

person authorized by the Government for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

10. *Power to make rules.*— The Government may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act.

11. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly of Goa.

Statement of Object and Reasons

The Bill seeks to provide for collection and verification of details of the persons occupying premises in the State of Goa either on rent or for other consideration so as to enhance the security of the citizens of the State of Goa and to prevent breach of peace and for maintenance of public order.

Financial Memorandum

No Financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 1(3) of the Bill empowers the Government to appoint a date, by notification in the Official Gazette, for bringing the Act into force.

Clause 3(1) of the Bill empowers the Government to specify additional categories of documents for establishing the identity proof of the tenants.

Clause 3(2) of the Bill empowers the Government to make rules for specifying the

form, manner and the Officer to whom the information to be submitted.

Clause 4 of the Bill empowers the Government to issue notification to specify the additional officers who may inspect the records pertaining to tenants, required to be maintained by the owner of house.

Clause 5(2) of the bill empowers the Government to frame rules for specifying the form and manner of making an application for compounding of an offence.

Clause 10 of the Bill empowers the Government to frame rules for the purpose of implementing the provisions of the Act.

Clause 11 of the Bill empowers the Government to make order for removing difficulty encountered during implementation of the Act.

These delegations are of normal character.

Porvorim-Goa (Dr. Pramod Sawant)
19-10-2021 Chief Minister/Home Minister

Assembly Hall (Namrata Ulman)
Porvorim-Goa Secretary to the
19-10-2021 Legislative Assembly of Goa



Department of Labour

Notification

24/19/2021-LAB

The following draft Rules, which the Government of Goa proposes to make in exercise of the powers conferred by sub-section (1) and (2) of section 99 of the Industrial Relations Code, 2020 (Central Act No. 35 of 2020) and all other powers enabling it in this behalf, are hereby pre-published as required by sub-section (1) of section 99 of the said Code, for information of all persons likely to be affected thereby and notice is hereby given that the said draft Rules will be taken into consideration by the Government after expiry of a period of thirty days from the date of publication of this Notification in the Official Gazette.

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

DRAFT RULES

In exercise of the powers conferred by section 99 of the Industrial Relations Code, 2020 (Central Act No. 35 of 2020) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following Rules, namely:—

CHAPTER-I

Preliminary

1. *Short title and commencement.*— (1) These rules may be called the Industrial Relation (Goa) Rules, 2021.

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

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

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

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

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

(c) “Government” means Government of Goa;

(d) “Tribunal” means the Industrial Tribunal established under section 44 of the Code;

(e) “section” means the section of the Code;

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

3. *Written Agreement for the settlement before the Conciliation Officer under clause (zi) of section 2.*— The Agreement under clause (zi) of section 2 for written agreement between the employer and worker shall be in Form-I hereto and shall be signed by the parties in the agreement and a copy thereof shall be sent to the concerned Conciliation Officer.

CHAPTER-II

Bi-Partite Forums

4. *Constitution of Works Committee under section 3.*— (1) Every employer to whom an order made under sub-section (1) of section 3 relates, shall forthwith proceed to constitute a Works Committee as is specified in the following sub-rules.

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

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

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

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

(4) (a) Where any workers of the industrial establishment are members of a registered trade union the employer shall ask the trade union to inform him in writing as to—

(i) how many of the workers are members of such Trade Union; and

(b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such

Trade Union, refer the matter to the Commissioner, Labour and Employment, who shall, after hearing the parties, shall decide the matter and his decision shall be final.

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

(a) Registered Trade Union may choose their representatives as members for works committee in the proportion of their membership.

(b) Where there is no registered Trade Union, workers may chose amongst themselves representatives for works committee.

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

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

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

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

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

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

Provided 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 (a quarter).

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

(11) (a) the employer shall provide accommodation for holding meetings of the Works Committee. He shall also provide all

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

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

5. *Manner of choosing members representing the employer and the workers for Grievance Redressal Committee under sub-section (2) of Section 4.*— (1) The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed ten.

(2) The representatives of the employer shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with or associated with the working of the industrial establishment, preferably the heads of major departments of the industrial establishment.

(3) The representatives of the workers shall be chosen by the registered Trade Union and where a negotiating council exists, such representatives shall be chosen in the same proportion as the Trade Unions respectively represents in the negotiating council. In case where there is no registered Trade union or negotiating council, the member may be chosen by the workers of the 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 Commissioner, Labour and Employment, who shall, after hearing the parties, shall decide the matter and his decision shall be final.

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

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

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

6. *Application in respect of any dispute to be filed before the Grievance Redressal Committee by any aggrieved worker under sub-section (5) of section 4.*— Any aggrieved worker may file an application stating his dispute therein before the Grievance Redressal Committee giving his name, designation, employee Code, Department where posted, length of service in years, category of worker, address for correspondence, contact number, details of

grievances and relief sought. Such application may be sent electronically or otherwise. The Grievance may be raised within one year from the date on which the cause of action of such dispute arises.

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

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

CHAPTER—III

Trade Union

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

9. *Manner of audit under clause (j) of section 7.*— (1) Save as provided in sub-rule (2), (3), (4) and (5) of this rule, the annual

audit of the accounts of any registered Trade Union shall be conducted by an auditor authorized to audit the accounts of companies under section 141 of the Indian Companies Act, 2013 (Central Act 18 of 2013).

