

Atal Nagar, the 25th May 2021

NOTIFICATION

No. F 10-5/2021/16.-The following draft rules, which the State Government proposes to make in exercise of the powers conferred by section 99 of the Industrial Relations Code, 2020 (35 of 2020) and in supersession of –

(i) the Chhattisgarh Industrial Disputes Rules, 1957 ; and

(ii) the Chhattisgarh Trade Unions Regulations 1961; and

(iii) the Chhattisgarh Industrial Employment (Standing Orders) Rules, 1963

made by the State Government in exercise of the powers conferred by the Industrial Disputes Act, 1947 (14 of 1947), the Trade Unions Act, 1926 (16 of 1926) which are repealed by section 104 of the said Industrial Relations Code, 2020, and the Chhattisgarh Industrial Employment (Standing Orders) Act, 1961 (26 of 1961), which is to be repealed by the State Government, as the case may be, except as respects things done or omitted to be done before such supersession, are hereby notified, as required by sub-section (1) of said section 99, for information of all persons likely to be affected thereby and notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of thirty days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to Deputy Secretary to the Government of Chhattisgarh, Department of Labour, Mantralaya, Mahanadi Bhawan, Nawa Raipur Atal Nagar or by email to ----- . The objections and suggestions should be sent in a 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 column (iv) reasons thereof.

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

Draft Rules

**CHAPTER - I
PRELIMINARY**

1. Short title, application and commencement-

(i) These rules may be called The Industrial Relation (Chhattisgarh) Rules, 2020.

(ii) They extend to whole of State in respect to the establishments and matters for which the State Government is the appropriate Government.

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

1A. Definition.-

- (1) In these rules, unless the context otherwise requires,-
- (a) "Code" means the Industrial Relations Code, 2020;
- (b) "section" means the section of the Code;
- (c) "electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;
- (2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

2. Written Agreement for the settlement before the Conciliation Officer under clause (zi) of Section 2. –

The Agreement under clause (zi) of Section 2 for written agreement between the employer and worker shall be in the form specified in **Form-I** and shall be signed by the parties in the agreement and a copy thereof shall be sent electronically or by speed post or registered post to the concerned Conciliation Officer and Labour Commissioner .

CHAPTER II BI-PARTITE FORUMS

3. Constitution of Works Committee etc. under Section 3.-

- (1) Every employer to whom an order made under sub-section (1) of section 3 relates, shall forthwith proceed to constitute a Works Committee in the manner as is specified in the following sub-rules:-
- (2) The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and class of workers engaged in, and to the sections, shops or departments of the establishment:
Provided that the total number of members of the Works Committee shall not exceed twenty:
Provided further that the number of representatives of the worker in the Works Committee shall not be less than the number of representatives of the employer therein.
- (3) Subject to the provisions of this rule, the representatives of the employer in the Works Committee shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with, or associated with, the working of the industrial establishment.
- (4) Where any workers of the industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to –
- (a) Number of workers as members of such Trade Union; and
- (b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Labour Commissioner or any other officer nominated by him, not below the rank of a Assistant Labour Officer, in writing, who shall, after hearing the parties, shall decide the matter and his decision shall be final.
- (5) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of worker's representative on the Committee in two following groups, namely:-
- (a) registered Trade Unions may choose their representatives as members for works committee in the proportion of their membership, ensuring adequate representation of women workers.
- (b) where there is no registered Trade union, workers may choose amongst themselves representatives for works committee, ensuring adequate representation of women workers.
- (6) (a) The Works Committee shall have among its office-bearers a Chairperson, a Vice-Chairperson, a Secretary and a Joint-Secretary. The Secretary and the Joint-Secretary shall be

elected every year.

- (b) the Chairperson shall be nominated by the employer from amongst the employer's representatives on the Works Committee and he shall, as far as possible, be the head of the industrial relations;
- (c) the Vice-Chairperson shall be elected by the members, on the Works Committee representing the workers, from amongst themselves:
Provided that in the event of equality of votes in the election of the Vice- Chairperson, the matter shall be decided by draw of a lot:
- (d) the Works Committee shall elect the Secretary and the Joint Secretary provided that where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the worker and vice versa:
Provided that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the employer or the worker for two consecutive years:
Provided that the representatives of the employer shall not take part in the election of the Secretary or Joint Secretary, as the case may be, from amongst the representatives of the worker and only the representatives of the worker shall be entitled to vote in such elections.
- (e) In any election under clause (d), in the event of equality of votes, the matter shall be decided by a draw of lot.
- (7)(a) the term of office of the representatives on the Works Committee other than a member chosen to fill a casual vacancy shall be two years;
- (b) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor;
- (c) A member who without obtaining leave from the Works Committee, fails to attend three consecutive meetings of the Committee shall forfeit his membership.
- (8) In the event of worker's representative ceasing to be a member under clause (c) of sub-rule (7) or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be chosen in accordance with the provisions of this rule from the same group to which the member vacating the seat belonged.
- (9) The Works Committee shall have the right to co-opt in a consultative capacity, persons employed in the industrial establishment having particular or special knowledge of a matter under discussion. Such co-opted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Works Committee.
- (10)(a) the Works Committee may meet as often as necessary but not less often than once in three months.
- (b) the Works Committee shall at its first meeting regulate its own procedure.
- (c) Meeting of the Works Committee shall be called within three days of a notice to the Chairperson mentioning the reasons for such meeting therein, if such notice is signed by at least half of the representatives on the committee.
- (11)(a) the employer shall provide accommodation for holding meetings of the Works Committee. He shall also provide all necessary facilities to the Works Committee and to the members thereof for carrying out the work of the Works Committee. The Works Committee shall ordinarily meet during working hours of the industrial establishment concerned on any working day and the representative of the worker shall be deemed to be on duty while attending the meeting;
- (b) the Secretary of the Works Committee may with the prior concurrence of the Chairperson, put up notice regarding the meeting and work of the Works Committee on the notice board of the industrial establishment.

- 4. Manner of choosing members from the employers and the workers for Grievance Redressal Committee under sub-section (2) of section 4. -**
- (1) The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed ten.
 - (2) The representatives of the employer shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with or associated with the working of the industrial establishment, preferably the heads of major departments of the industrial establishment.
 - (3) The representatives of the workers shall be chosen by the registered Trade Union. In case where there is no registered Trade union the member may be chosen by the workers of the industrial establishment:
 Provided that there shall be adequate representation of women workers in the Grievance Redressal Committee and such representation shall not be less than the proportion of women workers to the total workers employed in the industrial establishment.
 Provided further that the tenure of the members of the Grievance Redressal Committee shall be co-terminus with the tenure of the members of the registered Trade Union;
 Provided further that in the absence of registered Trade Union, the tenure of members of Grievance Redressal Committee shall be for a period of two years from the date of the constitution of the Grievance Redressal Committee.
 - (4) Where any workers of the industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to –
 - (a) How many of the workers are members of such Trade Union;
 - (b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Labour Commissioner, or any other officer nominated in writing, by the Labour Commissioner, not below the rank of Assistant Labour Officer, who shall, after hearing the parties, shall decide the matter and his decision shall be final.
 - (5) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of worker's representative on the committee by two following groups, namely:
 - (a) registered Trade Union may choose their representative as members for Grievance Redressal Committee in the proportion of their membership.
 - (b) such workers those who are not member of registered Trade Union, may choose amongst themselves representatives for the Grievance Redressal Committee.
- 5. Application in respect of any dispute to be filed before the Grievance Redressal Committee by any aggrieved worker under sub-section (5) of section 4.-** Any aggrieved worker may file an application stating his dispute therein before the Grievance Redressal Committee giving his name, designation, employee Code, Department where posted, length of service in years, category of worker, address for correspondence, contact number, details of grievances and relief sought. Such application may be sent electronically or by speed post or registered post. The Grievance may be raised within one year from the date on which the cause of action of such dispute arises.
- 6. Manner of filing application for the conciliation of grievance as against the decision of the Grievance Redressal Committee to the conciliation officer under sub-section (8) of section 4.-** Any worker who is aggrieved by the decision of the Grievance Redressal Committee or whose grievance is not resolved by the said Committee within thirty days of receipt of the application, may file an application through portal of Labour Department electronically or by registered post or speed post within the period of sixty days from the date

of the decision of the Grievance Redressal Committee or from the date on which the period specified in sub-section (6) of section 4 expires, as the case may be, to the conciliation officer through the Trade Union, of which he is a member or otherwise.

Provided that in case of manual receipt of such application through registered post or 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 concerned worker.

CHAPTER - III TRADE UNIONS

7. Payment of subscription by members to Trade Union under sub-section (f) of Section 7 and sub section (4) of Section 15 -

- (1) Registered Trade Union may collect the subscription from its members, office bearers or from others, as provided in the rules approved by the Registrar on monthly, quarterly, half yearly or yearly basis subject to such amount as prescribed under sub-section (2) .
- (2) The payment of a minimum subscription by members of the Trade Union which shall not be less than :-
 - (a) Thirty Rupees per annum for rural workers;
 - (b) Forty Rupees per annum for workers in other unorganised sectors; and
 - (c) Fifty Rupees per annum for workers in any other case
or as may be notified by the State Government time to time.

8. Manner of Annual audit under sub- section (j) of section 7:-

- (1) Save as provided in sub-rule (2), (3), (4) and (5) of this rule, the annual audit of the accounts of any registered Trade Union shall be conducted by an auditor having the qualifications prescribed in sub-section (1) of Section 226 of the Indian Companies Act, 1956 (1 of 1956).
- (2) Where the membership of a registered Trade Union at any time, during the year ending on the 31st December, exceeds 1000, the annual audit of the accounts may be conducted-
 - (a) by any auditor authorised by the State Government to examine public accounts; or
 - (b) by any person who, having held an appointment under the Government in any audit or accounts department, is in receipt of a pension of not less than Rs. 5000 per mensem; or
 - (c) by a Chartered Accountant.
- (3) Where the membership of a registered Trade Union did not, at any time, during the year ending on the 31st day of December, exceed 1,000 the annual audit of the accounts may be conducted-
 - (a) by any two persons holding office as a Member of Corporation, a Municipality, a Jila or Janpad Panchayat, or
 - (b) by any person who, having held an appointment under the Government in any audit or accounts department, is in receipt of a pension from the Government of not less than Rs. 5000 a month, or
 - (c) by any auditor appointed to conduct the audit of Co-operative Societies by the Government or by the Registrar of Co-operative Societies or by any co-operative organisation recognised by the Government for this purpose.
- (4) Where the membership of a registered Trade Union did not at any time, during the year ending on the 31st December exceed 300, the annual audit of the accounts may be conducted by any two ordinary members of such registered Trade Union who were not on the executive during the period to which the accounts pertain.

- (5) Where the registered Trade Union is a federation of Trade Unions and the number of such unions affiliated to it at any time during the year ending on the 31st December, did not exceed 50, 15 or 5, respectively, the audit of the accounts of the federation may be conducted as if it has not, at any time, during the year had a membership of more than 1,000, less than 1,000 or 300 respectively.
- (6) **Disqualification of auditors.** - Notwithstanding anything contained in these rules, no person who, at any time, during the year for which the accounts are to be audited, was entrusted with any part of the funds or securities belonging to a registered Trade Union shall be eligible to audit the accounts of that union.
- (7) **Audit** - The auditor or auditors appointed in accordance with these regulations shall be given access to all the books of the registered Trade Union concerned and shall verify the general statement with the accounts and vouchers relating thereto and shall thereafter sign the author's declaration appended to in **Form II**, indicating separately on that form under his signature or their signatures a statement showing in what respect he or they find the return to be incorrect, not, supported by vouchers or not in accordance with the Act. The particulars given in the statement shall indicate-
- (a) every payment which appears to be unauthorised by the rules of the registered Trade Union concerned or contrary to the provisions of the Act;
- (b) the amount of any deficit or loss which appears to have been incurred by the negligence or misconduct of any person;
- (c) the amount of any sum which ought to have been, but is not brought to account by any person.

