker under clause (a) of section 17 of the Code, and he is paid one month's wages in lieu thereof, notice of such retrenchment shall be sent within three days from the date on which such wages are paid; and

- (c) where retrenchment is carried out under an agreement, which specifies a date for the termination of service, notice of retrenchment shall be sent to the State Government and a copy thereof to the concerned Additional/Joint/Deputy/Assistant Labour Commissioner at least one month before such date:

Provided that if the date of termination of service agreed upon is within thirty days of the agreement, the notice of retrenchment shall be sent to State Government along with a copy thereof to the concerned Additional/Joint/Deputy/Assistant Labour Commissioner within three days of the agreement.

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

- (2) When any vacancy occurs in an industrial establishment and there are workers of such industrial establishment retrenched within one year prior to the proposal for filling such vacancies, then, the employer of such industrial establishment shall, if such workers are citizens of India and have given their willingness for employment, give them preference over other on the basis of their seniority.
- (3) The employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment the details of vacancies at least fifteen days before the date on which such vacancies are to be filled and shall also give intimation of those vacancies by speed post or through e-mail to every one of all the retrenched workers eligible to be considered therefor, to the latest address or e-mail, given by each of them at the time of retrenchment or at any time thereafter:

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

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

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

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

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

57. Service of notice for intended closure. — (1) If an employer intends to close down an industrial establishment, he shall give notice of such closure in **Form-XXX** to the State Government and a copy thereof to the Labour Commissioner and concerned Additional/Joint/Deputy/Assistant Labour Commissioner manually or electronically or by speed post.

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

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

- 58. Application for intended lay-off and manner of serving copy of such application to workers.** - (1) An application shall be made by the employer in **Form-XXXI** to the State Government seeking permission for lay-off of a worker stating clearly therein the reasons for the intended lay-off and a copy of such application shall be served simultaneously to the worker concerned electronically or in person or by speed post.
- (2) The application referred in sub-rule(1) shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.
- 59. Review of Orders on Lay-off by the State Government.**— (1) The State Government may, either on its own motion or on an application made by the employer or any worker, review its order granting or refusing to grant permission for lay-off.
- (2) The employer or any worker concerned, along with order referred to in sub-rule(1) make an application within thirty days from the date on which such order is made to the State Government for reviewing the order and that Government shall, within two months from the date on which the application is made, dispose of the same after providing the concerned parties, an opportunity being heard.
- (3) Where the State Government decides to review the order referred to in sub-rule (1) on its own motion, it may take necessary steps within one month from the date on which the order is made and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.
- 60. Application for intended retrenchment and manner of serving copy of such application to workers.** — (1) An application shall be made in **Form-XXXI** by the employer to the State Government electronically, stating clearly the reason for the intending retrenchment therein and a copy of such application shall be sent to the concerned workers electronically, or in person, or by speed post.
- (2) The application referred to in sub-rule(1) shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.
- 61. Review of Orders on Retrenchment by the State Government.** — (1) The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission for retrenchment.
- (2) The employer or any worker concerned, along with order referred to in sub-rule(1) make an application within thirty days from the date on which such order is made to the State Government for reviewing the order and that Government shall, within two months from the date on which the application is made, dispose of the same after providing the concerned parties, an opportunity being heard.
- (3) Where the State Government decides to review the order referred to in sub-rule(1) on its own motion, it may take necessary steps within one month from the date on which the order is made and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.
- 62. Application for intending closing of industrial establishment and manner of serving copy of application to representatives of workers.** — (1)An employer who intends to close down an industrial establishment, to which the provision of Chapter X of the Code apply, shall apply in **Form-XXXI** to the State Government electronically or otherwise for prior permission, at least ninety days before the date on which the intended closure is to become effective, stating clearly therein the reason for such 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 in person, or by speed post.
- (2) A copy of the application referred to in sub-rule(1) shall also be sent to the registered Trade Unions or authorized representatives of workers, as the case may be, operating in the Industrial establishments.

- 63. Review of Orders on Closure by State Government.**— (1) The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission for the closing down of an industrial establishment.
- (2) The employer or any worker concerned may make an application along with order referred to in sub-rule (1), within thirty days from the date on which such order is made to the State Government for reviewing that order and that Government shall, within two months from the date on which the application is made, dispose of that application after providing the concerned parties, an opportunity being heard.
- (3) Where the State Government decides to review the order referred to in sub-rule(1) on its own motion, it may take necessary steps within one month from the date on which the order is made, and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

CHAPTER XI

WORKER RE-SKILLING FUND

- 64. Contribution of Worker Re-Skilling Fund and its Resources.** — (1) The worker Re-Skilling Fund set up under sub-section (1) of section 83 of the Code along with the contribution specified in clause(a) of sub-section(2) of section 83 of the Code, shall consist of,-
- (a) the contribution from Central Government or authority or undertaking of the Central Government, or any other person ;
 - (b) the contribution from State Government or authority or board or corporation or undertaking or any other body constituted by any law and being in operation under the control of the State Government, or any other person ;
 - (c) the contribution from employer who retrenches a worker or workers under this Code according to sub-rule (2).
- (2) Every employer who has retrenched a worker or workers under this Code, shall, within ten days, from the date of such retrenchment, electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in such fund.
- 65. Utilization of Fund.** —(1) Every employer who has retrenched a worker in industrial establishment, shall, within ten days from the date of such retrenchment, electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in fund (name and other particulars) shall be displayed on the website of the Labour Department or Labour Commissioner to be maintained by the Labour Commissioner or the concerned Additional/Joint/Deputy Labour Commissioner, as the case may be.
- (2) The fund so received under sub-rule(1) shall be transferred by the office of the concerned Additional/Joint/Deputy Labour Commissioner, electronically to every retrenched worker within forty-five days of retrenchment to enable them to utilize that amount for his re-skilling.
- (3) The employer shall also submit the list containing the name of the retrenched worker, the amount equivalent to fifteen days of wages last drawn by such retrenched worker along with his bank account details, to the office of the concerned Additional/Joint/Deputy Labour Commissioner, as case may be.

CHAPTER XII

OFFENCES AND PENALTIES

- 66. Manner of composition of offence.** —(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, if he is of opinion that any offence under the Code for which the compounding is permissible under the said section and in respect of which prosecution is not instituted, send a notice to the accused in **Form-XXXII** consisting of three parts through the designated portal.