(2) Where the membership of a Trade Union did not at any time during the year ending on 31st March exceed 2000 the annual audit of the accounts may be conducted:—

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

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

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

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

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

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

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

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

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

10. *Disqualification of auditors.*— Notwithstanding anything contained in these rules, no persons who at any time during the year for which the accounts are to be audited was entrusted with any part of the funds or securities belonging to a registered Trade Union shall be eligible to audit the accounts of that Union.

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

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

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

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

12. *Manner of amendment and variation in rules of Trade Unions and dissolution of Trade Unions under clause (k) and (l) of Section 7.*—
(1) When a registered Trade Union is

dissolved, notice of the dissolution or any amendment and variation in rules shall be sent to the Registrar in Form III hereto.

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

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

13. *Registration of Trade Union and cancellation thereof under section 8 and 9.*—

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

(2) *Affidavit:*— An affidavit as required under clause (a) of sub-section (1) of section 8 shall be attached with the application filed for registration by the applicant.

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

(4) *Fee for Registration:*— The fee payable for registration of a Trade Union shall be Rs. 1000/- (Rupees One thousand only) or as may

be fixed by the Government from time to time and shall be paid electronically or otherwise.

(5) *Form of Register*:— The register of Trade Union referred to in sub-section (3) of section 9 to be maintained by the Registrar shall be in Form VI hereto.

(6) *Form of Certificate*:— The Certificate of Registration issued by the Registrar under sub-section (2) of section 9 shall be in Form VII hereto after due verification of information and particulars submitted with the application, either by himself or through any other officer authorized by him and found proper.

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

(8) *Verification of application*:— The Registrar, on receiving an application for registration, withdrawal or cancellation of registration, shall, before granting the application, verify and satisfy himself that the application was approved by the general meeting of the Trade Union, or if it was not so approved, that it has the approval of the majority of the members of the Trade Union. For this purpose, he may call for such further particulars as he may deem necessary and may examine any office bearer of the union.

14. *Appeal against non-registration or cancellation of registration under section 10*.— Any appeal against the order of the Register shall be filled any aggrieved person within thirty days from the date of receipt of the order to the Industrial Tribunal by filling an application mentioning the cause of the appeal accompanied with a certified copy of the order of the Register.

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

maintained by the Registrar electronically or otherwise by registered post or speed post.

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

16. *Object on which the general funds may be spend under sub-section (1) of section 15*.—

(1) The general funds of a registered Trade Union shall not be spend on any other objects other than that of the following, namely:

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

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

(c) the prosecution of 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 dispute on behalf of the Trade Union or any member thereof;

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

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

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

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

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

(j) the payment in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contribution to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contribution in any financial year shall not at anytime during that year be in excess of one-fourth (1/4th) of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year; and

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

17. *Amalgamation and change of name of trade union under sub-section (2) and (3) of Section 24.*—

(1) *Amalgamation of Trade Unions.*

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

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

(2) *Change of name of Trade Union.*

(a) The notice of any change of the name of the Trade Union shall be sent to

the Registrar electronically or otherwise by registered post or by speed post in Form X hereto.

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

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

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

19. *Annual Returns of Trade Union.*— (1) The annual return to be furnished under section 26(1) (a) shall be submitted to the Registrar by the 31st day of December in each year and shall be in Form XII hereto.

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

20. *Recognition of Trade Union at State Level under sub-section (2) of section 27.*—

(1) Application shall be filed in Form XIII hereto by the Trade Union or the federation of the Trade Unions to the Government or the Officer authorized by the Government in this behalf by Notification.

(2) The Government or the officer authorized shall, after due enquiry, as it deem fit, decide

such application within sixty days of its receipt and send the copy of the decision to the applicant with a copy to the Registrar and Commissioner, Labour and Employment.

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

CHAPTER-IV

Standing Orders

21. *Manner of forwarding information to certifying officer under sub-section (3) of section 30.*— (1) If the employer adopts the model standing order of the Central Government referred to in section 29 with respect to matters relevant to his industrial establishment or undertaking, then, he shall intimate the concerned certifying officer electronically or otherwise, the specific date from which the provisions of the model standing order which are relevant to his establishment have been adopted.

(2) On receipt of information in sub-rule (1) the certifying officer within a period of thirty days from such receipt may give his observation that the employer is required to include certain provisions which are relevant to his establishment and indicate those relevant provisions of the model standing orders which have not been adopted and shall also direct the employer to amend the standing order so adopted, by way of addition, deletion or modification within a period of thirty days from the date of the receipt of such direction and ask for compliance report only in respect of provisions which the certifying officer seeks to get so amended and such report shall be sent electronically or otherwise by the employer.

(3) If no observation is made by certifying officer within a period of thirty days of the receipt of the information as specified in sub-rule (1) and (2), then, the standing order shall

be deemed to have been adopted by the employer.

22. *Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer where there is no Trade Union operating, under clause (ii) of sub-section (5) of section 30.*— Where there is no Trade Union operating then, the certifying officer shall call a meeting of the workers to choose three representatives, to whom he shall, upon their being chosen, forward a copy of the standing order requiring objections, if any, which the workers may desire to make to the draft standing order to be submitted within fifteen days from the receipt of the notice.