9. Manner of amendment and variation in rules of Trade Unions and dissolution of Trade Unions under sub section (k) and (l) of Section 7:-

- (1) When a registered Trade Union is dissolved, notice of the dissolution or any amendment and variation in rules shall be sent electronically or by speed post or registered post to the Registrar in **Form III**.
- (2) On receiving copy of notice under sub - rule (1) any amendment or variation made in the rules of a Trade Union under sub - section (k) of Section 7, the Registrar shall, unless he has reason to believe that the amendment or variation in the rules has not been made in the manner provided by the rules of the Trade Union or unless the amendment or variation in the rules is not in accordance with the provisions of the Act, register the amendment or variation in the rules in a register to be maintained for his purpose and shall notify the fact that he has done so to the secretary of the Trade Union
- (3) On receiving copy of notice under sub - rule (1) dissolution under sub - section (l) of Section 7, the Registrar shall, unless he has reason to believe that the dissolution of Trade Union has not been made in the manner provided by the Act, register the dissolution of Trade Union in a register to be maintained for this purpose and shall notify the fact that he has done so to the secretary of the Trade Union.
- (4) The fee payable shall be Rs. Fifty or as may be fixed by the State Government time to time and shall be deposited electronically or otherwise along with receipt of fee paid in the appropriate head of accounts of the government.

10. Registration of Trade Union and cancellation thereof under Section 8 and 9:-

- (1) Form of application for registration. - Every application for registration of a Trade Union shall be made in **Form IV** electronically or otherwise along with fee paid electronically or receipt of fee and such other documents as required under Section 9 of the Industrial Relations Code, 2020.
- (2) An affidavit shall be attached with the application filed for registration under sub rule (1) by the applicant in the **Form V**.

- (3) Evidence to prove authority to make application- Upon an application for the registration of a trade union, the Registrar may require from the applicants such evidence, as may seem to him to be necessary to show that the applicants have been duly authorised to make the application on behalf of the Trade Union and that the other particulars given in **Form -IV** are correct .
- (4). **Fees for registration.** - The fee payable for registration of a Trade Union shall be Rs. One Hundred or as may be fixed by the state government time to time and shall be paid electronically or deposited in the appropriate head of accounts of the State Government.
- (5) **Form of register.** - The register of Trade Unions by the Registrar shall be maintained electronically or otherwise in **Form VI**.
- (6) **Form of certificate.** - The certificate of registration in **Form VII** shall be issued electronically or otherwise by the Registrar after due verification of the information and particulars submitted with the application, either by himself or through any other officer authorised by him and found proper. The certificate shall be issued by the Registrar within thirty days from the date of application received. The registration shall be deemed to be issued if no decision is taken and communicated electronically or through registered post or speed post on such application by the Registrar within thirty days.
- (7) **Form of application for withdrawal or cancellation of Registration** - Every application by a Trade Union for withdrawal or cancellation of its certificate of registration shall be sent electronically or through registered post or speed post to the Registrar in **Form VIII** along with a receipt of fee of Rs one hundred or as may be fixed by the government time to time , shall be paid electronically or otherwise in the appropriate head of accounts of the state government. The Registrar may require from the applicants such evidence, as may seem to be necessary, to show that the applicants have been duly authorised to make the application on behalf of the Trade Union.
- (8) **Verification and Grant of application.** - The Registrar, on receiving an application for registration, withdrawal or cancellation of registration; shall, before granting such application, verify that the application was approved in a general meeting of the Trade Union, or if it was not so approved, that it has the approval of a majority of the members of the Trade Union. For this purpose, the Registrar may require for appropriate particulars to verify the same.
- 11. Appeal against non-registration or cancellation of registration under Section 10 :-**The appeal against the order of the Registrar shall be filed by any aggrieved person within sixty days of the date of receipt of the order to the Industrial Tribunal by filing an application mentioning the causes of the appeal accompanied with a certified copy of the order of the Registrar.
- 12. Communication to the trade union by the Registrar and any change in registration particulars by trade union to Registrar under Section 11 :-**
- (1) All communication and notices to a registered trade unions shall be sent electronically or otherwise to Trade union by the Registrar to the approved postal address and e-mail address as entered in the register maintained by the Registrar.
- (2) All communication and notices by a registered trade union with respect to any change in any particulars of trade unions or its rules or office bearers or membership falling below 10 percent or one hundred, whichever is less, shall be sent electronically or by registered post or by speed post to the Registrar to his official postal address or e-mail address within thirty days from such date of such change or event. Intimation of any change in the officers of a registered Trade Union shall be sent in **Form-IX** and notice of change in the address of the head office of the Trade Union shall be sent in **Form-X** to the Registrar.

- (3) On receiving a copy electronically or otherwise of any communication made as mentioned under sub rule (2), the Registrar shall, unless he has reason to believe that such communication has not been made in the manner provided by the rules of the Trade Union unless, such communication or alteration or change is not in accordance with the provisions of the Act, register such communication or change or alteration in a register to be maintained for this purpose and shall notify the fact that he has done so, to the Secretary of the Trade Union in the manner prescribed under sub rule (1) .
- (4) The fee payable for such communication or alteration or changes of rules shall be Rs Fifty or as may be fixed by the government time to time, shall be paid in the appropriate head of accounts of the state government electronically or otherwise for each set of alterations made at one time.

13 Recognition of Negotiating Union or Negotiating Council :-

(1) Matters in an industrial establishment having registered Trade Union for negotiation with employer for the workers employed in the industrial establishment under sub-section

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

- (i) classification of grades and categories of workers;
- (ii) order passed by an employer under the standing orders applicable in the industrial establishment;
- (iii) wages of the workers including their wage period, dearness allowance, bonus, increment, customary concession or privileges, compensatory and other allowances;
- (iv) hours of work of the workers their rest days, number of working days in a week, rest intervals, working of shifts;
- (v) leave with wages and holidays;
- (vi) promotion and transfer policy and disciplinary procedures;
- (vii) quarter allotment policy for workers;
- (viii) safety, health and working conditions related standards;
- (ix) such other matter pertaining to conditions of service, terms of employment which are not covered in the foregoing clauses; and
- (x) any other matter which is agreed between employer of the industrial establishment and negotiating union or council.

(2) Criteria for recognizing a single registered Trade Union of workers as sole negotiating Union of workers under sub-section (2) of section 14.- Where there is only one registered Trade Union operating in an industrial establishment having its members not less than thirty percent of the total workers employed in the industrial establishment, then, the employer of such industrial establishment shall recognize such Trade Union as sole negotiating union of the workers.

(3) Manner of verification of membership of Trade Unions in an industrial establishment under sub-sections (3) and (4) of section 14.-

(1)(a) The employer of the industrial establishment shall appoint a verification officer (hereinafter in this rule, referred to as verification officer) for the purpose of verification of membership of the Trade Unions in the industrial establishment who shall be an independent officer and shall not have any interest with any of the Trade Union, whose membership verification is to be carried out;

Provided that the process for constitution 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 trade unions recognised by the employer under the Code of Discipline.

- (b) The verification officer can appoint additional verification 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 in time bound manner as determined by the employer;
- (2) The employer of the industrial establishment shall bear all expenses and make arrangements in connection with the verification of membership of Trade Union under sub-rule (1).
- (3) (a) The Trade Unions which satisfy the following conditions shall first submit an application to the employer of the industrial establishment to accord status of negotiating union of the workers, namely:-
 - (i) such Trade Union has a valid registration under the Trade Unions Act, 1926 and continuing as such or has the registration under the Industrial Relations Code, 2020 (35 of 2020), as the case may be; and
 - (ii) the membership of the Trade Union be confined to the particular industrial establishment only.
- (b) The Application for recognition made by Trade Union shall be accompanied with the copy of the registration certificate, copy of list of members, details of the membership subscription and copy of latest annual return submitted to Registrar of Trade Unions and any other relevant document which the Trade Union wishes to submit in support of its claim;
- (4) (a) In case of negotiating union or 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 incumbent negotiating union or negotiating council, as the case may be, sufficiently in advance but not later than three months before the expiry of the tenure of incumbent negotiating union or negotiating council, as the case may be;
- (b) The date of reckoning shall be fixed by the employer of 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 or documents submitted by the Trade Union to ascertain the status of registration of Trade Union and related matters;
- (e) The verification officer shall hold meeting with representative 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, with the mutual agreement with the Trade Unions of the industrial establishment, deploy an electronic process of conducting the election process over an information technology application, online platform or like other platform.

(4) 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 at least sixty days before the date of actual voting, to decide

- (a) publication of voters list;
 - (b) date, time, mode of voting, place of voting;
 - (c) date, time and place of counting; and
 - (d) other modalities relating to secret ballot.
- (2) The verification officer shall cause the minutes of the meeting to be prepared and signed by all participating Trade Unions. All participating Trade Unions shall be allotted symbols in the same meeting. If no decision could be taken regarding date, time, mode of voting, place of voting, allotment of symbols, date, time and place of counting and like other matters in the meeting, then, the decision of the verification officer shall be final and he shall publish the schedule, programme and procedure of such secret ballot;
 - (3) 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;
 - (4) 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, Universal Account Number (UAN), if any, and place of posting of the worker. The final voter list shall be published by the employer after obtaining the approval of verification officer and shall be displayed at notice board at the main entrance and website, if any, of the industrial establishment. A copy of such voters list shall also be sent to the participating Trade Unions by hand or by registered post or by electronic mode.
 - (5) The verification officer shall display 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.
 - (6) The voting and counting of votes will be held on the date, time and place fixed by the verification officer under the supervision of verification officer and during the counting, agents of all participating Trade Unions shall be allowed to remain present.
 - (7) After final counting of votes, the result shall be declared by the verification officer. The result sheet shall contain the name of all Trade Unions participated in election, total number of votes polled and the number of votes cast in favour of each of the Trade Union which participated in the election.

(5) Verification report to the employer - The verification officer shall submit verification report with results of verification of membership of the Trade Unions to the employer of industrial establishment.

(6) Recognition of Trade Union as negotiating union or constituents of negotiation council - On the basis of verification report submitted by verification officer, the employer of the industrial establishment shall grant recognition to Trade Union as a negotiating union or constituents of negotiating council as per provisions of sub-section 2 of section 14 or sub-section 3 of section 14 or sub-section 4 of section 14 of the Code, as the case may be, which shall be valid for three years from the date of recognition of negotiating union or constitution of negotiating council or such further period not exceeding five years, in total, as may be mutually decided by the employer and the negotiating union or negotiating council, as the case may be:

Provided that the tenure of the negotiating union and the negotiating council shall be decided prior to holding of secret ballot

- (7) Facilities to be provided by industrial establishment to a negotiating union or negotiating councils under sub-section (7) of section 14.-** In an industrial establishment, where there is a negotiating union or negotiating council, as the case may be, the employer of such industrial establishment shall provide the following facilities to the negotiating union or negotiating council, as the case may be, namely:-
- (i) notice board for the purpose of displaying the information relating to activities of negotiating union or negotiating council, as the case may be;
 - (ii) venue and necessary facilities for holding discussions by the negotiating union or negotiating council, as the case may be, as per schedule and agenda to be settled between employer of the industrial establishment and the negotiating union or constituents of negotiating council, as the case may be;
 - (iii) venue and necessary facilities for holding discussions amongst the members of the negotiating union or constituents of negotiating council, as the case may be;
 - (iv) facility for entrance of the office bearers of the negotiating union or constituents of negotiating council, as the case may be, in the industrial establishment for the purposes of ascertaining the matters which are relating to working conditions of the workers;
 - (v) employer to deduct subscription of the members of the Trade Unions on the basis of the written consent of the worker;
 - (vi) treating on duty of the employed office bearers of the negotiating union or constituents of negotiating council, as the case may be, when the office bearers are holding meetings or discussing with the employer as per agreed schedule between employer and such office bearers; and
 - (vii) employer of an industrial establishment, having three hundred or more workers, shall provide suitable office accommodation with necessary facilities to the negotiating union or negotiating council, as the case may be.