- (2) In Part I of the **Form-XXXII**, the compounding officer shall, inter alia, specify –
 - (a) the name of the offender and his other particulars;
 - (b) the details of the offence and the section under which the offence has been committed; and
 - (c) the compounding amount required to be paid towards the composition of such offence.
- (3) In Part II of the **Form-XXXII**, the compounding officer shall specify the consequences if the offence is not compounded, and Part-III of the said Form shall contain the application to be filed by the accused, if he desires to compound the offence.
- (4) each notice referred to in sub-rule (1) shall have a continuous unique number containing alphabets or numerical and other details such as compounding officer concerned, industrial establishment, year, place and type of the inspection for the purpose of easy identification.
- (5) the accused to whom the notice referred to in sub-rule(1) is served, may send the duly filled up application in **Part-III of Form-XXXII** to the compounding officer electronically and deposit the compounding amount electronically, or by cash, or demand draft, as the case may be, within fifteen days of the receipt of the notice, in the account specified by the compounding officer in the notice.
- (6) Where the prosecution has already been instituted against the accused in the court of competent jurisdiction, the accused may make an application to such Court to allow composition of the offence against him and the Court may, after considering the application, allow composition of the offence by the compounding officer in accordance with provisions of section 89 and procedure specified in this rule.
- (7) If the accused complies with the requirement of sub-rule(5), 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 institution of prosecution, then, no complaint for prosecution shall be instituted against the accused;
 - (b) if the offence is compounded pending proceeding under section 85, the compounding officer shall intimate the composition to the officer referred to in that Section, who shall, after intimation, close the proceeding in respect of the accused person of such offence; and
 - (c) if the offence is compounded after the institution of prosecution under sub-rule(6) with the permission of the Court, then, the compounding officer shall treat the case as closed and intimate the composition of the offence to the competent Court by which such composition was allowed and after receiving such intimation, the Court shall discharge the accused person and close the prosecution.
- (8) The compounding officer shall exercise the powers to compound offence under this rule, subject to the direction, control and supervision of the State Government.

CHAPTER XIII

MISCELLANEOUS

67. **Protected workers under section 90 (4).**– (1) Every registered Trade Union connected with an industrial establishment, to which the provisions of the Code apply, shall communicate to the employer before the 30th April of every year, the names and addresses of such of the officers of such Trade Union who are employed in that establishment and who, in the opinion of such Trade Union should be recognized as protected workers.
- (2) Any change in the incumbency of any officer of the Trade Union referred to in sub-rule(1), shall be communicated to the employer by such Trade Union within fifteen days of such change.
- (3) The employer shall, within fifteen days of the receipt of the names and addresses from the Trade Union under sub-rule (1) and subject to the provisions of sub-section(3) and (4) of section 90 of the Code, recognize such workers as protected workers for the purposes of the said section and communicate to such Trade Union in writing, the list of workers recognized as protected workers for a period of twelve months from the date of such communication.

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

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

Provided further that where the number of protected workers allotted to such a Trade Union under this sub-rule falls short of the number of officers of such Trade Union seeking protection, then that Trade Union shall be entitled to select the officers to be recognized as protected workers and such selection shall be made by that Trade Union and communicated to the employer within five days of the receipt of written intimation of the employer in this regard.

- (5) Where a dispute arises between an employer and any registered Trade Union in any matter connected with the recognition of protected workers under this rule, such dispute shall be referred to the Additional/Joint/Deputy Labour Commissioner concerned, whose decision thereon shall be final.

68. Complaint by aggrieved worker. — (1) Every complaint of an aggrieved employee under section 91 of the Code shall be made in **Form-XXXIII** electronically, or by speed post and shall be accompanied by as many copies thereof for each of opposite parties mentioned in such complaint.

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

69. Authorization of worker for representing in proceeding.—Where the worker is not a member of any Trade Union, 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 in **Form-XXXIV** by such worker to represent him in any proceeding relating to a dispute in which the worker is a party.

70. Authorization of employer for representing in proceeding.—Where the employer is not a member of any association of employers, an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged, may authorize in **Form-XXXIV** to represent him in any proceeding relating to a dispute in which the employer is a party.

71. Parties bound by acts of representative.— A party appearing through a representative shall be bound by the acts of that representative.

72. Expenses of witness. — Every person who attends or otherwise appears on receipt of a summon as a witness before any proceeding, shall be entitled to an allowance for the expenses on the same rates as applicable to witness in a civil court in the State where such enquiry, adjudication or arbitration, as the case may be, is being conducted.

73. Publication for Communication. — For the purposes of communication to effect service of messages and documents under these rules, the State Government, Tribunal, every employer for which the State Government is the appropriate Government, every Trade Union, negotiating union or the constituents of negotiating council and every authority referred to in these rules, shall specify their e-mail id or website or portal or any or all of them, as the case may be, in their respective letter-heads.

74. Maintenance of records, registers, forms, notice and display board.—(1) All records, registers, forms, notices, display boards and other documents which are required to be maintained under the Code and under these rules shall also be maintained in electronic manner in the required format or containing the information as is required.

- (2) The records, registers, forms, notices, display boards and other documents referred to in sub-rule(1) shall comply with the requirement of retention of records and shall be produced or shown as and when required by the concerned authority specified in this behalf under the Code or these rules.

75. Appointment of Commissioner. —For the purposes of computing the money value of a benefit referred to in sub-section(2) of section 59 of the Code, the Tribunal may appoint, —

- (a) person with experience in the particular industry, trade, business or field encompassing the question referred to in sub-section(2) of the said section; or
- (b) person who had been a Judge of a Civil Court; or
- (c) stipendiary Magistrate; or
- (d) Registrar or Secretary of a Tribunal constituted under any Central Act or a Tribunal or a National Industrial Tribunal constituted under the Code.

76. Fees for Commissioner etc. —(1)The Tribunal shall, after consultation with the parties, estimate the probable duration of enquiry by the Commissioner referred to in rule 74 and fix the amount of his fees and other incidental expenses incurred.

- (2) The Tribunal shall direct the payment of fees and other incidental expenses to the Commissioner, within a specified time, by such party or parties and in such proportion, as it may deem fit.
- (3) The Commissioner shall not submit his report until the receipt of deposit of fee referred to in sub-rule(2) is filed before the Tribunal:

Provided that the Tribunal may, for reasons to be recorded in writing, direct that any further sum or sums be deposited within such time or extended time for depositing and such parties as it may deem fit.

- (4) The Tribunal may, at any time, for reasons to be recorded in writing, vary the amount of the fee.
- (5) The Tribunal may direct that the fees shall be disbursed to the Commissioner in such installments and on such date as it may deem fit.
- (6) The undisbursed balance, if any, of the sum deposited under this rule shall be refunded to the respective party or parties who deposited the sum in the same proportion as that in which it was deposited.

77. Time for submission for report. —(1) Every order for the appointment of Commissioner shall indicate a date, allowing sufficient time for the Commissioner to submit the report.

- (2) If, for any reason the Commissioner anticipates that the date fixed for the submission of his report is likely to be exceeded, the commissioner shall apply, before the expiry of the said date, for extension of time setting forth grounds thereof and the Tribunal shall, after consideration, pass suitable orders on such application:

Provided that the Tribunal may, if it deems fit for sufficient cause, grant extension of time even where no application for such extension has been received from the Commissioner.

SCHEDULE I**List of Officers**

Sl. No.	Title	Name	Age	Address	Occupation
1					
2					

[Note: Enter in the schedule the names of all members of the executive (including all honorary or temporary members) of the union shown in column II the names of any post held by them (e.g. President, Secretary, Treasurer etc.) in addition to their offices as members of the executive.]