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

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

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

(ii) draft modification in the existing standing orders, shall contain the particulars of such standing orders which

are proposed to be modified along with tabular statement containing details of each of the relevant provision of standing order in force and proposed modification therein and reasons thereof and such statement shall be signed by a person authorized by the industrial establishment or undertaking.

25. *Conditions for submission of draft standing order in similar establishment under sub-section (10) of section 30.*— In cases of group of employer engaged in similar industrial establishment may submit a joint draft standing order under section 30 and for the purpose of proceedings specified in sub-sections (1), (5), (6), (8) and (9) thereof.

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

(2) The appellate authority shall, after giving the appellant and the opposite parties an opportunity of being heard, pass an order within 60 days of the filing of appeal, either confirming the standing orders or directing the employer to modify the standing orders.

(3) Where the appellate authority does not confirm the Standing Orders, it shall fix a date for the hearing of the appeal and direct notice thereof to be given—

(a) where the appeal is filed by the employer or a worker, to Trade Union of the workers of the industrial establishment or to the representative body of the workers concerned;

(b) where the appeal is filed by a Trade Union, to the employer and all other Trade Unions of the workers of the industrial establishment; and

(c) where the appeal is filed by the representative of the workers, to the employer and any other worker whom the

appellate authority joins as a party to the appeal.

(4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

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

(6) On the date fixed under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called or consider to be relevant if produced and after hearing the parties dispose of the appeal.

27. *The language and the manner of maintaining standing order under sub-section (1) and (2) of Section 33.*— (1) The standing order finally certified by certifying officer shall be sent electronically or otherwise except in the case of deemed certification under section 30.

(2) The text of the standing order as finally certified or deemed to have been certified or adopted model standing order shall be maintained by the employer in Hindi or in English or in the official language of the State where the industrial establishment is situated.

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

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

(b) name of industrial establishment;

(c) nature of industrial establishment;

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

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

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

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

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

30. *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 XIV hereto to such worker affected by such change.

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

Provided that where there is a registered Trade Union or registered Trade Unions

relating to the industrial establishment a copy of such notice shall also be served on the President/General Secretary of such Trade Union or each of the Presidents/General Secretaries of such Unions, as the case may be.

CHAPTER - V

Voluntary reference of Disputes to Arbitration

31. *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 XV hereto and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent either in writing or electronically of arbitrator or arbitrators.

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

(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.— In this rule the expression '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.

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

33. *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 XVI hereto 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—VI

Mechanism for Resolution of Industrial Dispute

34. *Manner of filling up of the vacancy under sub-section (9) of section 44 and procedure for appointment, term of office, salaries and allowances, resignation and other terms of conditions of service of Judicial and Administrative Members of the Industrial Tribunal under sub-section (5) of section 44.*—

(1) The qualification for appointment of the Judicial Member of the Industrial Tribunal (hereinafter referred to as the Judicial Member) shall be such as provided in sub-section (4) of section 44.

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

(3) The Search-cum-Selection Committee shall comprises of the following members namely:—

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

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

(c) Secretary (Labour), Labour Department, Government of Goa 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 the 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 three years from the date on which he enters upon his office or till he attains the age of sixty-two years, whichever is earlier.

(7) In case of causal vacancy in the office of Judicial Member, the Government shall appoint the Judicial Member of other Tribunal to officiate as Judicial Member.

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

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

(9) (a) In case of serving High Court/District Court Judges, the service rendered in the Industrial Tribunal shall be counted or 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 Services) Rules, 1960 and the rules for pension applicable to them.

(b) In case of retired High Court/District 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.

(c) A Judicial Member shall be entitled for rent free furnished accommodation or house rent allowance at the rate as admissible to an officer of the Government of Goa holding Class I post carrying the same pay.

(10) (a) In case of serving High Court/District Court Judges, leave shall be admissible as admissible to the serving High Court/District Court Judges.

(b) In case of retired High Court/District Court Judges, leave shall be admissible as are admissible to an officer of the Government of Goa holding Class I post carrying the same pay.

(11) (a) The Government shall be the leave sanctioning authority for the Judicial Member.

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

(12) The Government Health Scheme facilities as admissible to an officer of the Government of Goa holding Class I post carrying the same pay shall be applicable.

(13) (a) The Travelling allowance to a Judicial member shall be admissible as per entitlement of an officer of the Government of Goa holding Class I post carrying the same pay.

(b) In case of retired High Court/District 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 admissible to an officer of the Government of Goa holding Class I post carrying the same pay.

(14) A Judicial Member shall be entitled for leave travel concession as admissible to an officer of the Government of Goa holding Class I post carrying the same pay.

(15) A Judicial Member shall be entitled for transport allowance as admissible to an officer of the Government of Goa holding Class I post carrying the same pay.

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

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

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

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

(18) 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 office at any time by giving notice to this effect in writing under his hand addressed to the Government:

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

(20) (a) The 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 functions as a Judicial Member; or

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

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

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

(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 Government for its decision, and the decision of the Government thereon shall be binding.

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

35. *Manner of filling-up of the vacancy under section 44 and procedure for selection, salaries and allowances and other terms and conditions of Administrative Member of the Industrial Tribunal.*— (1) The qualification for appointment of the Administrative Member of the Industrial Tribunal (hereinafter referred to as the Administrative Member) shall be such as provided in sub-section (4) of section 44.