14. Objects on which general funds may be spent under sub section (1) of Section 15 -

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

- (k) subject to any conditions contained in the notification, any other objects notified by the state government in the Official Gazette.
- (2) Constitution of separate fund under sub section (2) of Section 15:-
- (i) A registered Trade Union may constitute a separate fund from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in the Code.
- (ii) The objects referred to in sub-section (1) are: -
- (a) the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body constituted under the Constitution or of any local authority, before, during, or after the election in connection with his candidature or election; or
- (b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
- (c) the maintenance of any person who is a member of any legislative body constituted under the Constitution or of any local authority; or
- (d) the registration of electors or the election 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.
- (iii) No member shall be compelled to contribute to the fund constituted under sub-section (1); and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund; and contribution to the said fund shall not be made a condition for admission to the Trade Union.

15. Manner of making application for adjudication of dispute before Tribunal under sub section(1) of section 22 – Where any dispute arises between -

- (a) one Trade Union and another; or
- (b) one or more workers who are members of Trade Union and the Trade Union regarding registration, administration or management or election of office bearers of the Trade Union; or
- (c) one or more workers who are refused admission as members and the Trade Union; or
- (d) where the dispute is in respect of a Trade Union which is a federation of Trade Unions and office bearer authorized in this behalf by the Trade Union, then, the aggrieved person may make application to the Tribunal having jurisdiction, in **Form XI** within a period of one year from the date on which the dispute arises, electronically or by registered post or by speed post or in person.

16. Manner of amalgamation and change of name of trade union and sending it to the Registrar thereof under sub section (2) and (3) of Section 24:-

Amalgamation of Trade Unions Form of notice-

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

17. Distribution of funds of the trade union on dissolution under sub section (2) of Section 25:- Where it is necessary for the Registrar, under sub-section (2) of Section 25, to distribute the funds of a registered Trade Union which has been dissolved, he shall divide the funds among the members in proportion to the amounts contributed by them by way of subscription during their membership.

18. Annual Return (General Statement) of trade union under sub section (1) of Section 26:-

- (1) The general statement to be furnished under Section 26 shall be submitted to the Registrar electronically or by registered post or by speed post by the 31st day of March in each year and shall be in **Form XIV**.
- (2) The audit of the general statement shall be done in the manner prescribed under Rule 8 of these rules.
- (3) Upon a written demand by the Registrar, report of any audit done under these rules shall be presented by the trade union before the Registrar within such time limit as directed by the Registrar.
- (4) The Registrar may ask from the trade union in writing any other particulars about the general statement and the audit report, as he deems fit, for ascertaining the facts mentioned in such general statement and audit report.

19. Recognition of Trade Unions at State Level under sub section (2) of Section 27:-

- (1) The State Government may recognize any trade union or federation of trade unions as state trade union on verification of their membership as per the data furnished by the trade unions. The State Government may ask for muster rolls of the establishments from the employer(s) where the Union or federation of trade unions claim to have active membership and cross-verify the names of the members against Aadhar identification. The authorized officer may ask for any further documents and details from the Union or federation of Unions or the employer(s) to verify the membership.
- (2) Application shall be filed in **Form XV** by the Trade Union or federation of The Trade Unions to the State Government or the Officer authorised by the State Government in this regard by the notification.
- (3) The State Government or the officer authorized shall, after due enquiry, as it deems fit, decide such application within sixty days of its receipt and send the copy of the decision to the applicant with a copy to the Labour Commissioner and the Registrar.
- (4) If any dispute arises in relation to such recognition, the Government or the Officer authorised

by the State Government in this regard, shall refer the dispute to the Industrial Tribunal. The Industrial Tribunal shall, after giving opportunity of hearing to the applicant and going through the relevant records of the case, decide the appeal within forty five days and the order shall be binding upon the parties.

CHAPTER IV STANDING ORDERS

20. Manner of forwarding information to certifying officer under sub-section (3) of section 30.-

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

21. Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer where there is no Trade Union operating, under clause (ii) of sub-section (5) of section 30. – Where there is no such Trade Union as is referred to in clause (ii) of said sub-section (5) of Section 30, then, the certifying officer shall direct the workers to choose three representatives within fifteen days from the date of such order. The name of these representatives shall be sent to the Conciliation Officer for verification, to whom he shall, upon their being chosen, forward a copy of the standing order requiring objections, if any, which the workers may desire to make to the draft standing order to be submitted within ten days from the receipt of the notice.

22. Manner of authentication of certified standing orders under sub-section (8) of section 30.-

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

23. Statement to be accompanied with draft standing orders under sub-section (9) of section 30.-

A statement to be accompanied with-

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

24. Conditions for submission of draft standing orders in similar establishment under sub-section (10) of section 30.-In cases of group of employer engaged in similar industrial establishment may submit a joint draft standing order under section 30 and for the purpose of proceedings specified in sub-sections (1), (5), (6), (8) and (9) there of after consultation with the concerned Trade Unions.

Provided that the joint draft standing orders, in cases of group of employers engaged in similar industrial establishments, will be drafted and submitted to the Labour Commissioner who shall, in consultation with the concerned certifying officers, certify or refuse to certify the said joint draft standing order, after recording reasons there for.

25. Manner of disposal of appeal by appellate authority under section 32:-

- (1) An employer or Trade Union or negotiating union desirous of preferring an appeal against the order of the certifying officer given under sub-section (5) of section 30 shall within 60 days of the receipt of such order shall draw up a memorandum of appeal in tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added and reasons thereof and shall be filed electronically or otherwise to 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 or a worker, to Trade Union of the workers of the industrial establishment or to the representative body of the workers concerned;
 - (b) where the appeal is filed by a Trade Union, to the employer and all other Trade Unions of the workers of the industrial establishment; and
 - (c) Where the appeal is filed by the representative of the workers, to the employer and any other worker whom the appellate authority joins as a party to the appeal.
- (3) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.
- (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 may have called or consider to be relevant if produced and after hearing the parties dispose of the appeal.

26. The language and the manner of maintaining standing order under sub-section (1) and (2) of section 33.-

- (1) The standing order finally certified by certifying officer shall be sent electronically except in the case of deemed certification under section 30.
- (2) The text of the standing order as finally certified or deemed to have been certified or adopted model standing order under this Chapter shall be maintained by the employer in Hindi and English.

27. Register for final certified copy of Standing Order under section 34.-

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

28. Application for modification of Standing Order under sub-section (2) of section 35.-

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

**CHAPTER-V
NOTICE OF CHANGE**

29. The manner of giving of notice for change proposed to be effected under clause (i) of section 40.-

- (1) Any employer intending to effect any change in the conditions of service applicable to any worker in respect of any matter specified in the Third Schedule to the Code, shall give notice in **Form-XVI** to such worker affected by such change.
- (2) The notice referred in sub-rule (1) shall be displayed conspicuously by the employer on the notice board at the main entrance of the industrial establishment and the office of the concerned Manager of the industrial establishment:

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

CHAPTER - VI
VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

30. Form of arbitration agreement and the manner thereof under sub-section (3) of section 42. -

- (1) Where the employer and workers agree to refer the dispute to arbitration, the Arbitration Agreement shall be in **Form-XVII** and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent either in writing or electronically of arbitrator or arbitrators.
- (2) Selection of the umpire shall be from the names suggested by the employer and worker. The process of selection shall be determined by the employers and workers in consultation and such name of the Umpire shall be informed to the appropriate government.
- (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 corporation authorized for such purposes;
 - (ii) In the case of the workers by the officer of the registered Trade Union authorized in this behalf or by three representatives of the workers duly authorized in this behalf at a meeting of the concerned workers held for such purpose;
 - (a) In the case of an individual worker, an individual worker by the worker himself or by an officer of registered Trade Union of which the worker is a member:
Explanation.-(1) In this rule, the expression 'officer' means any officer of a registered Trade Union or an association of the employer authorized for such purpose;
- (2) In this rule 'officer' means any of the following officers, namely:-
 - a) the President;
 - b) the Vice-President;
 - c) the Secretary (including the General Secretary);
 - d) a Joint Secretary; and
 - e) any other officer of the Trade Union authorized in this behalf by the President and Secretary of the union.

31. Manner of issue of notification under sub-section (5) of section 42.-

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

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

CHAPTER - VII
MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES

33. Manner of filling up of the vacancy under sub-section (9) of Section 44 and procedure for selection, salaries and allowances and other terms and condition of Judicial Member of the Industrial Tribunal of the State (hereinafter in these rules referred to as the Industrial Tribunal) under sub-section (4) and (5) of Section 44.-

- (1) The qualification for appointment of the Judicial Member of the Industrial Tribunal (hereinafter in this chapter referred to as the judicial Member) shall be such as provided in sub-section (4) of section 44.
- (2) The Judicial member shall be appointed by the State Government on the recommendation of a Search Cum Selection Committee (SCSC) specified in sub-rule (3).
- (3) The Search Cum Selection Committee shall comprise the following members, namely:-
 - (i) Chief Secretary Government of Chhattisgarh-Chairperson
 - (ii) Secretary to the Government of Chhattisgarh, Department of Labour -Member .
 - (iii) Secretary to the Government of Chhattisgarh, Department of Law -Member .
 - (iv) Secretary to the Government of Chhattisgarh, Department of Industries -Member .
- (4) The Search-cum-Selection Committee (SCSC) shall determine its procedure for making its recommendation and, after taking into account qualification, suitability, record of past performance, integrity as well as adjudicatory experience keeping in view of the requirement of the Industrial Tribunal recommend a panel of two or three persons as it deems fit for appointment to each post.
- (5) No appointment of a Judicial Member shall be declared invalid merely by reason of a vacancy or absence of any member in the Search-cum-Selection Committee.
- (6) A Judicial Member shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty five years, whichever is earlier.
- (7) In case of casual vacancy in the office of Judicial Member, the State Government shall appoint the Judicial Member of the other Industrial Tribunal to officiate as Judicial Member.
- (8) (a) A Judicial Member shall be paid a salary of rupees 2,25,000/- per month and shall be entitled to draw allowances as are admissible to an officer of the State Government holding Group A post carrying the same pay.
(b) In case of appointment of retired High Court Judge, his/her pay shall be reduced by the gross amount of pension drawn by him.
- (9) (a) In case of serving High Court Judges, the service rendered in the Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service to which they belong and they shall be governed by the provisions of General Provident Fund (Central Service) Rules 1960 and the rules for pension applicable to them.
(b) In case of retired High Court Judges, they shall be entitled to join Contributory Provident Fund Scheme as per rules during the period of their re-employment and additional gratuity shall not be paid for the service rendered in the Industrial Tribunal.
- (10) A Judicial Member shall be entitled for house rent allowance at the rate as admissible to an officer of the State Government holding Group A post carrying the same pay or may be allotted a suitable government accommodation.
- (11) (a) In case of serving High Court Judges, leave shall be admissible as admissible to the serving High Court Judges.
(b) In case of retired High Court Judges, leave shall be admissible as are admissible to an officer of the State Government holding Group A post carrying the same pay.
- (12) (a) The State Government shall be the leave sanctioning authority for the Judicial Member.