SCHEDULE II**Reference to Rules**

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

Matter	Numbers of Rules
1	2
Name of union	
The objects for which the union has been established	
The purposes for which the general funds of the union shall be applicable	
The purposes for which the civil and political funds (if any) 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 officers and members	
The admission of ordinary members	
Admission of honorary or temporary members	
The conditions under which members are entitled to benefits assured by the 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 the fund	
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 to be filled 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		Cash	
Amount of political fund		In hands of Treasurer.....	
Loans Taken form-		In hands of Secretary	
		In hands of	
		In the Bank	
		In the Bank.....	
		Securities as per list below	
		Unpaid subscription due	
		Loans to	
Debts due to -			
Other liabilities (to be specified).		Immovable property	
Goods and furniture		Other assets (to be specified)	
Total liabilities		Total assets	

List of Securities

Particulars	Nominal Value	Market value	In hands of

Signed

- 1
- 2
- 3
- 4
- 5
- 6

SCHEDULE IV

We hereby declare having consent to our being elected as officers of the
.....(name of the Trade Union).

	Signature	Designation
Signed		
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

FORM-I

[Rule -3]

(Memorandum of settlement arrived at in the course of conciliation proceeding or otherwise)

Name of the parties:

Representing employer(s):

Representing workmen:

Short recital of the case

.....

.....

.....

Terms of the settlement

1.
2.
3.

Signature of Witnesses

1

(Name and designation)

2

(Name and designation)

Signature of the Parties

1

(Name and designation)

2

(Name and designation)

* Signature of Conciliation Officer

Copy to:

- (1) The Concerned Additional/Deputy/Assistant Labour Commissioner, West Bengal
- (2) The Concerned Conciliation officer, West Bengal

*** 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 sub- rule 7 of rule 10]****Auditors' Declaration**

The undersigned having had access to all the books and accounts of the..... (Union) and having examined the foregoing statement 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) has properly maintained its membership registers and its accounts and the member had paid their membership subscriptions to the.....(Union) as shown in the foregoing statement of the General Fund Account of the Union, subject to the remarks, if any, appended hereto.

(1) Auditor.

(2) Auditor.

Note:- Each Auditor should state before his signature that what capacity with reference to Rule-10 he is qualified to audit the trade union's accounts.

FORM III**[See rule 13]****Application for registration of a Trade Union**

Dated the day of 20.....

1. We hereby apply for registration of a Trade Union under the name of.....
2. The address of head office of Union is
3. The Union came in to existence on the Day of 20 and has on its roll on the date of this applicationmembers.
4. The union is a union of employer/workers engaged in the industry(or profession)
5. We have been duly authorized to make this application by resolution of members

Name of Applicant	Signature	Occupation	Address	Mobile No
1				
2				
3				
4				
5				
6				
7				

Annexure

1. Schedule I: List of officers
2. Schedule II: Reference to rules
3. Schedule III: Assets and liabilities
4. Schedule IV: Consent of office bearers
5. Affidavit by applicant
6. Copy of Constitution or bye-laws of Trade Union together with copy of resolution adopting such constitution or bye-laws.
7. Copy of resolution authorizing the applicant to make application
8. In case of federation or central organization of trade union, a copy of resolution by members of each of the member union.

FORM - IV**[See Rule -14]****(STANDARD FORMAT OF AFFIDAVIT FOR REGISTRATION OF TRADE UNION
BEFORE REGISTRAR OF TRADE UNION, W.B.)**

The deponents submit

1. That we have made application for the registration of Trade Union under sub-section (1) of Section 6 of Industrial Relation Code 2020 read with Rule 12 under the name (Proposed name of the Trade Union).
2. That we are duly authorized to make application for the registration of the said union.
3. That the content of application and documents attached with application are true and correct and nothing have been concealed
4. That in case of any legitimate claimant of union's name, we will surrender the certificate and change name of the union as per directions of the Registrar Trade Unions, W.B.
5. That no member or office bearer has ever been convicted by Courts of India for any offence involving moral turpitude and sentenced to imprisonment.
6. That all particulars supplied as per Forms and Schedules as well as other documents are true.
7. That the scope of the Union shall be for the employees of (Name of Establishment)
8. That there are employees are working in
(Name of Establishment) and out of which employees are members of our union.
9. That I shall furnish such other documents and/or in Form as required by the Registrar for the purpose of this application.
10. That this is my true statement and it conceals nothing and that no part of it is false.
11. That the authority shall be at liberty to take appropriate action against me if any information/ document furnished is found to be false, frivolous or incorrect.
12. That the list of Trade Union Member along with attested Aadhar Number for verification is appended with the affidavit and no member has been compelled or forced to share the Aadhar.

Sl. No	Name	Designation	Occupation	Address	Mobile No
1					
2					
3					
4					
5					
6					
7					

Verification

It is verified that the contents of the aforesaid affidavit are to the best of my/our Knowledge and belief, true and correct.

Date (dd/mm/yy) Signature of Applicant(s)

To,
Registrar of Trade Union.
West Bengal

FORM V

[See rule 16]

Certificate of registration of Trade Union

Registration No.

it is hereby certified that the

has been registered as a Trade Union under The Industrial Relations Code, 2020, on this day of..... 20

Seal of Registrar

.....

Registrar of Trade Unions.

W.B.

FORM VI

[See rule 17, sub rule (3),(4),(5) of rule 31]

Register of Trade Unions

1.	Serial No.	
2.	Name of union	
3.	Address of head office	
4.	Date of registration	
5.	Number of application forms	
6.	List of members applying for registration	
7.	Officers of the Union	

Name of Officers of Union	Year of entering on office	Name	Age on entry	Address	Occupation	Year of relinquishing office	Other offices held in addition to membership of executive, with dates
1	2	3	4	5	6	7	
(1)							
(2)							
(3)							
(4)							
(5)							
(6)							
(7)							

FORM VII

[See sub- rule 2 of rule 18]

Application for withdrawal or cancellation of certificate of registration

Name of the Trade Union

Address

Registration No

Registration Dated Day of 20

To,

The Registrar of Trade Unions,

The above-mentioned trade union desires that its certificate of registration under the Trade Unions Act, 1926/ Industrial Relation Code, 2020 may be withdrawn or cancelled. Resolution passed at a general meeting* duly held on the day of 20..... is as follows.