(2) The Administrative member of the Industrial Tribunal shall be appointed by the Government on the recommendation of the Search-cum-selection Committee.

(3) The Search-cum-Selection Committee shall comprises of the following members namely:—

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

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

(c) Secretary (Labour), Labour
Department, Government of Goa
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 the post.

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

member in the Search-cum-Selection Committee.

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

(7) In case of causal vacancy in the office of Administrative Member, the Government shall appoint the Administrative Member of other State Tribunal to officiate as Administrative Member.

(8) (a) The Administrative Member shall be paid a salary of rupees 2,25,000/- per month or as fixed by the Government from time to time and shall be entitled to draw allowances as are admissible to an officer of the Government holding Class I post carrying the same pay.

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

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

(b) In case of retired Government Officer, 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.

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

(10) (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 Officer, leave shall be admissible as are admissible to an officer of the Government of Goa holding Class I post carrying the same pay.

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

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

(12) The Government Health Scheme facilities as admissible to an officer of the Government of Goa holding Class I post carrying the same pay shall be applicable.

(13) (a) The Travelling allowance to a Administrative Member shall be admissible as per entitlement of an officer of the Government of Goa holding Class I post carrying the same pay.

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

(14) An Administrative Member shall be entitled for leave travel concession as admissible to an officer of the Government of Goa holding Class I post carrying the same pay.

(15) An Administrative Member shall be entitled for transport allowance as admissible to an officer of the Government of Goa holding Class I post carrying the same pay.

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

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

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

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

(18) 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 office at any time by giving notice to this effect in writing under his hand addressed to the State Government:

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

(20) (a) The Government shall, on the recommendation of 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 a Administrative Member; or

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

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

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

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

(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 Industrial Tribunal to the Government for its decision, and the decision of the Government thereon shall be binding.

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

36. *Manner of holding conciliation proceedings under sub-section (1), full report under sub-section (4), and application and the manner of deciding such application under sub-section (6) of section 53.*— (1) Where any industrial dispute exists or is apprehended or a notice under section 62 has been given, the Conciliation Officer shall if he finds that the dispute pertains to the jurisdiction of Central Government, transfer the dispute to the Concerned authority. In other cases, he will issue notice to the parties concerned declaring his intention to commence conciliation proceedings.

- (1) The employer or the worker's representative in the first meeting shall submit their respective statement in the matter of said dispute.
- (2) The Conciliation Officer shall hold conciliation proceedings for the purpose of bringing about a settlement of the dispute and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement.
- (2) If no such settlement is arrived at in the conciliation proceeding referred to in sub-rule (1), the conciliation officer shall submit a report electronically or otherwise within seven days from the date on which the conciliation proceedings are concluded and shall also be made available on the designated portal, if any.
- (3) The report referred to in sub-rule (2) shall be communicated through electronically or otherwise to the parties concerned and shall also be made accessible to the parties concerned on the designated portal if any.
- (4) The report referred to in sub-rule (2) shall contain inter-alia the submissions of the employer, worker or Trade union, as the case may be, and it shall also contain the efforts made by the conciliation officer to bring the parties to the amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion of the Conciliation Officer.
- (5) Any dispute which is not settled during the conciliation proceedings, then, either of the concerned party may make an application in Form XVIII hereto before the Tribunal electronically or otherwise within ninety days from the date of the report under sub-rule (2).
- (6) In case of an industrial dispute which has not been settled during the conciliation proceedings, an application may be made before the Tribunal by either of the parties concerned for adjudication. The Tribunal shall direct the party raising the dispute to file a statement of claim with complete details along with relevant documents, list of supporting documents and witnesses within thirty days from the date on which application is filed. A copy of such statement may be sent electronically or otherwise for service on each of the opposite parties in the dispute.
- (7) The Tribunal after ascertaining that the copies of statement of claim and other related documents are furnished to the other side by the party raising the dispute, the Tribunal shall fix the first hearing as soon as possible and within a period of one month from the date of receipt of the application. The opposite party or parties shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party or parties for service.
- (8) Where the Tribunal finds that the party raising the dispute, despite its directions, did not forward the copy of the statement of claim and other documents to the opposite party or parties, it shall give directions to the concerned party to furnish the copy of the statement to the opposite party or parties, granting extension of fifteen days for filing the statement, if the Tribunal finds sufficient cause for not filing the statement of claim and other documents within time.
- (9) Evidence shall be recorded either in Tribunal or may be filed on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. Where the oral examination of each witness proceeds, the Tribunal shall make a memorandum of the substance of what is being deposed. While recording the oral evidence the Tribunal shall follow the procedure laid down in rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (5 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 and in any case not more than three adjournments in all at the instance of the parties to the dispute shall be granted:

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

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

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

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

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

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

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

(a) Fee for obtaining a copy of an award or the document filed in any proceedings of Tribunal at the rate of Rs. two per page.

(b) For certifying a copy of any such award or order or document, a fee of Rs. Two per page.

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

(d) Copying and certifying fees shall be payable electronically or otherwise.