- (b) The State Government shall be the sanctioning authority for foreign travel to the Judicial Member.
- (13) State Government Health Scheme facilities as admissible to an officer of the State Government holding Group A post carrying the same pay shall be applicable.
- (14) (a) Travelling allowance to a Judicial member shall be admissible as per entitlement of an officer of the State Government holding Group A post carrying the same pay.
- (b) In case of retired High Court Judges, transfer travelling allowance for joining the Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the State Government holding Group A post carrying the same pay.
- (15) A Judicial Member shall be entitled for leave travel concession as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (16) A Judicial Member shall be entitled for transport allowance as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (17) No person shall be appointed as Judicial Member unless he is declared medically fit by an authority specified by the State Government in this behalf.
- (18) (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 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 Member, it shall make a reference to the Search-Cum-Selection Committee to conduct the inquiry.
- (c) The Search-Cum-Selection Committee shall complete the inquiry within six months' time or such further time as may be specified by the State Government.
- (d) After conclusion of the inquiry, the Search-Cum-Selection Committee shall submit its report to the State Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit.
- (e) The Search-Cum-Selection Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.
- (19) A Judicial Member may, resign his/her office at any time by giving notice to this effect in writing under his/her hand addressed to the State Government:
 Provided that the Judicial Member shall, unless he is permitted by the State Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his/her office or until the expiry of his/her term of the office, whichever is earlier.
- (20) The State Government shall, on the recommendation of Search-Cum-Selection Committee, remove from office any Judicial Member, who,-
- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence which, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as such a Judicial Member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his/her functions as a Judicial Member; or
- (e) has so abused his position as to render his/her continuance in office prejudicial to the public interest:
 Provided that where a Judicial Member is proposed to be removed on any ground specified in clauses (b) to (e), he shall be informed of the charges against him and given an opportunity of

being heard in respect of those charges.

- (21) Every person appointed as Judicial Member shall, before entering upon his/her office, make and subscribe an oath of office and secrecy in the **Form-XIX** annexed to these rules.
- (22) Matter relating to the terms and conditions of services of the Judicial Member with respect to which no express provisions has been made in these rules, shall be referred by the Industrial Tribunal to the State Government for its decision, and the decision of the State Government thereon shall be binding.
- (23) The State Government shall have power to relax the provision of any of these rules in respect of any class or categories of persons for the reasons to be recorded in writing.

34. Manner of filling up of the vacancy under sub-section (9) of Section 44 and procedure for selection, salaries and allowances and other terms and condition of Administrative Member of the Industrial Tribunal under sub-section (4) and (5) of section 44.-

- (1) The qualification for appointment of the Administrative Member of the Industrial Tribunal (hereinafter in this chapter referred to as Administrative Member) shall be such as given in sub-section (4) of section 44.
- (2) (a) The Administrative Member shall be appointed by the State Government on the recommendation of a Search Cum Selection Committee (SCSC) specified in sub-rule (3) of this rule.
- (3) The Search Cum Selection Committee shall comprise the following members, namely:-
 - (i) Chief Secretary Government of Chhattisgarh-Chairperson;
 - (ii) Secretary to the Government of Chhattisgarh, Department of Labour -Member .
 - (iii) Secretary to the Government of Chhattisgarh, Department of General Administration - Member .
 - (iv) Secretary to the Government of Chhattisgarh, Department of Industry -Member .
- (4) The Search-cum-Selection Committee (SCSC) shall determine its procedure for making its recommendation and, after taking into account qualification, suitability, record of past performance, integrity as well as experience keeping in view of the requirement of the Industrial Tribunal and recommend a panel of two or three persons as it deems fit for appointment to said post.
- (5) No appointment of Administrative Member shall be declared invalid merely by reason of one vacancy or absence of any Member in the Search-cum-Selection Committee.
- (6) An administrative Member shall hold office for a term of four years or till he attains the age of sixty five years, whichever is earlier.
- (7) In case of casual vacancy in the office of Administrative Member, the State Government shall appoint the Administrative Member of the other Industrial Tribunal to officiate as Administrative Member.
- (8) The Administrative Member shall be paid a salary of rupees 2,25,000/- per month and shall be entitled to draw allowances as are admissible to an officer of the State holding Group A post carrying the same pay. In case of retired Government Officer, his pay shall be reduced by the gross amount of pension drawn by him.
- (9) (a) In case of serving Government Officer, the service rendered in Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service which he belong and shall be governed by the General Provident Fund (Central Service) Rules, 1960.
- (b) In case of retired Government Officers, they shall be entitled to join Contributory Provident Fund Scheme as per extant rules during period of their re-employment. Additional gratuity shall not be admissible for the service rendered by the Administrative Member in

the Industrial Tribunals.

- (10) Administrative Member shall be entitled for house rent allowance at the rate as admissible to an officer of the State Government holding Group A post carrying the same pay or may be allotted a suitable government accommodation.
- (11) (a) In case of serving Government Officer, leave shall be admissible in accordance with the extant rules of the service which he belongs.
- (b) In case of retired Government Officers, leave shall be admissible as are admissible to an officer of the State Government holding Group A post carrying the same pay.
- (12) (a) The State Government shall be the leave sanctioning authority for the Member.
- (b) The State Government shall be the sanctioning authority for foreign travel to the Administrative Member.
- (13) State Government Health Scheme facilities as admissible to an officer of the State Government holding Group A post carrying the same pay shall be applicable.
- (14) (a) Travelling allowance to an Administrative Member shall be admissible as per entitlement an officer of the State Government holding Group A post carrying the same pay.
- (b) In case of retired Government Officer, transfer travelling allowance for joining the State Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the State Government holding Group A post carrying the same pay.
- (15) An Administrative Member shall be entitled for leave travel concession as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (16) An Administrative Member shall be entitled for transport allowance as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (17) No person shall be appointed as an Administrative Member, unless he is declared medically fit by an authority specified by the State Government in this behalf.
- (18) (a) If a written and verifiable complaint is received by the State Government, alleging any definite charge of misbehaviour or incapacity to perform the functions as 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 misbehaviour or incapacity of an Administrative Member, it shall make a reference to the Search-Cum-Selection Committee to conduct the inquiry.
- (c) The Search-Cum-Selection Committee shall complete the inquiry within six months' time or such further time as may be specified by the State Government.
- (d) After conclusion of the inquiry, the Search-Cum-Selection Committee shall submit its report to the State Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit.
- (e) The Search-Cum-Selection Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.
- (19) An Administrative Member may, resign his/her office at any time by giving notice to this effect in writing under his/her hand addressed to the State Government:
Provided that the Administrative Member shall, unless he is permitted by the State Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his/her office or until the expiry of his/her term of the office, whichever is earlier.
- (20) The State Government shall, on the recommendation of the Search-Cum-Selection

Committee, remove from office any 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 Member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his/her functions as an Administrative Member; or
- (e) has so abused his position as to render his/her continuance in office prejudicial to the public interest:

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

- (21) Every person appointed as Administrative Member shall, before entering upon his/her office, make and subscribe an oath of office and secrecy in the **Form-XX** annexed to these rules.
- (22) Matter relating to the terms and conditions of services of the Administrative Member with respect to which no express provisions has been made in these rules, shall be referred by the State Industrial Tribunal to the State Government for its decision, and the decision of the State Government thereon shall be binding.
- (23) The State Government shall have power to relax the provision of any of these rules in respect of any class or categories of persons for the reasons to be recorded in writing.

35. Manner of holding conciliation proceedings under sub-section (1), full report under sub-section (4), and application and the manner of deciding such application under sub-section (6) of section 53.-

- (1)(i) Where any industrial dispute exists or is apprehended or a notice under section 62 has been given, the conciliation officer on receipt of such application shall examine the application and if he finds that the dispute pertains to the jurisdiction of the state government shall register the dispute and issue first notice in writing to the parties concerned declaring his intention to commence conciliation proceedings.
- (ii) the employer or the workers' representative in the first meeting shall submit their respective statement in the matter of said dispute.
- (iii) the Conciliation Officer shall hold the conciliation proceedings for the purpose of bringing about a settlement of the dispute and may do all such reasonable things fit for the purpose of inducing the parties to come to a fair and amicable settlement.
- (2) If no such settlement is arrived at in the conciliation proceeding referred to in sub-rule (1), the conciliation officer shall submit a report on official Portal of the Labour Department, Government of Chhattisgarh within seven days from the date on which the conciliation proceedings are concluded and made available on the said official portal.
- (3) The report referred to in sub-rule (2) shall be accessible to the parties concerned on the said Official Portal.
- (4) The report referred to in sub-rule (2) shall contain inter-alia the submissions of the employer, worker or Trade union, as the case may be, and it shall also contain the efforts made by the conciliation officer to bring the parties to the amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion of the conciliation officer.
- (5) Any dispute which is not settled during the conciliation proceedings, then, either of the concerned party may make an application in **Form-XXI**, before the Tribunal within ninety days from the date of the report under sub-rule (2) through the official Portal of the Labour Department, Government of Chhattisgarh or by registered post or speed post.
- (6) In case of an industrial dispute which has not been settled during the conciliation

proceedings, an application may be made before the Tribunal by either of the parties concerned for adjudication. The Tribunal shall direct the party raising the dispute to file a statement of claim with complete details along with relevant documents, list of supporting documents and witnesses within thirty days from the date on which application is filed. A copy of such statement may be sent electronically or by registered post or speed post for service on each of the opposite parties in the dispute or uploaded on the official portal of Labour Department Government of Chhattisgarh.

- (7) The Tribunal after ascertaining that the copies of statement of claim and other related documents are furnished to the other side by the party raising the dispute, the Tribunal shall fix the first hearing as soon as possible and within a period of one month from the date of receipt of the application. The opposite party or parties shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party or parties for service.
- (8) Where the Tribunal finds that the party raising the dispute, despite its directions, did not forward the copy of the statement of claim and other documents to the opposite party or parties, it shall give directions to the concerned party to furnish the copy of the statement to the opposite party or parties, granting extension of fifteen days for filing the statement, if the Tribunal finds sufficient cause for not filing the statement of claim and other documents within time.
- (9) Evidence shall be recorded either in Tribunal or may be filed on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. Where the oral examination of each witness proceeds, the Industrial Tribunal, shall make a memorandum of the substance of what is being deposed. While recording the oral evidence the Industrial Tribunal shall follow the procedure laid down in rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).
- (10) On completion of evidence, arguments may be heard immediately or a date may be fixed for arguments, which shall not be beyond a period of fifteen days from the closure of evidence.
- (11) The Tribunal shall not ordinarily grant an adjournment for a period exceeding a week at a time, but not in any case more than three adjournments in all, at the instance of the parties to the dispute, shall be granted:
 Provided that the Tribunal for reasons to be recorded in writing, grant an adjournment exceeding a week at a time but not in any case more than three adjournments, at the instance of any one of the parties to the dispute, shall be granted.
- (12) In case any party defaults or fails to appear at any stage, the Tribunal may proceed with the case ex-parte, and decide the application in the absence of the defaulting party:
 Provided that the Tribunal may on the application of either party filed before the submission of the award, revoke the order that the case shall proceed ex- parte, if it is satisfied that the absence of the party was on justifiable grounds, and proceed further to decide the matter as contested.
- (13) The Tribunal shall communicate its award electronically or by registered post or speed post to the parties concerned, the Conciliation Officer and the State Government and upload on the Official Portal of Labour Department, Government of Chhattisgarh within one month from the date of the pronouncement of the award.
- (14) The Tribunal may summon and examine any person whose evidence appears to it to be material for deciding the case and shall be deemed to be a civil court within the meaning of sections 345, 346 and 348 of the Code of Criminal Procedure, 1973 (1 of 1974).
- (15) Where assessors are appointed to advise a Tribunal under sub-section (5) of section 49 in relation to proceeding before it, the Tribunal shall obtain the advice of such assessors, but

such advice shall not be binding on such Tribunals.