(Here give exact and true copy of the resolution)

(signed)

Chairman/General Secretary

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

FORM VIII**[See sub- rule (1) of rule 20]****Intimation to Registrar, Trade Unions, WB regarding changes in Trade Union**

1. Name and Address of the Trade Union already registered
2. Registration number and Date
3. Following changes occurred in Executive body in the General assembly which has been held on (dd/mm/yy) (time) at (place) under the Chairmanship of Shri/Smt
On this date total membership of the union was..... out of which..... members participated in the above meeting.
These changes were passed in this meeting and unanimously/ by majority-
(A) Change in office bearers

Designation	Name	Age	Address	Occupation
1	2	3	4	5

(B) Change in the name of the union-

- (i) Existing name of the union-
- (ii) Proposed name of the union-

(C) Alteration made in the constitution or by-laws of the union-

Sl. No. of existing rule or by-laws	Existing rule or by-laws	Rule or by-laws to be substituted

Signature	Signature
Ex-Chairman/President	Elected Chairman/President
Ex-General Secretary/Secretary	Elected General Secretary/Secretary

Note.:-

- (1) If the signature of Chairman/President and general Secretary/Secretary cannot be got, its sufficient reason shall be mentioned.
- (2) If Change in Executive Body occurred due to resignation of any office bearer, the certified copy of such resignation shall be attached with this form.
- (3) A certified copy of the resolution passed by the Union shall be annexed with this form.

FORM IX

[See sub- rule (1) of rule 20]

Register of Changes in the Registration particulars of Trade Union

1. Name of the Union-
2. Registration number and date-.....
3. Date of the meeting in which the resolution of the change has been passed-
4. Name of office bearers-.....

Sl.No.	Designation	Name of office	Age	Address	Occupation/ designation in the industrial establishment
1	2	3	4	5	6

5. Changes:-

Sign and Seal of
Additional/Deputy
Registrar

FORM X

[See sub- rule (3) of rule 23]

**Application for declaring the Trade Union as Negotiating Union or Member of the
Negotiating council**

Name of the union

Address

Dated the..... day of 19

To,

The Registrar of Trade Unions.
West Bengal.

Dear Sir,

I beg to state that the above-mentioned Trade Union is to be declared as Negotiation Union/as the member of Negotiating Council for the Industrial Establishment, namely

..... Address under sub section (3) or (4) of Section 14 of the Industrial Relations Code, 2020, and I request that it may be registered accordingly in the records of the Registrar. A copy of the particulars and other documents in this behalf signed by the authorised person is enclosed.

2. The union was registered on the day of 19..... under Certificate No issued by the Registrar of Trade Unions for West Bengal.
3. A copy of the rules of the Union is attached.
4. The address of the head office of the union to which all the communications may be addressed is.....
5. The union has members in the the Industrial Establishment named above..... and represents per cent of the total number of employees employed in the Industrial Establishment named.

Yours faithfully,
Authorised Signatory.

FORM XI

[See clause (g) of sub- rule (4) of rule 23]

Register of Negotiating Union or Member of the Negotiating council

Sr no/ entry no	Name of the Negotiating Union	Name of the member union of negotiating Council Negotiating Union	Address of office	Date of registration	Name of present office Bearers	Number of Members
1	2	3	4	5	6	7

Name of the Industrial Establishment	Address of the Industrial Establishment	Total number of workers which are members of the Trade Unions	Percentage of workers which are members of the Negotiating Union/Member of Negotiating Council	Date of declaration by the Registrar	Any other information	Remark
8	9	10	11	12	13	14

Signature and Seal
Registrar of Trade Unions.
West Bengal.

FORM XII

[See rule 30]

Form of Application for adjudication of Trade Unions Disputes

Before Industrial Tribunal

Between

Name and designation of Applicant)

And

(Name and designation of Opposite party/parties)

Brief recital of the Trade Union Dispute

Signature of Applicant

Verification

It is verified that the content of the application is to the best of my knowledge and belief, true and correct.

Signature of Applicant

FORMXIII

[See sub- rule (1) of rule 31]

Notice of amalgamation of trade unions

- a. Name of registered trade unionNumber of registration.....
- b. Name of registered trade unionNumber of registration (and so on if more than two).
(Address)
Datedthe day of.....20

To.

The Registrar of Trade Unions,

Notice is hereby given that in accordance with the requirements of sub-section (3) of Section 24 of the Industrial Relation Code, 2020, the members of each of the above- mentioned trade unions have resolved to become amalgamated together as one trade union.

And that the following are the terms of the said amalgamation (state the terms).

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

Accompanying this notice is a copy of the rules intended to be henceforth adopted by the amalgamated trade union which are the rules (if so) of the

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

(Signed)	1.	Secretary
	2.	
	3.	
	4.	Members
	5.	

FORM XIV

[See rule 33]

**Annual return (prescribed under Section 26 of the Industrial Relation Code, 2020) for
the year ending 31st. December.....20**

Name of Union/Federation Registered
Head Office Number of certificate of
registration

1 - Return to be made by
federation of trade union-

*A. Number of unions affiliated at the beginning of the year
.....

*B. Number of unions joining during the year
.....

*C. Number of unions disaffiliated during the year
.....

D. Number of unions affiliated at the end of the year.....

2- Return to be made only
by trade union

A.	Number of members on	books at beginning of the year
B.	Number of members admitted during the year.....add together)	
C.	Number of members who left during the year	 (deduct)
D.	Total number of members	on books at the end of the year.

Male

Female

Transgender

(The name of the affiliated and disaffiliated unions should be given in separate statement marked, * A", "B" and "C")

Number of members contributing to politicalfund

A copy of the rules of the trade union corrected up to the date of dispatch of this return is appended.

.....day of.....20

Assets

Rs

Cash In hands of Treasurer.....

In hand of Secretary

At Bank

Securities as per list below

Unpaid subscription due

Loans to

Immovable property

Goods and furniture

Other assets (to be specified)

Total Liabilities

Date the 20

Secretary

.....

.....

Statement of liabilities and Assets on

Liabilities

Rs

Amount of general fund

Amount of political fund

Loans taken from

Other liabilities (to be specified)

List Of Securities

Particulars	Face value	Cost price	Market price at date on	In
hands of			which accounts have been made	

Treasurer

General Fund Accounts

Income

Expenditure

 R_s

Rs

Balance at the beginning of the year
expenses of officers

Salaries, allowances and

Contribution from members at per member

Salaries, allowances and expenses of

Establishment

Auditors fee

Donation

Legal expenses

Sales of periodicals, books, rules, etc.

Expenses in conducting trade disputes

Interest on investments

Income from miscellaneous source (to loss

Compensation paid to members for
arising out of Slate disputes

be specified)

Funeral, old age, sickness.

unemployment

benefits, etc., educational, social and

religious

publishing periodicals

benefits

taxes, stationary, printing and

Cost of

(to be specified)

Rents, rates and

End of the year

postage

Other expenses

Balance at the

Total

Total

Political Fund Accounts

Income	Expenditure
Rs	Payment made on object
Balance at the beginning of the year specified in Section Unions Act, 1926 (to be	16 (2) of the Trade specified)
Contribution from members atper member of the year	Expenses of management (to be fully specified)
Rs	Balance at the End

Total	Total
Treasure	

Auditors' Declaration

The undersigned having had access to all the books and accounts of the(Union) and having examined the foregoing statement 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) has properly maintained its membership registers and its accounts and the member had paid their membership subscriptions to the(Union) as shown in the foregoing statement of the General Fund Account of the Union, subject to the remarks, if any, appended hereto.

(1) Auditor.