(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 Industrial Tribunal shall be held in open court:

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

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

CHAPTER—VII

Strikes and Lock-outs

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

38. *Manner of giving notice of lock-out under sub-section (5) and authority under sub-section (6) of section 62.*— (1) The notice of lock-out referred to in sub-section (2) of section 62 shall be given by the employer of an industrial establishment in Form XX hereto to the President/General Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof to the concerned conciliation officer of the area, the Commissioner, Labour and Employment and the Government electronically or otherwise. The notice shall be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

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

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

CHAPTER—VIII

Lay-off, retrenchment and closure

39. *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 XXI hereto to the State Government, the Commissioner, Labour and Employment and the concerned Conciliation officer of the area having jurisdiction, through e-mail or, by registered or speed post.

40. *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. If such workers give their willingness for employment then, the employer shall give them preference over other persons in filling up of such vacancy.

41. *Manner of serving notice by 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 XXI to the Government, the Commissioner, Labour and Employment and the concerned conciliation officer of the area having jurisdiction, by e-mail or registered post or speed post.

CHAPTER—IX

Special provision relating to lay-off, retrenchment and closure in certain establishments

42. *Manner of making application to the 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 by the employer in Form XXII hereto stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to the worker concerned electronically or by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.

43. *Manner for applying for permission from the Government to continue the lay-off under sub-section (3) of section 78.*— The employer

shall in case of an industrial establishment being a mine specified in sub-section (3) of section 78 where the workers (other than Badli workers or casual workers) have been laid-off under sub-section (1) of section 78 for reasons of fire, flood or excess of inflammable gas or explosion, within a period of thirty days from the date of commencement of such lay-off, apply to the Government electronically and by registered post or speed post with a copy to the Commissioner, Labour and Employment and the Conciliation Officer of the area having jurisdiction, 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 lay-off.

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

45. *Manner of making application to the 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 by the employer in Form XXII hereto stating clearly therein the reasons for the intended retrenchment electronically or otherwise and a copy of such application shall also be sent to workers electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

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

79 within a period of thirty days from the date on which such orders is made.

47. *Manner of making application to the 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 in Form XXII hereto for prior permission at least ninety days before the date on which intended closure is to become effective to the Government, stating clearly therein the reasons for the intended closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers electronically and by registered post or speed post.

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

CHAPTER-X

Workers re-skilling fund

49. *Manner of utilization of fund under sub-section (3) of section 83.*— Every employer who has retrenched a worker or workers under the Code, shall, within ten days, at the time of retrenching a worker or workers shall electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account (name of the account shall be displayed on the website of the, Labour Department, Government of Goa to be maintained by the Government). The fund so received shall be transferred by the Government to each worker or workers account electronically within forty five days of receipt of funds from the employer. The employer shall also submit the list containing the name of each worker

retrenched the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the State Government to transfer the amount in their respective account.

CHAPTER—XI

Offences and penalties

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

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

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

(3) Where the prosecution has already been instituted against the accused in the competent Court, he may make an application to the Court to compound the offence against him and the Court, after considering the application, may allow 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 Government.

CHAPTER—XII

Miscellaneous

51. *Protected workers under sub-section (3) of section 90. —* (1) Every registered Trade Union connected with an Industrial establishment, to which the Code applies shall communicate to the employer before the 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 recognized as “protected workers”. Any change in the incumbency of any such officer

shall be communicated to the employer by the union within fifteen days of such change.

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

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

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

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

(4) Where a dispute arises between an employer and any registered trade union in any matter connected with the recognition of “protected workers”, under this rule, the

dispute shall be referred to the Commissioner, Labour and Employment, whose decision thereon shall be final.

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

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

53. *Manner of authorization of worker for representing in any proceeding under sub-section (1) of section 94.*— Where the worker is not a member of any Trade Union, then, any member of the executive or other office-bearer of any Trade Union connected with or by any other worker employed in the industry in which the worker is employed may be authorized by such worker to represent him in any proceeding under the Code relating to a dispute in which the worker is a party in Form XVI hereto.

54. *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 XVI hereto, an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged to represent him in any proceeding under the Code relating to a dispute in which the employer is a party.

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

Sanjay Kumar, IAS, Secretary (Labour).

Porvorim, 08th October, 2021.

FORM I

[See rule 3]

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

Names of Parties:

..... Representing Employer(s)

..... Representing workers;

Short recital of the case

..... Terms of settlement

Signature of the parties

Witnesses:

(1)

(2)

*Signature of Conciliation Officer

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

FORM II

[See rule 11]

Auditors' Declaration

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

Dated.....

Auditor.

Auditor.

FORM III

[See rule 12]

Notice of the Amendment in the rules of a Trade Union

Name of Trade Union

Registration Number

Address

Dated the day of20.....

To,
Registrar of Trade Unions
Government of Goa,
Panaji-Goa.

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 authorized by the Union to forward this notice on its behalf, such authorization consisting of a resolution passed at a general meeting on theday of 20

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

*here insert the date, or if there was no such resolution, state in what other way the authorization was given.

FORM IV

[See sub-rule (1) of rule 13]

Application for Registration of Trade Unions

Name of Trade Union.....