- (16) A party in an award, who wants to obtain a copy of the award or other document, may obtain a copy of the award or other document after depositing the fee electronically or other wise 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 shall be charged at the rate of Rs. Two per page or fixed by the State Government, time to time by notification.
 - (b) For certifying a copy of any such award or order or document, a fee of Rs. Two per page or fixed by the State Government time to time by notification, shall be payable
 - (c) Copying and certifying fees shall be payable electronically or otherwise.
 - (d) Where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable.
- (17) The representatives of the parties appearing before a Tribunal shall have the right of examination, cross-examination and of addressing the Tribunal, when evidence has been called.
- (18) The proceedings before Tribunal shall be held in open court:
Provided that the Tribunal may direct any proceeding before it to be held by video conferencing.
Provided further that Tribunal may at any stage direct that any witness shall be examined or its proceedings be held in-camera.

CHAPTER-VIII STRIKES AND LOCK-OUTS

- 36. Number of persons by whom the notice of strike shall be given, the person or persons to whom such notice shall be given and the manner of giving such notice under sub-section (4) of section 62.** - The notice of strike referred to in sub-section (1) of section 62 shall be given to the employer of an industrial establishment in **Form-XXII** which shall be duly signed by the Secretary and five elected representatives of the registered Trade Union relating to such industrial establishment endorsing the copy thereof electronically or otherwise to the concerned conciliation officer, Labour Commissioner and the State Government.
- 37. Manner of giving notice of lock-out under sub-section (5) and authority under sub-section (6) of section 62.** -
- (1) The notice of lock-out referred to in sub-section (2) of section 62 shall be given by the employer of an industrial establishment in **Form-XXIII** to the General Secretary or Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof to the concerned conciliation officer, Labour Commissioner and the State Government electronically or otherwise. The notice shall be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.
 - (2) If the employer of an industrial establishment receives from any person employed by him any notice of strike as referred to in sub-section (1) of section 62 then he shall within five days from the date of receiving of such notice, intimate the same electronically or otherwise to the concerned conciliation officer and Labour Commissioner
 - (3) If the employer gives to any person employed by him a notice of lock-out, then he shall within five days from the date of such notice, intimate electronically or otherwise the same to the concerned conciliation officer and the Labour Commissioner.

CHAPTER-IX
LAY-OFF, RETRENCHMENT AND CLOSURE

- 38. Manner of serving notice before retrenchment of the worker under clause (c) of section 70.** - If any employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year under him then, such employer shall give notice of such retrenchment, in **Form-XXIV** to the State Government, the Labour Commissioner and the Conciliation Officer through electronically or by registered or speed post.
- 39. Manner of giving an opportunity for re-employment to the retrenched workers under Section 72.**- Where any vacancy occurs in an industrial establishment and there are workers of such industrial establishment retrenched within one year prior to the proposal for filling up such vacancy, then, the employer of such industrial establishment shall offer an opportunity at least 10 days before by registered post or speed post and through e-mail to such retrenched workers who are citizens of India with a copy to the Conciliation Officer and the Labour Commissioner through e-mail or by registered or speed post. If such workers give their willingness for employment then, the employer shall give them preference over other persons in filling up of such vacancy.
- 40. Manner of serving notice by the employer for intended closure under sub-section (1) of section 74.** — If an employer intends to close down an industrial establishment he shall give notice of such closure in **Form-XXV** to the State Government and a copy thereof to the Labour Commissioner and concerned Conciliation Officer electronically or registered post or speed post.

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

- 41. Manner of making application to the State Government by the employer for the intended lay-off and the manner of serving copy of such application to workers under sub-section (2) of section 78.**- An application for permission under sub-section (1) of section 78 shall be made to the State Government by the employer in **Form – XXVI** stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to the worker concerned and the Conciliation Officer electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.
- 42. Manner for applying for permission from the State Government to continue the lay-off under sub-section (3) of section 78.**- The employer shall in case of an industrial establishment being a mine specified in sub-section (3) of section 78 where the workers (other than Badli workers or casual workers) have been laid-off under sub-section (1) of section 78 for reasons of fire, flood or excess of inflammable gas or explosion, within a period of thirty days from the date of commencement of such lay-off, apply to the State Government by it in **Form – XXVI** in this regard electronically and by registered or speed

post with a copy to the Labour Commissioner and the Conciliation Officer for permission to continue the lay-off specifying the number of days; intimating the number of workers to be laid off, the total number of workers employed in the industrial establishment, the date of layoff and the reasons for continuation of such layoff.

- 43. Time-limit for review under sub-section (7) of section 78.-** The State Government or an Officer authorised by it may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (4) of the section 78 within a period of thirty days from the date on which such order is made.
- 44. Manner of making application to the State Government by the employer for the intended retrenchment and manner of serving copy of such application to workers under sub-section (2) of section 79.-** An application for permission referred to in sub-section (1) of section 79 shall be made to the State Government or an officer authorized by it by the employer in **Form-XXVII** stating clearly therein the reasons for the intended retrenchment electronically and a copy of such application shall also be sent to workers, the Labour Commissioner and the concerned Conciliation Officer electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.
- 45. Time-limit for review under sub-section (6) of section 79:-** The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (3) of section 79 within a period of thirty days from the date on which such orders is made.
- 46. Manner of making application to the State Government by the employer for intended closing down of an industrial establishment and the manner of serving copy of such application to the representatives of workers under sub-section (1) of section 80.-** An employer who intends to close down an industrial establishment to which Chapter X of the Code applies shall apply electronically or otherwise in **Form-XXVIII** for prior permission at least ninety days before the date on which intended closure is to become effective to the State Government, stating clearly therein the reasons for the intended closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers and the Labour Commissioner and the Conciliation Officer electronically and by registered post or speed post.
- 47. Time-limit for review under sub-section (5) of section 80.-** The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (2) of section 80 within a period of thirty days from the date on which such order is made.

CHAPTER - XI WORKER RE-SKILLING FUND

- 48. Manner of utilization of fund under sub-section (3) of section 83-** Every employer who has retrenched a worker or workers under this Code, shall, within ten days, at the time of retrenching a worker or workers shall electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account (name of the

account shall be displayed on the website of the Labour Department, Government of Chhattisgarh) to be maintained by the State Government. The fund so received shall be transferred by the State Government to each worker or workers' account electronically within fourty five days of receipt of funds from the employer and the worker shall utilize such amount for his re-skilling. The employer shall also submit the list containing the name of each worker retrenched, the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the State Government to transfer the amount in their respective account.

CHAPTER - XII OFFENCES AND PENALTIES

49. Manner of composition of offence by a Gazetted Officer specified under sub-section (1) of section 89 and the manner of making application for the compounding of an offence specified under sub-section (4) of section 89.-

- (1) The officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of section 89 (herein after referred to as the compounding officer), shall in the offences in which prosecution is not instituted, if the compounding officer is of the opinion that any offence under the Code for which the compounding is permissible under section 89, he shall send a notice through Official Portal of Labour Department, Government of Chhattisgarh to the accused in **FORM – XXIX** consisting of three parts. In part I of such Form, the compounding officer shall inter-alia specify the name of the offender and his other particulars, the details of the offence and in which section the offence has been committed, the compounding amount required to be paid towards the composition of the offence. Part II of the Form shall specify the consequences if the offence is not compounded and part III of the Form shall contain the application to be filed by the accused if he desires to compound the offence. Each notice shall have a continuous unique number containing alphabets or numeric and other details such as officer sending notice, year, place, type of inspection for the purpose of easy identification.
- (2) The accused to whom the notice referred to in sub-rule (1) is served, may send the part III of the Form duly filled by him to the compounding officer electronically and deposit the compounding amount electronically or otherwise, within fifteen days of the receipt of the notice, in the account specified by the compounding officer in the notice.
- (3) Where the prosecution has already been instituted against the accused in the competent Court, he may make an application to the Court to compound the offence against him and the Court, after considering the application, may allow composition of the offence by the compounding officer in accordance with provisions of section 89.
- (4) If the accused complies with the requirement of sub-rule (2), the compounding officer shall compound the offence for the amount of money deposited by the accused and-
 - (a) if the offence is compounded before the prosecution, then no complaint for prosecution shall be instituted against the accused; and
 - (b) if the offence is compounded after institution of prosecution under sub-rule (3) with the permission of the Court, then, the compounding officer shall treat the case as closed as if no prosecution had been launched and will proceed in accordance with composition as under clause (a) and intimate the composition of offence to the competent Court in which the prosecution is pending and after receiving such intimation, the Court shall discharge the accused and close the prosecution.
- (5) The compounding officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the State Government.

CHAPTER - XIII
MISCELLANEOUS

50. Protected workers under sub-section (3) and (4) of section 90:—

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

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

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

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

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

51. Manner of making complaint by an aggrieved worker under section 91-

- (1) Every complaint under section 91 of the Code shall be made electronically and by registered post or speed post in **Form-XXX** and shall be accompanied by as many copies as there are opposite parties mentioned in the complaint.
- (2) Every complaint under sub-rule (1) shall be verified by the worker making the complaint or by authorized representative of the worker proved to the satisfaction of the conciliation officer, arbitrator or Tribunal, as the case may be, to be acquainted with the facts of the case.

- 52. Manner of authorization of worker for representing in any proceeding under sub-section (1) of section 94-** Where the worker is not a member of any Trade Union, then, any member of the executive or other office-bearer of any Trade Union connected with or by any other worker employed in the industry in which the worker is employed may be authorized

by such worker to represent him in any proceeding under the Code relating to a dispute in which the worker is a party in **Form-XXXI**.

53. Manner of authorization of employer for representing in any proceeding under sub-section (2) of Section 94- Where the employer, is not a member of any association of employers, may authorize in **Form-XXXII** an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged to represent him in any proceeding under the Code relating to a dispute in which the employer is a party.

54. Manner of holding an enquiry under sub-section (1) of section 85.-

(1) **Complaint** - On receipt of a complaint of the offence committed under sub-sections (3), (5), (7), (8), (9), (10), (11) and (20) of section 86 and sub-section (7) of section 89, the same shall be enquired by an officer not below the rank of Under Secretary to the State Government or Assistant Labour Commissioner under sub-section (1) of section 85 (hereinafter referred to as the enquiry officer).

(2) **Issue of Notice** — If the complaint filed is admitted by the Enquiry officer, he shall call upon the person or persons through a notice to be sent electronically and a copy of the same to be posted on Official Portal of Labour Department, Government of Chhattisgarh to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the complainant of the date so specified.

(3) If the person or his representative fails to appear on the specified date, the Enquiry Officer may proceed to hear and determine the complaint ex-parte.

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

Provided that not more than three adjournments may be given on the joint application made by complainant and the opposite party.

Provided further that the enquiry officers shall at his discretion permit hearing the parties or any of the party, as the case may be, through video conferencing.

(5) **Authorisation**—The authorisation to appear on behalf of any person, under section sub-section (2) of section 85 shall be given by a certificate or electronic certificate, as the case may be, which shall be presented to the Enquiry Officer during the hearing of the complaint and shall form part of the record.

(6) **Permission to appear**—Any person who intends to appear in the proceeding on behalf of complainant shall present before the Enquiry Officer and submit a brief written statement explaining the reason for his appearance. The Enquiry officer shall record an order on the statement and in the case of refusal shall include reasons for the same, and incorporate it in the record.

(7) **Presentation of documents.**—Complaint or other documents relevant to the complaint may be presented in person to the Enquiry Officer at any time during hours fixed by the Enquiry Officer, or may be sent to him electronically or by registered post or speed post.

(8) The Enquiry Officer shall endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be. If the documents have been submitted electronically, no such endorsement shall be necessary.