(2) Auditor.

Note:- Each Auditor should state before his signature that what capacity with reference to Rule- 28 he is qualified to audit the trade union's accounts.

Officers Relinquishing Office

The following changes of officers have been made during the year:

Name	Office
	Date of relinquishing office

Officers appointed

Name Date of Birth Private address Personal occupation Title of position Date on which appointment held in addition to in column 5 Other offices held in addition to in column 5

membership of union was taken up executive

with dates

1	2	3	4	5	6	7
---	---	---	---	---	---	---

Secretary of Trade Union

FORM XV

[See sub- rule (3) of rule 34]

(Registration of state T.U. U/27(2))

Application for approval of recognized State level union/Federation

To,

The Labour Commissioner, West Bengal.

Sir,

1. We hereby apply under sub-rule (I) of rule 29 of the West Bengal Rules on Industrial Relations Code, 2020 for the approval of recognized state level union or federation under the name of
2. The address of the head office of the Federation is
3. The Federation came into existence on the day of of 2020 as per resolution passed in the general meeting of the representatives of the constituents unions held on day of 20..... (copy enclosed).
4. The list of persons who participated in the above general meeting is given below

S.No.	Name of the participants	Name of the constant union of which they are members	Residential address	Remarks

5. The list of members of the executive committee including the office bearers of the recognized state level union/ Federation is also given below

S.No.	Name	Designation in executive	Age	Address	Occupation	Date of appointment	Remarks

6. A list of registered trade unions affiliated to the/ recognized state level union/Federation is also given below

S.No	Name of the Union	Registration No	Date of registration	Name of the		No. of affiliation	Date of Affiliation	Remarks
				President	Secretary			

7. * Two neatly typed to printed copies of the Constitution/ rules of the Federation are also enclosed.
8. The Trade Union/Federation of Trade Unions has total.....members(number) in the state (District Wise and Trade Union wise membership)

Yours faithfully,

Signature of the President.....

Signature of the Secretary.....

* All enclosures should be duly signed by the Secretary of the recognized state level union/ Federation under its official seal.

FORM XVI (PART A & B)

[See clause (a) of sub- rule (6) of rule 34]

Intimation of changes in the Head Office of recognized state level union**PART A****Intimation of change in the address of recognized state level union/federation**

Number and Date of notification under which approved.....

Address

Dated this day of 20.....

Notice is hereby given that the head office of the above mentioned recognized state level union/Federation has been removed from and is now situated at (city or town or district) w.e.f

Dated:

Signature of secretary.....

PART B**Intimation of change in the executive committee of recognized state level union/federation**

The following changes in the executive committee of the above named recognized state level union/federation have been made on-

PARTICULARS OF EXECUTIVE COMMITTEE MEMBERS RELINQUISHING**OFFICE**

Name	Office held	Date of relinquishing	Office	Remarks

PARTICULARS OF NEW EXECUTIVE COMMITTEE MEMBERS APPOINTED

Name	Age	Designation in executive	Address	Occupation	Date of Appointment	Remarks

Signature of Secretary

To,

- (1) The Labour Commissioner. WB.
- (2) The Registrar of Trade Unions. WB.

FORM XVIII**[See sub- rule (1) of rule 42]****(REGISTER FOR CERTIFIED STANDING ORDERS)****PART-1****Industrial Establishment**

Unique and continuous number	Name of the industrial Establishment	Nature of the industrial establishment	Whether standing order is (a) Model standing order, or (b) Deemed standing order or (c) Certified standing order	Date of adoption or date of deemed authentication or date of certification/authentication of standing order
(1)	(2)	(3)	(4)	(5)

Date of filing appeal	Date and nature of decision	Amendment made on appeal, if any	Date of the dispatch of the copy of standing orders as settled on appeal	Any other relevant detail
(6)	(7)	(8)	(9)	(10)

Part-II**Should contain the certified copy of the Standing Orders electronically**

Form XIX
[See sub- rule (1) of rule 44]

Notice of Change of Service Condition proposed by an Employer

Name of employer

Address

Dated the Day of 20

In accordance with section 40 of the industrial Relation Code, 2020, I/We hereby give notice to all concerned that it is my/our intention to effect from in the conditions of service annexed with this notice applicable to workmen in respect of the matters specified in the Third Schedule to the said Act.

Signature.....

Designation.....

ANNEXTURE

HERE SPECIFY THE CHANGE /CHANGES INTENDED TO BE EFFECTED

Copy forwarded to :

- (1) The Secretary of registered trade union(s)/ negotiating union/negotiating council.
- (2) Concerned Conciliation Officer
- (3) Concerned Regional Additional/Deputy/Assistant Labour Commissioner, WB
- (4) The Labour Commissioner. W.B.
- (5) Notice Board of the establishment

FORM XX

[See sub- rule (1) of rule 45]

AGREEMENT FOR VOLUNTARY ARBITRATION

Representing employers.

Representing workmen/ workman.

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 workman in case he himself is involved in the dispute or the name of the union if any representing the workman or workmen in question.
- (iv) Total number of workmen employed in the undertaking affected.
- (v) Estimated number of workmen affected or likely to be affected by the dispute.

* We Further agree that the majority decisions of the arbitrators (s) be binding on us/in case the arbitrators are equally divided in their opinion, that 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 aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Witnesses.

(1)

(2)

Signature of Parties

Representing Employer

Representing

Workman/Workmen

Copy to.-

- (i) Concerned Conciliation Officer WB
- (ii) Concerned Additional/Deputy Labour Commissioner. W.B.....
- (iii) The Labour Commissioner. W.B.
- (iv) The Secretary to the Government of West Bengal, Department of Labour, Kolkata

* Where applicable

Signature of Parties

Representing Employer

Representing

Workman/Workmen

Form XXI

[See rule 47]

RESOLUTION TO REPRESENT WORKERS BEFORE ARBITRATOR
/ARBITRATORS IN SUCH INDUSTRIAL ESTABLISHMENTS WHERE THERE IS
NO TRADE UNION

In..... (name and address of the establishment)
 there is no any registered Trade Union of Workers, so we are authorizing the following person to sign an agreement under sub-clause (c) of Clause (I) of sub-section (5) of Section 42 and to represent ourselves in the proceedings before the arbitrator or arbitrator (s) or to sign any agreement during the course of arbitration:-

Sr. no.	Name of representatives	Designation	Address
1			
2			
3			
4			
5			

All actions of the above mentioned representative shall be binding upon us.

Sr.No	Name of the workers	Signature	Sr.No	Name of the workers	Signature
1			27		
2			28		
3			29		
4			30		
5			31		
6			32		
7			33		
8			34		
9			35		
10			36		
11			37		
12			38		
13			39		
14			40		
15			41		
16			42		
17			43		
18			44		
19			45		
20			46		
21			47		
22			48		
23			49		
24			50		
25			51		
26			52		

We. hereby, accept the authorization and for the representation.

Signature of representatives.

1.....

2.....

3.....

4.....

5.....