Address:

Dated the day of20

1. This application is made by the persons whose names are subscribed at the foot hereof.
2. The name under which it is proposed that the Trade Union on behalf of which this application is made shall be registered is as set forth in Rule No.
3. The address of the Head Office of the Union to which all communication and notices may be addressed is
4. The Union came into existence on the day of 20.....
5. The Union is a union of employers/workers engaged in the industry/or profession/or (Establishment), and has members.
6. The particulars required by section 8 of the Industrial Relations Code, 2020 are given in Schedule I.
7. The particulars given in Schedule II show the provision made in the rules for the matters detailed in section 7 of the Industrial Relations Code, 2020.
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 Indian Industrial Relations Code, 2020 are given in Schedule III.

9. One copy of the Rules of the Union, is attached to this application.
10. We have been duly authorized by the Trade Union to make this application on its behalf, such authorization consisting of*...

	Signature	Occupation	Address
(Signed) 1.....			
2.....			
3.....			
4.....			
5.....			
6.....			
7.....			

To

The Registrar of Trade Unions,
Government of Goa,
Panaji.

* 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.

SCHEDULE I

List of Officers

Name of Trade Union

Serial No.	Office held in Union	Name	Age	Address	Occupation

SCHEDULE II

Reference to rules

The members of the rules making provision for the several matters detailed in column I are given in column 2 below:

Matter	Number of Rules
1	2

Name of Union.

The whole of the objects for which the Union has been established.

The whole of the purposes for which the general funds of the Union shall be applicable

The maintenance of a list of members.

The facilities provided for the inspection of the list of members by officers and members.

The admission of ordinary members. The admission of honorary or temporary members.

The conditions under which members are entitled to benefits assured by the rules.

The conditions under which fines or forfeitures can be imposed or varied.

1	2
The manner in which the rules shall be amended, varied or rescinded.	
The manner in which the members of the executive and the other officers of the union shall be appointed and removed.	
The safe custody of the funds.	
The annual audit of the accounts.	
The facilities for the inspection of the account books by officers and members.	
The manner in which the union may be dissolved.	

SCHEDULE III

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

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

Liabilities	Rs.	Assets	Rs.
Amount of general fund		Cash:	
Amount of political fund		In hands of Treasurer	
.....		In hands of Secretary	
Loans from.....		In hands of Bank	
Debts due to		In hands of bank securities	
		as per list below:	
Other liabilities (to be specified)		Unpaid subscriptions due	
		Loans to	
		Immovable property.	
Total liabilities.....		Goods and furniture	
		Other assets (to be specified)	
		Total Assets.....	

List of Securities

Particulars	Face Value	Cost Price	Market value	In hands of

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

FORM V

[See sub-rule (3) of rule 13]

List of Officers of Trade Union

Name of the Union.....

Address

Serial No.	Office held in the Union	Name	Age	Occupation	Address
(1)	(2)	(3)	(4)	(5)	(6)

** Attached copy of the resolution passed about the authorization of the applicants.

FORM VI

[See sub-rule (5) rule 13]

Register of Trade Unions

Name of the Trade Union

Date of Registration

Number of application form

Registration number

Address of the Head Office

Subsequent changes of Head Office

Names of members making application 1. 2.....

Officers (Transfers from one post to another count as relinquishment of appoint held)

Year of entering office	Name	Office held in Union	Age on entry	Address	Occupation	Year of relinquishing in office	Other offices held in addition to membership of executive with date

FORM VII

[See sub-rule (6) of rule 13]

Certificate of Registration of Trade Unions

Name of Trade Union

Registration Number

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

Seal

Signature
Registrar of Trade Unions

FORM VIII

[See sub-rule (7) of rule 13]

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 Goa,

Panaji-Goa.

The above mentioned Trade Union desires that its certificate or registration under the Industrial Relations Code 2020, may be withdrawn (or cancelled) as per resolution in general meeting* duly held on the day of20 wherein it was resolved as follows:—

(Here give the exact signed copy of Resolution)

(Signature)

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

FORM IX

[See sub-rule (1) of rule 17]

Notice of the Amalgamation of Trade Unions

A. Name of Registered Trade Union

Number of Registration

B. Name of Registered Trade Union

Number of Registration

(and so on if more than two)

Address

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

To,

Registrar of Trade Unions,

Government of Goa,

Panaji-Goa.

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

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

And that it is intended that the Trade Union shall henceforth be called the

Accompanying this notice is a copy of the rules intended to be henceforth adopted by the Amalgamated Trade Union which are the rules (if so) of theUnion.

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

Name and address to which registered copy is to be sent	(Signed) 1.	Secretary
	2.	} Members
	3.	
	4.	
	5.	
	6.	
	7.	

FORM X

[See sub-rule (2) of rule 17]

Notice of the Change of name of Trade Union

Name of Trade Union

Registration Number

Address

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

Registrar of Trade Unions
Government of Goa,
Panaji – Goa.

Notice is hereby given that the provisions of section 11 of the Industrial Relations Code 2020 having been complied with and the name of the above mentioned Trade Union has been changed to

The consent of the members was obtained by*

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

*i.e. by referendum, resolution of a general meeting etc. If procedure followed is covered by rule, quote number of the rule.

FORM XI

[See sub-rule (1) of rule 18]

Notice of the Dissolution of a Trade Union

Name of Trade Union

Registration Number

Address

Dated, the day of, 20

To,
Registrar of Trade Unions
Government of Goa,
Panaji – Goa.