(9) **Refusal to entertain complaint** —

(i) The Enquiry Officer may refuse to entertain a complaint presented under sub-section (1) of section 85 if after giving the complainant an opportunity of being heard, the Enquiry Officer is satisfied, for reasons to be recorded in writing that—

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

(b) the complainant is barred by limitation under the provisions of this Code

- (c) the complainant fails to comply the directions given by the Enquiry Officer under sub-section (2) of section 85.
- (ii) The Enquiry Officer may refuse to entertain complaint which is otherwise incomplete. He may ask complainant to rectify the defects and if the Enquiry Officer thinks that the complaint can not be rectified he may return the complaint indicating the defects and, if he, so refuses shall return it at once indicating the defects. If the complaint is presented again, after the defects have been rectified, the date of representation shall be deemed to be the date of presentation for the purpose of sub-section (1) of section 85.
- (10) **Record of proceedings.** — The Enquiry Officer shall in all cases mention the particulars at the time of passing of order containing the details, i.e., date of complaint, name and address of the complainant, name and address of the opposite party or parties, section-wise details of the offence committed, plea of the opposite party, findings and brief statement of the reason and penalty imposed with signature, date and place.
- (11) **Exercise of powers.**—In exercise of the powers of a Civil Court, conferred under the Code of Civil Procedure, 1908, the Enquiry Officer shall be guided in respect of procedure by relevant orders of the First Schedule of the Code of Civil Procedure, 1908, with such alterations as the Enquiry Officer may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of this Code or these rules.
- (12) **Order or direction when to be made.**—The Enquiry Officer, after the case has been heard, shall make the order or direction on a future date to be fixed for this purpose.
- (13) **Inspection of documents.**—Any person, who is either a complainant or an opposite party or his representative, or any person permitted under sub-rule (3) shall be entitled to inspect any complaint, or any other document filed with the Enquiry Officer be, in a case to which he is a party.

55. Submission of a copy each of the form to the office of Director General, Labour Bureau under clause (zzf) of sub section 2 of section 99 – A copy of each of Form-XXII (Notice of strike), Form-XXIII (Notice of lockout), Form-XXIV (Notice of intimation of retrenchment), Form-XXV (Notice of intimation of closure), Form-XXVI (Application for permission of lay-off or for continuation of lay-off), Form-XXVII (Application for permission of retrenchment), Form-XXVIII (Application for permission of closure) and Form-XXIX (Compounding of offences), shall be shared electronically with Director General, Labour Bureau in auto-mode

Form - I**(See Rule 2)**

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

Names of Parties:

..... Representing employer(s);

..... Representing workers;

Short recital of the case

.....

Terms of settlement

.....

Signature of the parties / Authorised Representatives Of the Parties

*Signature of Conciliation Officer

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

Form II
(see sub rule (7) of Rule 8)
Auditors' Declaration

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

Signature - (1) Auditor

(2) Auditor

Note :- Each Auditor should state below his signature in what capacity with reference to Rule 8 he is qualified to audit the trade union's accounts.

Form III
(see sub rule (1) of Rule 9)

Notice of the Dissolution or amendment in rules of a Trade Union

Name of trade union.....

Registration number.....

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

To,

The Registrar of Trade Unions,
Chhattisgarh,

Notice is hereby given that the above-mentioned trade union was dissolved in pursuance of the Rules thereof on the day of 19.....

or

Notice is hereby given that the following rules of the trade union given under Schedule I are proposed to be amended in pursuance of the Rules thereof on the day of 19.....

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

(Signed)1.....

2.....

3.....

4.....

5.....

6.....

7.....

8.....

*Here insert the date, or, if there was no such resolution, state in which other way the authorisation was given.

Schedule I
AMENDMENT IN RULES

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

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

Signature of the Applicant/s

Form IV
[See sub rule (1) of Rule 10]
Application for Registration of Trade Unions

To,

The Registrar of Trade Unions
Chhattisgarh
Directorate, Indrawati Bhawan
Nawa Raipur Atal Nagar, Distt.- Raipur
Chhattisgarh

Name of the Trade Union -

Address -

Dated the day of 20.....

1. This application is made by the persons whose names are subscribed at the foot hereof.
2. The name under which it is proposed that the 'Trade Union on behalf of which this application is made shall registered, is.....as set forth in Rule No.....A copy of the resolution approving the name of the union passed in a meeting of.....on.....is enclosed.
3. The address of the head office of the union to which all communications and notices may be addressed, is.....
4. The.....Union came into existence on the.....day of..... 19.....
5. The union is a union of employers/workers engaged in the.....industry or/..... Professions /or..... Establishment and has.....members.
6. The particulars required by Section 8 of the Industrial Relations Code, 2020, are given in Schedule I. A copy of the manner and proceedings of appointment/election as officers of the unions is enclosed.
7. The particulars given in Schedule II show the provision made in Rules for the matters detained in Section 7 of the Industrial Relations Code, 2020. A copy of the resolution passed in a meeting of the.....on.....approving the Rules is enclosed.
8. (To be struck out in the case of unions which have not been in existence for one year before the date of application).

The particulars required by Section 8 of the Industrial Relations Code, 2020, are given in Schedule III.

9. Two copies of the Rules of the union are attached to this application duly subscribing the names of seven or more members as required under Section 6 of the Industrial Relations Code, 2020.
10. The balance of the General Fund Account of the Trade Union on the day of registration is Rs..... P.....
11. We have been duly authorised by the Trade Union to make this application on its behalf consisting of such authorization. *

Name	Father's /Spouse Name	Age/ Sex	Occupation	Post held in the Establishment (If any)	Name of Establishment where employed	Address	Mobile No.	E-mail (If any)	Signature
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

*State here whether the authority to make this application was made by a resolution of a general meeting of the Trade Union or if not, in what other way it was given. The Certified copy of the resolution passed about the authorisation of the applicant/s is attached.

12. The copy of the resolution adopted by the members of each of the member Trade Unions, meeting separately, agreeing to constitute a federation or a central organisation of Trade Unions. The Certified copy of the resolution is attached.
(In the case of a Trade Union, being a federation or a central organisation of Trade Unions)

Schedule I
List of Office-bearers

Name of the Trade Union.....

Serial No.	Office held in the Union	Name	Father's /Spouse Name	Age /Sex	Occupation	Post held in the Establishment (If any)	Name of Establishment where employed	Address	Mobile No.	E-mail (If any)	Signature
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1											
2											
3											
etc.											

(The Certified copy of the resolution passed about the authorisation of the applicant/s and Office bearers is attached.)

Schedule II**Reference to Rules**

The numbers of the Rules making provisions for the several matters detailed in column (2) are given in column (3) before :-

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

Schedule III

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

Statement of Liabilities and Assets on the..... day of..... 20.....

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

List of Securities

Particulars	Face Value	Cost price	Market value	Deposited with
(1)	(2)	(3)	(4)	(5)

Signature -

(Secretary/President)

Form –V
(See Sub Rule (2) of Rule 10)

I S/o Shri Address
..... OccupationAge
..... do hereby state on oath that the employees of
situated in this area has held a General Body Meeting on Dated, in the
patronage of Shri in which a Union
has been formed and it has been decided to get the Trade Union, registered under The
Industrial Relations Code 2020. The following persons have been authorized for
registration of the Union:

S.No.	Name	Father /Husband Name	year /sex	Occupation	Name the post held in the Establishment	Establishment name where employed	Address	Mo. No.	E- mail (if any)	Signature
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1.										
2.										
3.										
4.										
5.										
6.										
7.										

That, the above said persons are the members of this Union. They have been employed as detailed against their name as above and they were working in the industry on the date of meeting and are still working.

That, the Bye laws of the Union has been accepted in the General Body Meeting held on --
..... and the Office Bearers have been elected on

That, the application for registration of the trade union has been signed by the persons mentioned above in my presence.

That, all information given in the application for registration of the trade union are true to the best of my knowledge and as per documents attached with the application. I state further that the list of membership submitted along with application for registration of trade union is also true and correct.

Deponent.

Verification:

I, the deponent above, do affirm and verify that the contents of above affidavit are true to the best of my information and official record. Hence signed and verified on this day of20..... at.....

Deponent.

Form VI**(See sub rule (5) of Rule 10)****Register of Trade Unions****Schedule -I**

Date of Application for Registration	Date of registration	Registration Number of Union	Name of the Union	Address of Union office	Number of Members	Name of present Office Bearers	Date of Cancellation	Date of dissolution
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>

Date of amalgamation	Name of the trade union with which amalgamated	Date of changes in office bearer	Date of change in rules	any other information	remarks
<i>10</i>	<i>11</i>	<i>12</i>	<i>13</i>	<i>14</i>	<i>15</i>

Signature of Registrar

Form- VII

[See sub rule (6) of Rule 10]
Certificate of Registration of Trade Union
Office of the Registrar of Trade Unions
Government of Chhattisgarh

1. Registration No.....

2. Name of Trade Union.....

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

(Signature) (SEAL)

Registrar of Trade Unions

Form VIII**[See sub rule (7) of Rule 10]****Request to Withdraw or Cancel Certificate of Registration**

Name of Trade Union.....

Registration Number.....

Address.....

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

To,

The Registrar of Trade Unions,

Government of Chhattisgarh,

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

(Here give the certified copy of the resolution)**(Signature)**

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

Form IX**[See sub rule (2) of Rule 12]****Change in the officers of a registered Trade Union**

To,

The Registrar of Trade Unions,

Government of Chhattisgarh,

Sir,

This is to intimate that by their resolution number ---- (certified copy enclosed) passed in the meeting of the executive/general body of this union, the following change(s) in office bearers has/have been affected :-

Sl.No.	Name of Office/Post	Name of the person holding the office till the date of resolution	Name of the new person elected as office bearers	Name of father/ spouse	Age	Contact No./ E-mail	Occupation	Date of Election/ Resolution	Remarks
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>
1									
2									
3									
4									

The Election/Nomination was held as per rule of the union.

Date

Place-.....

Secretary/General Secretary

(Name of the Union & Registration No.)

Form X

[See sub rule (2) of Rule 12]

Change in the address of the head office of the Trade Union

Name of trade union

Registration number.....

Address.....

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

To,

The Registrar of Trade Unions,

Government of Chhattisgarh,

Sir,

Notice is hereby given that the head office of the above mentioned trade union has been removed from..... and is now situated at in city (or town) of district

Secretary/General Secretary

Form XI
(See rule 15)
(Application for adjudication of dispute before Tribunal)

Before the Industrial Tribunal(Name and Place)

where dispute arises between

Name and Address and Applicant(s)

Versus

Name and Address of Opposite party(ies)

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

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

Name and signature of the worker(s) or

Officer of Trade union raising the
dispute

Place :

Date

Form XII
(See sub rule (1) of Rule 16)
Notice of Amalgamation of Trade Unions

A. Name of registered trade union.....

B. Number of registration.....

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

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

To,

The Registrar of Trade Unions,
Government of Chhattisgarh,

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

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

(State the terms)

1.
2.
3.
4.

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 hence forth adopted by
 the amalgamated trade union.

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

(Signed)

1.	General Secretary	
2. ....	|	
3.		
4.		
5.		Members
6.		
7.		
8.		

Form XIII**(See clause (iii) of sub rule (1) of Rule 16)
Notice of Change of Name**

Name of trade union already registered.....

Registration number.....

Address.....

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

To,

The Registrar of Trade Unions,
Government of Chhattisgarh

Notice is hereby given that the provisions of Section 24 of the Industrial relations Code,2020, having been complied with the name of the above mentioned trade union has been changed to
The consent of the members was obtained by referendum, resolution of a general meeting, etc. If the procedure followed is covered by rule, quote number of the rule.
(copy enclosed)

(Signed)

1..... General Secretary

2.....

3.....

4.....

5..... Members

6.....

7.....

8.....