FORM XXII**[See sub- rule (17) of rule 48]****PART-I****Form of Oath of Office for Judicial Member or Administrative Member
(whichever is applicable) of State Industrial Tribunal**

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

Signature

Place:

Date

PART-II**(Form of Oath of Secrecy for Chairperson/Member of the (Name of Tribunal))**

I having been appointed as Judicial Member/ Administrative Member (whichever is applicable) of Industrial Tribunal , do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as Judicial Member/Administrative Member (whichever is applicable) of State Industrial tribunal (Name of the Tribunal) except as may be required for the due discharge of my duties as the Judicial Member/Administrative Member.

faithfully and conscientiously discharge my duties as a Judicial Member/Administrative Member of Industrial tribunal , to the best of my ability, knowledge and judgement, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of the land.

Signature

Place:

Date

FORM XXIII**[See sub- rule (1) of rule 51]****APPLICATION TO BE SUBMITTED BEFORE THE TRIBUNAL IN MATTERS NOT SETTLED BY THE CONCILIATION**

OFFICER.

Before Industrial Tribunal (Name and Place of Industrial Tribunal)

Between

..... (Name and address of applicant)

And

..... (Name and address of opposite party/parties)

Following dispute exists between me/us and opposite party /parties, the detail of which are given below:-

..... (brief recital of the dispute)/ The above mentioned dispute has been negotiated before the conciliation officer but no settlement arrived at during conciliation proceeding. Therefore I/We submit the dispute before the Tribunal praying that the instant dispute may please be admitted for adjudication and request to pass appropriate award.

Signature of the applicants

(Name and Address)

Verification

It is verified that the content of application is to the best of my knowledge and belief, true and correct.

Date:

Place:

Signature

(Name and Address)

FORM- XXIV**[See sub- rule (1) of rule 52]****(APPLICATION UNDER SUB-SECTION (1) OF SECTION 59 OF THE
INDUSTRIAL RELATIONS CODE, 2020)**

To,

- (1) The Secretary to the W.B. Government, Department of Labour.
- (2) Regional Additional/Deputy Labour Commissioner
(here insert the name of the region).

Sir,

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

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

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

(Signature of the applicants)

Address(es)

Station:

Date:.

ANNEXURE

(Here indicate the details of the amount(s) claimed.)]

FORM XXV**[See sub- rule (1) of rule 52]****(APPLICATION BY A PERSON AUTHORISED BY A WORKER OR BY THE ASSIGNEE OR HEIR OF A DECEASED WORKER UNDER SUB-SECTION (1) OF SECTION 59 OF THE INDUSTRIAL RELATIONS CODE, 2020)**

To

- (1) The Secretary to the W.B. Government, Department of Labour.
- (2) Regional Additional/Deputy/Assistant Labour Commissioner (here insert the name of the region).

Sir,

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

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

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

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

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

Station Signature of the authorized person/assignee/heirs

Date

Address

ANNEXURE

(Here indicate the details of the amount claimed.)

FORM XXVI**[See sub- rule 2 of rule 52]**

(APPLICATION UNDER SUB-SECTION (2) OF SECTION 59 OF THE INDUSTRIAL
RELATIONS CODE, 2020)

Before the State Government Industrial Tribunal at between
..... and

(1) Name of the applicants)

(2) Name of the employer

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

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

Signature or Thumb Impression (s) of the applicant(s)

Address (es)

Place

Date

ANNEXURE

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

FORM XXVII**[See sub- rule(2) of rule 52]**

**(APPLICATION BY A PERSON WHO IS AN ASSIGNEE OR HEIR OF A DECEASED
WORKER UNDER SUB-SECTION (2) OF SECTION 59 OF THE INDUSTRIAL
RELATIONS CODE, 2020)**

Before the State Government Industrial Tribunal at Between

(i) Name of the applicant/applicants

(ii) Name of the employer

I am/We are the assignee(s) of the deceased worker and am/are entitled to make an application on his behalf.

Shri/Smt. former worker
of M/s of is entitled to receive
from the said M/s the money/benefits mentioned in the statement
hereto annexed:

It is prayed that the Tribunal be pleased to determine the amount/amounts due to the deceased worker.

Name and Address of worker

Signature of the assignee/heirs

Address (es)

Place

Date

ANNEXURE

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

FORM XXVIII**[See sub- rule (1) of rule 53]****NOTICE OF STRIKE TO BE GIVEN BY REGISTERED TRADE UNION/NEGOTIATING UNION OR
NEGOTIATING COUNCIL**

To,

(the name of the employer)

Dear Sir/Sirs,

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

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

[Name of five elected representatives of workmen]

Dated the Day of 20.....

Yours faithfully,

Secretary of the Registered trade union/ Negotiating

Union / Negotiating Council

ANNEXURE

Statement of the case/ causes for proposal to call a strike-

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

Copy to:

- (1) Conciliation officer (concerned conciliation officer)
- (2) The Regional Additional/Deputy Labour Commissioner, W.B.
- (3) The Labour Commissioner. W.B.
- (4) The Secretary to Government of W.B. in the Department of Labour.
- (5) Labour Bureau.

FORM XXIX**[See sub- rule (1) of rule 54]****NOTICE OF LOCK-OUT TO BE GIVEN BY AN EMPLOYER OF AN INDUSTRIAL
ESTABLISHMENT**

Name of The Industrial Establishment & Employer

Address

Dated the day of 20

In accordance with the provisions of sub-section (5) of Section 62 of the Industrial Relation Code, 2020, I/we hereby give notice to all concerned that it is my/our intention to effect a lock-out in Department(s)/section(s) of my/our establishment with effect from for the reasons explained in the annexure.

Signature Name and Designation.....

ANNEXURE**STATEMENT OF REASONS**

Copy forwarded to—

- (1) The Secretary/Secretaries of the registered trade union(s)
- (2) Conciliation Officer
- (3) The Regional Additional/Deputy/Assistant Labour Commissioner, W.B
- (4) The Labour Commissioner, W.B.
- (5) The Secretary to Government of W.B. in the Department of Labour.
- (6) Labour Bureau.

FORM XXX

[See rule 55 and 57]

**Notice of Retrenchment/ Closure to be given by an employer under the provisions of
chapter IX of the Industrial Relation Code, 2020**

Name of the Industrial establishment/ Undertaking/ employer

Address

Labour Identification Number (LIN)-

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

[Note: The intimation for Closure/ Retrenchment to the State Government shall be served 60 days/
30 days before commencement of such Closure/ Retrenchment respectively.]

To,

The Secretary to the Government of WestBengal,
Department of Labour, Kolkata.