Notice is hereby given that the above mentioned Trade Union was dissolved in pursuance of the rules thereof on theday of, 20

We have been duly authorized by the Union to forward this notice on its behalf, such authorization consisting of a resolution passed at a general meeting on theday of, 20

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

* here insert the date, or if there was no such resolution, state in what other way the authorization was given.

FORM XII

[See sub-rule (1) of rule 19]

Annual Return (General Statement) prescribed under section 26 of the Industrial Relations Code, 2020

Name of Union.....

Registered Head office

Number of certificate of registration.....

Return to be made by federations of trade Unions:

- A. Number of Unions affiliated at the beginning of year*
- B. Number of Unions joining during year*
- C. Number of Unions disaffiliated during year*
- D. Number of Unions affiliated at the end of year.

This return need not be made by federation of Trade Unions

- Number of members on books at the beginning of year.
- Number of members admitted during the year (add) together.
- Number of members who left during the year (deduct).
- Total number of members on books at the end of the year.
- Males.....
- Females.....
- Number of members contributing to political fund.

A copy of the rules of the Trade Union corrected up to the date of dispatch of this return is appended.

Dated.....the day of20....

Secretary.

* The names of the affiliated and disaffiliated Unions should be given in separate statement marked <A>, and <C>.

Statement of Liabilities and Assets on the 31st day of March 20....

Liabilities	Rs. a.p.	Assets	Rs. a.p.
Amount of General Fund.....		In hands of Treasurer	
		In hands of Secretary	
Amount of Political Fund		In hands of —	
		In the bank	
		In the Bank	
Loans from		Securities as per list below	
Debts due to —		Unpaid subscriptions due for —	
Other Liabilities (to be specified)		(a) the year under report	
		(b) previous year	
		Loans to—	
		(a) Officers	
		(b) members	
		(c) Others	
		Immovable property, goods and furniture	
		Other assets (to be specified)	
		Total liabilities.....	
		Total assets	

List of securities

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

General Fund Account

Income	Rs...	Expenditure	Rs...
Balance at beginning of year		Salaries, allowances and expenses of Officers	
Contribution from members (including Unpaid subscriptions due for the year) at the rate of per member		Salaries, allowances and expenses of establishment	
		Auditors fees	
		Legal expenses	
(a) Contributions actually received		Expenses in conducting trade disputes	
(b) Contributions in arrears for three Months or less		Compensation paid to members for loss arising out of trade disputes	

(c) Contributions in arrears for more than three months but not more than six Months	Funeral, old age, sickness, unemployment, benefits etc.....
(d) Contributions in arrears for more than Six months	Educational, social and religious benefits
Donations	Cost of publishing periodicals
Sale of periodicals, books, rules, etc.	Rents, rates and taxes
Interest on investments	Stationery, printing and postage ..
Income from miscellaneous sources (to be specified)	Expenses incurred under Industrial Relations Code, 2020 (to be Specified) ...
	Other expenses (to be specified)
	Balance at end of year
Total	Total

Treasurer.

Auditors' Declaration

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

Date...

Auditor.

Auditor.

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

Name	Office	Date of relinquishing office
------	--------	------------------------------

Officers appointed

Name	Date of Birth	Private address	Personal occupation	Title of position held in Union	Date on which appointment in column 5 was taken up	Other offices held in addition to membership of executive with dates
1	2	3	4	5	6	7

FORM XIII

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

Application for recognition as the State Level Trade Union

Name of the Trade Union/Federation of Trade Unions

Address

Dated the day of 20.....

To,
The Secretary/Authorised Officer,

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/federation is enclosed.

- 2. The Trade Union/Federation of Trade Unions is duly registered on the day of year under Certificate No..... issued by the Registrar of Trade Unions, Government of Goa.
- 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.
- 5. The Trade Union/Federation of Trade Unions has affiliation of other Trade Unions in the State, list of such trade unions and their addressed, registration details and membership etc. is attached herewith.
- 6. The Trade Union/Federation of Trade unions has totalmember (number) in the State.

Yours faithfully,

Name and Designation
Secretary/General Secretary

FORM XIV

[See sub-rule (1) of rule 30]

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

Name of employer.....

Address.....

Dated theday of20.....

In accordance with section 40(i) of Industrial Relations Code 2020, 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)

Copy forwarded to:

1. The President/General Secretary of registered Trade Union, if any.
2. Concerned Deputy Labour Commissioner, Assistant Labour Commissioner of the area of jurisdiction.
3. The Commissioner, Labour and Employment, Panaji.

FORM XV

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

(Agreement for voluntary arbitration)

BETWEEN

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

And

.....Representing worker (s)

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 under taking 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 Government of Goa 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

1.

1.

2.

2.

Witnesses

1.

2.

Copy to:

1. The Secretary to the Government of Goa, Department of Labour, Porvorim.
2. The Conciliation Officer [here enter office address of the Conciliation Officer for the area concerned].
3. The Commissioner, Labour and Employment, Panaji.

FORM XVI

[See rule 33, 53 54]

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

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

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

Address accepted

FORM XVII

[See sub-rule (21) of rule 34 and rule 35]

Form of Oath of Office for Judicial Member of State Industrial Tribunal

I, A, B., having been appointed as Judicial Member/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 Judicial Member/Administrative Member of Industrial Tribunal (Name of the Tribunal) to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of the land.