Form XIV**(See clause (i) of Rule 18)****Part A****Annual Return (General Statement) prescribed under Section 26 of the Industrial Relations Code, 2020**

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

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

	Balance by deduction from the
	Total of (a) and (b)
(d)	Total number of members on books at the end of the year (i.e., on 31st December):-
	Males.....
	Females.....
	Total.....
(e)	Number of members contributing to political fund.
(f)	Number of members paying their subscription for the whole year.
16.	Return to be made by federations of trade unions :-
(a)	Number of unions affiliated at the beginning of the year.
(b)	Number of unions joining during the current year.
(c)	Number of unions disaffiliated during the year.
(d)	Number of unions affiliated at the end of the year.
(e)	Membership fee realised from the affiliated unions. Rs.....
(f)	Number of affiliated unions from whom membership fee was received during the year.
(g)	Number of affiliated unions contributing to political fund.
(h)	Number of members of affiliated unions. Males..... Females..... Total.....

Note :- Information in regard to-

1. (a) Columns 1 to 13 of Part A of this statement to be filled in by both the categories, i.e., unions and federations.
- (b) Columns 14 and 15 to be filled in only by the trade unions, not by federations.
- (c) Column No. 16 to be filled in only by the federations.
2. A copy of the rules of the trade union corrected up to the date of despatch thereof to be enclosed with the statements of annual return.

Part B
General Fund Account

Income			Expenditure		
S.No.	Details	Rs.	S.No.	Details	Rs.
1.	Balance at the beginning of the year.		1.	Salaries, allowances and expenses of offices.	
2.	Subscription received from members as per the following details : -		2.	Salaries, allowances and other expenses of the establishment	
	(a) Subscription received for the current year.		3.	Auditors fees.....	
	(b) Subscription in arrears for the current year -		4.	Legal expenses.....	
	(1) Subscription in arrears for 3 months or less.		5.	Expenses in conducting trade disputes.	
	(2) Subscription in arrears for 6 months or more than 6 months.		6.	Compensation paid to members for loss arising out of trade disputes	
	(c) Subscription in arrears for more than one year		7.	Funeral, old age, sickness, unemployment benefits, etc.	
	Total		8.	Educational social and religious benefits.	
3.	Donations.		9.	Cost of publishing periodicals	
4.	Interest on investments		10.	Rents, rates and taxes	
5.	Sales of periodicals, books and rules, etc.		11.	Stationery, printing and postage.	
6.	Income from miscellaneous sources (to be specified).		12.	Expenses incurred under sub rule 1 (j) of rule 14 of Industrial Relations Rules, 2021.	
			13.	Other expenses (to be specified)-	
	(1).....			(1).....	

	(2).....			(2).....	
	(3).....			(3).....	
	(4).....			(4) -----	
	(5).....			Total expenditure.....	
	(6).....				
				Balance at the end of the year.....	
	Total.....			Total.....	

Treasurer

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

Liabilities			Assets		
Sl.No	Details	Rs.	Sl.No	Details.	Rs.
1.	Amount of general fund		1.	Cash	
2.	Amount of political fund		(a)	In hands of the Treasurer	
3.	Loans from ...		(b)	In hands of the Secretary or other person to be named.	
			2.	In the Bank	
4.	Arrears to be paid -		3.	Securities (as per list in Part D)	
			4.	Unpaid subscription due [as shown in Part B in columns (b) and (c)]	
5.	Other liabilities (to be specified)-				
	(1).....		(a)	Amount of the current year's subscription	
	(2).....		(b)	Amount of the last year's subscription	
	(3).....		5.	Loans	
	(4).....		(a)	Officers	
			(b)	Members	
			(c)	Others	
			6.	Immovable property	

			7.	Goods and furniture -	
				(a) Of the current year	
				(b) Of the last year	
			8.	Other assets	
	Total.....			Total.....	

Part D**List of Securities**

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

Part E**Political Fund Account**

Income		Expenditure			
Details		Rs.	Details		Rs
1.	Balance at the beginning of the year		1.	Payments made on objects specified in sub rule 2 (2) of rule 14 of the Industrial Relation Rules 2021	
2.	Contributions from members		2.	Expenses of management (to be fully specified)	
			Total	.....
			Balance at the end of the year		
	Total	.....	Total		.....

Part F
Auditors' Declaration

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

Signed - (1) Auditor -.....

(2) Auditor -.....

Note :- Each Auditor should state below his signature in what capacity with reference to Rule 8 he is qualified to audit the trade union's accounts.

Part G
Officers appointed by election or nomination

Name	Date of birth	Home Address	Occupation	Office held in the union	Manner of office held either by election or nomination	Date of appointment
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Part H
Officers relinquishing office

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

Form XV
(See sub rule (1) of Rule 19)
Application for recognition as the State Level Trade Union

Name of the Trade union/ Federation Of Trade Unions.....

Address.....

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

To.

The Secretary or Authorised Officer (Designation)
 Government of Chhattisgarh, Department of Labour

Dear Sir,

I beg to state that at the general meeting of the members/at the meeting of the executive of the above-mentioned Trade union/ Federation Of Trade Unions which was held at.....on the day of..... 20...., it was resolved that the union should apply to you for recognition as State Level Trade Union under sub section (2) of Section 27 of the Industrial Relations Code, 2020. A copy of the resolution in this behalf signed by the President/General Secretary of the union is enclosed.

2. The TradeUnion/ Federation of Trade Unions is duly registered on the day of.....year ..., under Certificate No.issued by the Registrar of Trade Unions for Chhattisgarh.
3. A copy of the rules of the Trade Union/ Federation of Trade Unions is attached.
4. The address of the head office of the Trade Union/ Federation of Trade Unions to which all the communications may be addressed is.....
5. The TradeUnion/ Federation of Trade Unions has affiliation of other Trade Unions in the state, list of such trade unions and their addresses, registration details and membership etc. is attached herewith.
6. The Trade Union/ Federation of Trade Unions is working in the industrial establishment/ industries /Occupation (shall be specified) for years in district/state of Chhattisgarh.
7. The Trade Union/ Federation of Trade Unions has totalmembers (number) in the state (District Wise, Trade Union wise membership)

Note :-

1. A brief report and document regarding activities and work done by the Trade Union/Federation of Trade Unions since its registration shall be enclosed.
2. List of members of union with Aadhar number shall be submitted if required by the authority.

Name and Designation
General
Secretary/Secretary

FORM - XVI**(See Rule 29)****(Notice of change of service conditions of workers proposed by an employer)**

Name of employer.....

Address.....

Dated theday of 20.....

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

Signature.....

Designation

ANNEXURE

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

1

2

Copy forwarded to:

1. The Secretary of registered Trade Union, if any.
2. Labour commissioner, Chhattisgarh.
3. Concerned Conciliation Officer.

FORM - XVII
(Agreement for voluntary arbitration)
(See sub rule (1) of Rule 30)

BETWEEN

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

And

.....Representing worker

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

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

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

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

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

Witnesses

1.

2.

Copy to:

- (i) The Secretary to the Government of Chhattisgarh, Department of Labour
- (ii) Labour commissioner, Government of Chhattisgarh.
- (ii) The Conciliation Officer [here enter office address of the Conciliation Officer for the area concerned].

FORM-XVIII

(See sub rule Rule 32)

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

Before the Authority

(Here mention the authority concerned)

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

.....workers

Versus

.....Employer

I/we hereby authorise Shri / Sarvashri (if representatives are more than one)

1.....2.....3..... to represent me/us in the above matter.

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

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

Address Accepted

FORM- XIX**(See sub Rule (21) of Rule 33)****(Form of Oath of Office for Judicial Member of State Industrial Tribunal)**

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

(Signature)

Place: -----

Date:-----

FORM- XX

(See sub Rule (21) of Rule 34)

(Form of Oath of Office for Administrative Member of State Industrial Tribunal)

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

(Signature)

Place: -----

Date:-----

FORM – XXI
(See sub rule (5) of Rule 35)

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

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

In the matter of :(mention the details of the matter)

..... Applicant

Address.....

Versus

..... Opposite party (ies)

Address.....

The above mentioned applicant begs to state as follows :-

(Here set out the relevant facts and circumstances of the case).

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

Date

Place

Signature

Form - XXII**(See Rule 36)****(Notice of Strike to be given by Union (Name of Union)/ Group of Workers)**

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

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

To

(The name of the employer).

Dear Sir/Sirs,

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

Yours faithfully,

(Secretary of the Union)

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

ANNEXURE

1.	Statement of reasons
-----------	-----------------------------

Copy to;

1. Secretary, Government of Chhattisgarh, Labour Department
2. Labour Commissioner, Chhattisgarh
3. Conciliation Officer of the concerned area

FORM- XXIII**(See sub rule (1) of Rule 37)****(Notice of Lock-out to be given by an employer of an industrial establishment)**

Name of employer

Address.....

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

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

Signature.....

Designation.....

ANNEXURE**Statement of reasons**

1.	
-----------	--

Copy to:

- (1) The Secretary of the Registered Union, if any
- (2) Secretary, Government of Chhattisgarh, Labour Department
- (3) Labour Commissioner, Chhattisgarh
- (4) Conciliation Officer of the concerned area

Form - XXIV**(See Rule 38)****(Notice of Intimation of Retrenchment to be given by an employer to the State Government)**

[The Prior notice of intimation should be served thirty days before the commencement of retrenchment.]

Name of Industrial Establishment or Undertaking or Employer.....

Labour Identification Number

Address.....

Dated

To,

The Secretary to the Government of Chhattisgarh or Authorised officer
Department of Labour , Nawa Raipur Atal Nagar

Sir,

1. Under clause (a) of section 70 of the Industrial Relation Code, 2020, I/ we hereby inform you that I/we have decided to retrench workers (number of workers) with effect from(DD/MM/YYYY). The list of workers and other details of their services and payments are enclosed in the **Annexure I** and the reasons for retrenchment explained in the **Annexure II**.
2. The workers concerned have been given on the.....(DD/MM/YYYY) one month's notice in writing as required under Section 70 (a).

or

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

3. The total number of workers employed in the industrial establishment/undertaking are and the total number of those who are being retrenched are.....The list is enclosed.
4. I / We declare that I/we have / shall pay all the dues to the workers before the expiry of the notice period as per section 70 and section 75 of this Code.
5. I / We declare that there is no case in any Court of Law pending about this matter.
6. I / We declare that all the information in this notice and annexure and the list are correct to the best of my / our knowledge and I / We shall remain responsible for the correctness of the information and I / We have not hidden any facts or evidence in the matter.

(with seal and sign)

(Name & Designation of the employer/Authorised Representative)

ANNEXURE- I
(Details of affected workers)

S.No.	UAN/ CMPFO	Name of the worker	Category Highly Skilled/Skilled/ Semi/Unskilled	Date of Appointment with Employer	Wages on the date of application	Total payable wages , compensation and other dues (Head wise details)	Date of payment of wages , compensation and other dues (Head wise details)	Remarks
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>

ANNEXURE- II
Statement of Reasons for retrenchment
(To be attached certificates for verification)

1.	
-----------	--

Copy to :

- (1) The Labour Commissioner, Chhattisgarh
- (2) The Conciliation Officer of the concerned area
- (3) Director General, Labour Bureau, Shimla
- (4) Secretary Trade Union, If any

Form - XXV**(See Rule 40)****(Notice of Intimation of Closure to be given by an employer to the State Government)**

[The prior notice of intimation should be served sixty days before the commencement of closure.]

Name of Industrial Establishment or Undertaking or Employer.....

Labour Identification Number

Address Dated(DD/MM/YYYY).

To,

The Secretary to the Government of Chhattisgarh,

Department of Labour, Nawa Raipur Atal Nagar

Sir,

1. Under sub-section (1) of section 74 of the Industrial Relation Code, 2020, I/ we hereby inform you that I/we have decided to close down..... (name of the industrial establishment or undertaking or employer) with effect from(DD/MM/YYYY).The list of affected workers and other details of their service and payments are enclose in the **Annexure I** and the reasons for closure explained in the **Annexure II**.
2. The number of workers whose services would come to an end on account of the closure of the industrial establishment or undertaking are..... (number of workers). List of the workers with their category and designation is Attached.
3. I/We hereby declare that all the worker/workers concerned has/have been/will be paid compensation due to them under section 75 of this Code before or on the date of expiry of the notice period as per **Annexure I**.
4. I / We declare that there is no case in any Court of Law pending about this matter.
5. I / We declare that all the information in this notice and annexure and the list are correct to the best of my / our knowledge and I / We shall remain responsible for the correctness of the information and I / We have not hidden any facts or evidence in the matter.