Sir,

(Retrenchment) (a)Under Sec. 70 (C) of this Code,I/we*hereby intimate you that I*/we* have
decided to retrenchworkers**out of a total of..workers**
with effect from..... .. (dd/mm/yy)

Or

(Closure) Under Sec.74 (1) of this Code I/we* hereby intimate you that I*/we* have decided to close
down.....(nameof the industrial establishment) or
undertaking with effect from (dd/mm/yy). The number of workers whose
services would be terminated on account of the closure of the undertaking is
.....(number of workers)

1. The reason for retrenchment/closure is
2. *The worker(s)* concerned were given on the..... (dd/mm/yy) one month's
notice in writing as required under clause (a) of section 70*/ sub-section (1) of section 75* of this

Code.

or

*The Worker(s)*have been given on the (dd/mm/yy) one month's pay in
lieu ofthe notice, as required under clause (a) of section 70*/ sub-section (I) of Section 75* of the Code.

3. *** Retrenchment is being effected in pursuance of an agreement, a copy of which is enclosed.
4. The Total number of workmen employed in the industrial establishment is..... andthe total
number of those who will be affected by the retrenchment is given below:

Category and designation of workmen to be retrenched	Number of workmen	
	Employed	To be retrenched
1	2	3

5. *I/We* hereby declare that the worker(s) concerned have been*/will be* paid all their dues along with the compensation due to them under section 70*/section 75* of this Code before or on the expiry of the notice period.

Or

* I/We* hereby state that currently Insolvency proceedings as on in respect of the said Industrial Establishment/Undertaking/Employer and that I*/We* will pay all the dues along with the compensation due to them under concerned laws.

6. (Retrenchment) I*/we* hereby declare that the worker(s) concerned have been*/will be* retrenched in compliance to the section 71 and section 72 of this code.

7. I*/we* hereby declare that no court case is pending before any Court in the matter, and if yes, the details thereof have been annexed.

8. I*/we* hereby declare that the above information given by me*/us* in this notice and the annexures is true, I*/We*, am*/are* solely responsible for its accuracy and no facts/materials have been suppressed in the matter.

Yours faithfully,

Signature

(Name of Employer/*** Authorised Representative with seal.)

(* strike of which is not applicable)

(** indicate numbers in figures and words both)

(*** copy of authorization letter issued by the employer shall be enclosed)

ANNEXURE

STATEMENT OF REASONS FOR CLOSURE/
RETRENCHMENT

Copy to:

1. The Regional Additional/Deputy/ Assistant Labour Commissioner, W.B
2. The Labour Commissioner, W.B.
3. Employment Officer, Employment Exchange (Enter the full address of the Employment Exchange concerned).
4. All registered trade unions/ Authorized representatives of workers operating in Establishment/Undertaking.
5. Labour Bureau.

FORM XXXI

[See sub-rule (1) of rule 58, 60 and 62]

Application for permission to Lay-off/ Retrenchment/ Closure to be given by an Employer/ Industrial Establishment/ Undertaking to the State Government under the provisions of Chapter X of the Industrial Relation Code, 2020 and rules made there under.

Name of Industrial establishment/ Undertaking/ Employer-.....

Labour identification number (LIN)-

Dated:

[Note]: The application to the State Government shall be served as indicated below :

1. Lay-off: at least 15 days before the intended lay-off.
2. Continuation of Lay-off-at least 15 days before the expiry of earlier Lay-off.
3. Retrenchment: at least 60 days before the intended date of retrenchment.
4. Closure: at least 90 days before the intended date of closure.]

To,

The Secretary to the Government of West Bengal.

Department of Labour, Kolkata.

1. *(Lay-off) (a). Under section 78(2) of the Industrial Relations Code, 2020, I*/we* hereby apply for permission to lay -off.....workers** out of total ofworkers** employed in my*/our* establishment (details to be given in Annexure-I) with effect from ..
.....(dd/mm/yyyy).

Or

(Continuation of lay-off) (b) Under section 78(3) of the Industrial Relations Code, 2020 (35 of 2020), I*/we* hereby apply for permission to continue the Lay-off.....workers** out of total of.....laid off workers** in my*/our* establishment (details to be given in Annexure-I) with effect from (DD/MM/YYYY).

Or

(Retrenchment) (b) Under section 79(2) of the Industrial Relations Code, 2020, I/we* hereby apply for permission for intended retrenchment of..... workers out of total of..... workers** employed in my*/our* establishment (details to be given in Annexure-I) with effect from (dd/mm/yyyy).

Or

(Closure) (d) Under section 80(1) of the Industrial Relations Code, 2020, I/ we* hereby inform you that I*/we* have intended to close down the undertaking..... (name of the industrial establishment or undertaking or employer) (details to be given in Annexure-I) with effect from (dd/mm/yyyy). The number of workers whose services would be terminated on account of the closure of the undertaking is(number of workers).

2. * (Lay-off) The worker(s) concerned were given on(dd/mm/yyyy) notice in writing as required under section 78(2)*/ section 78(3)* of this Code.

Or

(Retrenchment/ Closure) The worker(s) concerned were given on..... (dd/mm/yyyy) one month's notice in writing as required under section 79/ section 80* of this Code.

Or

(Retrenchment/Closure) The worker(s) have been given on (dd/mm/yyyy) one month's pay in lieu of notice as required under section 79/ section 80* of this Code.

3. The details of affected worker(s) is at Annexure II.
4. (Retrenchment) I*/we* hereby declare that the workers concerned will be retrenched in compliance to the section 71 and section 72 of this Code.
5. *I/We* hereby declare that the worker(s) concerned have been*/will be* paid all the dues and compensation due to them under section 67, read with section 78(10)* / section 79* / section 80* of this Code before or on the expiry of the notice period.

Or

I/We hereby slate that currently Insolvency proceedings are on in respect of the said Industrial Establishment/Undertaking/Employer, and that I/we* will pay all the dues along with the compensation due to them under concerned laws.

6. I/ we* hereby declare that no court case is pending before any Court in the matter, and if yes, the details thereof have been Annexed.
7. I/ we hereby declare that the above information given by me/ us* in this notice and enclosures is/ are* true. I/ we am/ are solely responsible for its accuracy and no facts/ materials has been suppressed in the matter.

The permission sought for may please be granted.

Yours faithfully,

(Name of Employer/

*** Authorised Representative with Seal)

(* Strike off which is not applicable)

(** Indicate number in figures and word both)

(***Copy of Authorization letter issued by the employer shall be enclosed)

Copy to:

1. The Regional Additional/Deputy/Assistant Labour Commissioner, West Bengal.
2. The Labour Commissioner, West Bengal.
3. The Employment Officer, Employment Exchange (Enter the full address of the Employment Exchange concerned).
4. All registered trade unions/ Authorized representatives of workers operating in Establishment/ Undertaking.
5. Labour Bureau.