**(Name & Designation of the
employer/Authorised
Representative)**

(with seal and sign)

ANNEXURE- I
(Details of affected workers)

S.No	UAN/ CMPFO	Name of the worker	Category Highly Skilled/ Skilled/ Semi/ Unskilled	Date of Appointme nt with Employer	Wages on the date of application	Total payable wages , compensation and other dues (Head wise details)	Date of payment of wages , compensation and other dues(Head wise details)	Remarks

ANNEXURE-II

Statement of Reasons for Closure

1.	
-----------	--

Copy to :

- (1) The Labour Commissioner, Chhattisgarh
- (2) The Conciliation Officer of the concerned area

FORM – XXVI**(See Rule 41 and 42)**

[The application for **permission of Lay-off or for continuation of lay-off** in Industrial establishments or Undertaking to which provisions of Chapter X of the Industrial Relations Code, 2020 applies to be presented 30 days prior to lay-off / from the end of last lay-off]

Name of Industrial Establishment or Undertaking or Employer.....

Labour Identification Number

Address.....

Dated

To,

The Secretary to the Government of Chhattisgarh,
Department of Labour, Nawa Raipur Atal Nagar

Sir,

1. Under Section 78 of the Industrial Relations Code, 2020, I/we hereby apply for permission to lay-off /continuation of lay-off workers out of total of workers employed in my/our establishment with effect from (DD/MM/YYYY). List of laid-off workers and their service and payments related other details is attached in the **Annexure I**. The reasons for la-off/ continuation of lay off and other details are set out in the **Annexure-II**
 2. The workers concerned have been given notice on dated in writing as required under section 78 (2)/78(3) of this code.
 3. I / We declare that the worker(s) concerned have been/will be paid all the due's and compensation under section 67, read with section 79 of this Code.
 4. I / We hereby declare that no court case is pending of before any Court in the matter , and if yes, the details thereof have been annexed.
 5. I / We hereby declare that the above information given by me/us in this notice and annexures is/are true. I/We/ am/are solely responsible for it accuracy and no facts/materials has been suppressed in the matter.
- The permission sought for may please be granted.

**(Name & Designation of the employer/Authorised Representative)
(with seal and sign)**

Copy to :

- (1) The Labour Commissioner, Chhattisgarh
- (2) The Conciliation Officer of the concerned area
- (3) Director General, Labour Bureau, Shimla
- (4) Secretary Trade Union , if any

ANNEXURE- II
(Please give replies against each item)

Sl.No	Particulars	Remarks, if any
1.	Name of the industrial establishment/ undertaking with complete postal address along with Pin Code, e-mail, telephone number(s).	
2.	Status of undertaking— (i) Whether Central Public sector/State public sector etc. (ii) Whether a private limited company/ partnership firm or proprietorship firm (iii) Whether the undertaking is licensed/registered and if so, name of licensing/ registration authority and licence/registration certificate numbers.	
3.	(a) MCA number (b) GSTN number	
4.	(i) Annual production, item wise for pre-ceding three years- (ii) Production figures, month-wise, for the preceding twelve months,	
.5	Balance sheets, profit and loss accounts and audit reports for the last three years.	to be annexed.
6.	Names of the inter-connected companies or companies under the same management.	
7.	Details of lay-off /Retrenchment resorted in the last three years (other than the lay-off/Retrenchment for which permission is sought), including the periods of such lay-offs/ the number of workmen involved in each such lay-off/ continuation of lay off.	
8.	Any other relevant details which have bearing on lay-off	
9.	Statement of reasons for lay off with documentary evidence	

FORM – XXVII**(See Rule 44)**

[The application for **permission of retrenchment** in Industrial establishments or Undertaking to which provisions of Chapter X of the Industrial Relations Code, 2020 applies to be presented 60 days prior to retrenchment]

Name of Industrial Establishment or Undertaking or Employer.....

Labour Identification Number

Address.....

Dated

To,

The Secretary to the Government of Chhattisgarh,
Department of Labour, Nawa Raipur Atal Nagar

Sir,

1. Under Sub Section (2) of Section 79 of the Industrial Relations Code, 2020, I/we hereby apply for permission for retrenchment of workers out of total of workers employed in my/our establishment with effect from (DD/MM/YYYY). List of retrenched workers and their service and payments related other details is attached in the **Annexure I**. The reasons for retrenchment and other details are set out in the **Annexure-II**
2. The workers concerned have been given notice in writing as required under clause (a) of sub-section (1) of section 79.
3. I / We hereby declare that the worker(s) concerned have been/will be paid all the due's and compensation under section 79 of this Code.
4. I / We hereby declare that no court case is pending of before any Court in the matter , and if yes, the details thereof have been annexed.
5. I / We hereby declare that the above information given by me/us in this notice and annexures is/are true. I/We/ am/are solely responsible for it accuracy and no facts/materials has been suppressed in the matter.
The permission sought for may please be granted.

(Name & Designation of the employer/Authorised Representative)

(with seal and sign)

Copy to :

- (1) The Labour Commissioner, Chhattisgarh
- (2) The Conciliation Officer of the concerned area
- (3) Director General, Labour Bureau, Shimla
- (4) Secretary Trade Union , if any

ANNEXURE-II
(Please give replies against each item)

Sl.No	Particulars	Remarks, if any
1.	Name of the industrial establishment/ undertaking with complete postal address along with Pin Code, e-mail, telephone number(s).	
2.	Status of undertaking— (i) Whether Central Public sector/State public sector etc. (ii) Whether a private limited company/ partnership firm or proprietorship firm (iii) Whether the undertaking is licensed/registered and if so, name of licensing/ registration authority and licence/registration certificate numbers.	
3.	(a) MCA number (b) GSTN number	
4.	(i) Annual production, item wise for pre-ceding three years- (ii) Production figures, month-wise, for the preceding twelve months,	
.5	Balance sheets, profit and loss accounts and audit reports for the last three years.	to be annexed.
6.	Names of the inter-connected companies or companies under the same management.	
7.	Details of Retrenchment resorted to in the last three years (other than the Retrenchment for which permission is sought), including the periods of such retrenchment, the number of workmen involved in each such retrenchment.	
8.	Any other relevant details which have bearing retrenchment.	
9	Statement of reasons for retrenchment with documentary evidence.	

FORM –XXVIII**(See Rule 46)**

[The application for **permission of closure** of Industrial establishments or Undertaking to which provisions of Chapter X of the Industrial Relations Code, 2020 applies to be presented 90 days prior to closure]

Name of Industrial Establishment or Undertaking or Employer.....

Labour Identification Number

Address.....

Dated

To,

The Secretary to the Government of Chhattisgarh,
Department of Labour, Nawa Raipur Atal Nagar

Sir,

1. Under section 80(1) of the Industrial Relation Code, 2020, I / we hereby inform you that I/we intended to close down the undertaking(name of the industrial establishment or undertaking or employer) with effect from (DD/MM/YYYY). The number of workers whose services would be terminated on account of the closure of the undertaking is
 2. The workers have been given on(DD/MM/YYYY) three months notice in writing as required under sub section (1) of section 80 of this code.
 3. The details of affected workers is at annexure-I and reasons for closure and other details are set out in the **Annexure-II**
 4. I /We hereby declare that after permission the worker(s) concerned shall be paid all the due's and compensation under section 80 of this Code.
 5. I / We hereby declare that no court case is pending of before any Court in the matter , and if yes, the details thereof have been annexed.
 6. I / We hereby declare that the above information given by me/us in this notice and annexures is/are true. I/We/ am/are solely responsible for it accuracy and no facts/materials has been suppressed in the matter.
- The permission sought for may please be granted.

(Name & Designation of the employer/Authorised Representative)
(with seal and sign)

Copy to :

- (1) The Labour Commissioner, Chhattisgarh
- (2) The Conciliation Officer of the concerned area
- (3) Director General, Labour Bureau, Shimla
- (4) Secretary Trade Union , if any

ANNEXURE II
(Please give replies against each item)

Sl.No	Particulars	Remarks, if any
1.	Name of the industrial establishment/ undertaking with complete postal address along with Pin Code, e-mail, telephone number(s).	
2.	Status of undertaking— (i) Whether Central Public sector/State public sector etc. (ii) Whether a private limited company/ partnership firm or proprietorship firm (iii) Whether the undertaking is licensed/registered and if so, name of licensing/ registration authority and licence/registration certificate numbers.	
3.	(a) MCA number (b) GSTN number	
4.	Names and identification number of the affected workers to be affected by closure.	
5.	(i) Annual production, item wise for pre-ceding three years- (ii) Production figures, month-wise, for the preceding twelve months,	
6.	Balance sheets, profit and loss accounts and audit reports for the last three years	to be annexed.
7.	Networth of the company	
8.	Names of the interconnected company or companies under the same management.	
9.	Details of lay off/retrenchment resorted to in the last three years other than the lay off/retrenchment for which permission is sought, including the periods of such lay off/retrenchment the number of workmen involved in each such lay off/retrenchment/continuation of lay off.	
10.	Any other relevant details which have bearing on closure.	
11.	Statement of reasons for closure with documentary evidence.	

FORM – XXIX**(See Rule 49)****(Notice to the Employer who committed an offence for the first time under this code, for compounding of offence under sub-section (4) of section 89)**

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

PART - I

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

PART – II

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

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

Date : (Signature of the Compounding Officer)

Place : (Name /Designation/Office Address)

PART – III**Application under sub-section (4) of section 89 for compounding of offence**

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

Dated: -----

Place : -----

Applicant
(Name and signature)

Form-XXX**(See Rule 51)****(Complaint under Section 91 of the Industrial Relation Code, 2020)**

Before the Conciliation officer/ Arbitrator/ Industrial Tribunal -----

In the matter of :..... Reference No.....

A..... Complainant(s);

Address :

Versus

B..... Opposite Party(ies).

Address :

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

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

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

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

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

Signature of the Complainant(s)

Verification

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

Signature
or Thumb impression of
the person verifying.

Form-XXXI

(See Rule 52)

(Manner of authorisation of worker for representation under Section 94 of the Industrial Relation Code, 2020)

To,

The Authority (*Here mention the concerned authority*)

Address -----

I (name of the applicant) ----- hereby authorise Shri -----, holding the post of executive/ Office bearer (name of the post) ----- in The Trade Union (name of the trade union)----- bearing registration number ----- to represent me (name of the applicant) ----- employed in (name of the establishment and address) ----- in the matter as mentioned below:-

(.....)

Signature and name and address of the applicant

Form-XXXII**(See Rule 53)**

(Manner of authorisation of employer for representation under Section 94 of the Industrial Relation Code, 2020)

To,

The Authority (*Here mention the concerned authority*)

Address -----

I (name of the applicant)-----, designation ----
----- and name & address of the industrial establishment -----
-----hereby authorise Shri -----, holding the post of (name of the
post) ----- in The Establishment / Association of Employers (name of the
establishment or Association of Employers and address)-----
----- in the matter as mentioned below:-

(.....)

Signature and name and address of the applicant

By order and in the name of the Governor of Chhattisgarh,
RENUKA SRIVASTAV, Deputy Secretary.

**The Industrial Relation (Chhattisgarh) Rules 2021 Profarma for
the objections and suggestions**

Name and address of the person	Specifying the rule or sub-rule which is proposed to be modified	Specifying the revised rule or sub-rule proposed to be submitted	Reasons
(1)	(2)	(3)	(4)