ANNEXURE-I

(Please give replies against each item)

1	Name of the undertaking with complete postal address, e-mail, mobile and land line. (a) Corporate Identification Number (b) Goods and Service Tax Identification Number (GSTIN)	
2	Status of undertaking- (1) Whether State public sector/ corporation/ foreign majority company/joint sector venture etc. (2) Whether a private limited company/ partnership firm. (3) If it belongs to large industrial house, please indicate the controlling group and if it is a foreign majority company, indicate the extent of foreign holdings. (4) Whether the undertaking is Licensed/registered and if so, name of licensing/ registration authority and licence/registration certificate numbers.	
3	(a) Name and address of the affected workers proposed to be laid off/names and addresses of the workers laid off before the commencement of the Industrial Relation Code, 2020 and the dates from which each of them has been laid off. (b) Name and address of the affected workers proposed to be retrenched.	
	(c) The total number and categories of workers affected workers proposed closure along with their names and addresses.	
	(d) The nature of the duties of the workers referred to in sub item (a), (b) or (c), as the case may be, the units/sections/shops/ where they are or were working and the wages drawn by them.	
4	Items of manufacture and scheduled industry/ industries under which they fall	
5	Details relating to installed capacity, licensed capacity and utilized capacity	
6	(i) Annual production, item wise for preceding three years	
	(ii) Production figures, month-wise, for the preceding twelve months	
	(iii) Position of a Stocks on last day of each of the month in the preceding 12 months	
	(iv) Annual sales figures for the last three years and month wise sales figures for the preceding twelve months both item wise and value wise	
7	Work in progress: item wise and value wise	
8	Any arrangements regarding off- loading or sub-contracting of products or any components thereof	
9	Position of the order book, item wise and value-wise for a period of six months and one year next following and for the period after the expiry of the said one year	
10	Number of working days in a week with the number of shifts per day and the strength of workers per each shift	

11	Audit report of establishment/ undertaking including Balance sheets, profit and loss accounts for the last three years	
12	(a) Names of the inter-connected companies or companies under the same management	
	(b) Details about inter-corporate investments and changes during the last one year.	
	(c) Interest of any of the directors and officers of the undertaking producing same or similar type of product.	
	(d) Interest of the directors and officers with the organizations/persons involved in buying raw materials and components for the undertaking	
13	The total number of worker (category-wise), and the number of employees other than workers as defined under Industrial Relation Code 2020 employed in the undertaking	
14	Percentage of wages of workers to the total cost of production	
15	Administrative, general and selling cost in absolute terms/per year in the last three years and percentage thereof to the total cost	
16	(a) Details of lay-off/ Retrenchment resorted to in the last three years (Other than the lay-off for which permission is sought) including the periods of such lay-offs/ Retrenchment the number of workmen involved in each such lay-off/ Retrenchment and the reasons, thereof	
	(b) Anticipated savings due to the proposed lay-off/retrenchment for which permission is sought	
17	(a) Have any retrenched workers have been given re-employment, and if so, when? Give details	
	(b) Are seniority list maintained in respect of the categories of workers proposed to be retrenched and if so, the details and the position of the worker affected indicating their length of service including broken periods of service?	
18	Any proposal for effecting savings on account of reduction in- (i) Managerial remuneration (ii) Sales promotion cost, and (iii) General administration expenses	
19	Inventory position-item-wise and value-wise for the preceding twelve months (Inventories to be shown in respect of finished products, components and raw materials to be shown separately item-wise and value-wise.)	(to be filled in case of closure)
20	Selling arrangement for the last three years and any change in the selling arrangement in preceding twelve months.	
21	Buying arrangements for raw materials and components	
22	(a) Reasons for the proposed lay-off/ retrenchment/closure, for which permission is sought	
	(b) Specific attempts made so far to avoid the proposed lay-off/retrenchment/closure of which permission is sought.	
23	Any other relevant details which have bearing on lay-off/ continuation of lay-off/ retrenchment/ closure	

*Strike out whatever is applicable.

ANNEXURE-II**Details of affected workers**

Sl. No.	UAN/ CMPFO	Name of the worker	Category (Highly skilled/ Skilled/ Semi skilled/ unskilled)	Date from which in service in/ with the said establishment/ undertaking/ employer	Wage as on date of application	Remarks
1						
2						

FORM XXXII**[See sub-rule (1), (2), (3) and (5) of rule 66]**

(NOTICE TO THE EMPLOYER/PERSON WHO COMMITTED AN OFFENCE FOR THE FIRST TIME, FOR COMPOUNDING OF OFFENCE UNDER SECTION 89 OF THE INDUSTRIAL RELATIONS CODE, 2020 READ WITH RULE 61)

The undersigned, the Compounding Officer, for the purposes of section 89 of the Industrial Relation Code, 2020 (35 of 2020), hereby intimates you 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 person-
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 receipt of this notice for compounding the offence as per section 89 of the Industrial Relations Code, 2020 (35 of 2020) read with rule 61, along with an application dully filled in part - III of this notice.

In case you fail to deposit the said amount within the time so specified, no further opportunity shall be given to you and necessary steps shall be taken for filing of prosecution under section 87 of the said Code shall be issued.

(Signature of the Compounding Officer)

Date:

Place:

PART- III

(Application under sub-section (4) of section 89 of the Industrial relations Code, 2020 read with rule 61 for compounding of offence)

1. Name of applicant (name of the employer/person who committed the offence under the Industrial Relations Code 2020 (35 of 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)

Dated:
Place:
Copy to: Labour Bureau

FORM XXXIII
[See sub-rule (1) of rule 68]

COMPLAINTS REGARDING CHANGE OF CONDITIONS OF SERVICE UNDER SECTION 91.

Before

1. Conciliation Officer
2. Arbitrator
3. Tribunal.....

Between

.....(name and address of Complainants)

And

..... (name and address of opposite party/parties. The Complainant (s) beg/begs to complaint that the Opposite party(ies) has/have been guilty of a contravention of the provisions of section 90 of the Industrial Relation 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 employer is challenged)

The Complainant(s) accordingly prays/pray that the Conciliation Officer/ Arbitrator/Tribunal may be pleased to take into account in mediating or 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 annexures required under section 91 of Industrial Relation Code, 2020 are submitted herewith.

Signature of the Complainant(s)

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

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..... on..... day of.....20.....

Signature of the Complainant(s)

FORM XXXIV

[See rule 69 and 70]

**Authorisation by a Worker, Group of Workers, Employer or Group of
Employers to be represented in a proceeding before the Authority Under the
Industrial Relation Code, 2020**

Before the Authority

(here mention the Authority concerned)

Reference numberof

In the matter of dispute between
(worker)

versus.....

..... (employer)

I/We do hereby authorize Sri/Smt.....
.....(name of the authorized person) to represent me as in the above noted case
before the authority to file or inspect documents or to file restoration application to present
contest or compromise the case by signing settlement agreement or any other instrument as
may be required on my our behalf to seek adjournments if history to file the pleadings and or
applications or to any act conducive to my/our interest till the above noted case is finally
disposed of on this authority is revoked by me/us all become unenforceable.

I/We be here by promise that I/We will be legally bound by the acts of my above
representatives so far this case is concerned. The persons so authorized, as above also reserve
the rights to revoke this authority without notice and without assigning any reason to me/us as
any time.

Dated:

For

(Name and signature of
person(s) giving authority to represent)

Accepted by
(Name, address and signature
of Authorized representatives)

By order of the Governor,

(NABAKUMAR BARMAN)

Special Secretary to the Government of West Bengal