(Signature)

Place:

Date:

FORM XVIII

[See sub-rule (5) of rule 36]

(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 XIX

[See rule 37]

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

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

Name of the Union

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

To

(The name of the employer).

Dear Sir/Sirs,

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

Yours faithfully,

(President/General Secretary of the Union)
Five representatives of the workers duly
elected at a meeting held on (date)
vide resolution attached

ANNEXURE

Statement of the Case

Copy to:

1. Deputy Labour Commissioner, Assistant Labour Commissioner, of the concerned area of jurisdiction.
2. The Commissioner, Labour and Employment, Panaji.

FORM XX

[See sub-rule (1) of rule 38]

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

I

Name of employer.....

Address.....

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

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

Signature.....

Designation.....

ANNEXURE

1. Statement of reasons

Copy forwarded to:

1. The President/General Secretary of the Registered Union, if any.
2. The Conciliation officer[Here enter office address of the Deputy Labour Commissioner/Assistant Labour Commissioner of the concerned area having jurisdiction.]
3. The Secretary to the Government of Goa, Department of Labour, Secretariat, Porvorim.
4. The Commissioner, Labour and Employment, Government of Goa, Panaji.

FORM XXI

(See rule 39 and rule 41)

(Notice of Intimation of Retrenchment/Closure to be given by an employer to the State Government under the provisions of Chapter IX of the Industrial Relations Code, 2020 and rules made there under)

Name of Industrial Establishment or Undertaking or employer.....

Address.....

Labour identification number

Dated (DD/MM/YYYY).

(Note: The intimation for Closure/Retrenchment to the government shall be served 60 days and 30 days before commencement of Closure/Retrenchment, respectively).

To,
The Secretary (Labour),
Department of Labour,
Government of Goa,
Secretariat, Porvorim, Goa.

Sir,

1. *(Retrenchment) (a) Under section 70(c) of the Industrial Relations Code, 2020, I*/ we* hereby inform you that I/we have decided to retrenchWorkers**..... workers out of total Workers with effect from.....(DD/MM/YYYY).

OR

1. *(Closure) (b) Under Section 74(1) of the Industrial Relation Code, 2020, I*/we* hereby intimate you that I/We have decided to close down (name of the industrial establishment or undertaking) with effect from (DD/MM/YYYY). The number of workers whose services would be terminated on account of the closure of the undertaking is (number of workers).
2. The reason for retrenchment*/closure* is or are given in Annexure I to this application.
3. The worker(s)* concerned have been given on the.....(DD/MM/YYYY) one month notice in writing as required under section 70(a)*/section 75(1)* of the Industrial Relations Code, 2020.

OR

3. The worker(s) concerned have been given on the.....(DD/MM/YYYY) one month's pay in lieu of notice as required under section 70(a)*/section 75(1)* of the Industrial Relations Code, 2020.
4. I*/we* hereby declare that the worker(s) concerned have been*/will be* paid all their dues along-with the compensation due to them under section 70*/section 75* of the Industrial Relations Code, 2020 before or on the expiry of the notice period.

OR

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

5. (Retrenchment)I*/we* hereby declare that the workers(s) concerned have been*/will be* retrenched in compliance to the section 71 and section 72 of the Industrial Relations Code, 2020.
6. I*/we* hereby declare that no court case is pending before any court in the matter, and if yes, the details thereof have been Annexed.
7. I*/we* hereby declare that the above information given by me*/us* in the notice and the Annexures is true, and that I*/we*, am*/are* solely responsible for its accuracy and no facts/materials has been suppressed in the matter.

Yours faithfully,

(Name of Employer/Designation/Authorized representative with seal)

(* Strike off which is not applicable)

** Indicate number in figures and words both)

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

Copy to:-

1. The Commissioner, Labour and Employment, Government of Goa, Panaji.
2. The Deputy Labour Commissioner/Assistant Labour Commissioner, of the concerned area having jurisdiction.
3. The Registered Trade Union/Authorised Representative of workers operating in the establishment or undertaking.

FORM XXII

(See rule 42, rule 45 and rule 47)

[Form of application for permission of Lay-off/Continuation of Lay-off/Retrenchment/Closure to be given by an employer/Industrial establishments/Undertaking to the State Government under the provisions of Chapter X of the Industrial Relations Code, 2020 and the rules made thereunder]

To,
The Secretary Labour,
Department of Labour,
Government of Goa,
.....

Sir,

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

OR

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

OR

(Retrenchment) (c) Under section 80(1) of the Industrial Relations Code, 2020, I/we* hereby apply for permission for intended retrenchment of Workers out of total workers** employed in my*/our* establishment (details to be given in Annexure – I) with effect from (DD/MM/YYYY).

OR

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

2. *(Lay-off/Continuation of Lay-off) The worker(s) concerned were given on (DD/MM/YYYY) notice in writing as required under section 78(2)*/section 78(3)* of this code.

OR

(Retrenchment/Closure) The workers(s) concerned were given on(DD/MM/YYYY) one month's notice in writing as required under section 79/section 80* of this code.

OR

(Retrenchment/Closure) The worker(s) have been given on (DD/MM/YYYY) one month's pay in lieu of notice as required under section 79/section 80* of this code.

3. The details of affected worker(s) is at Annexure-II.
4. (Retrenchment) I*/we* hereby declare that the workers concerned will be retrenched in compliance to the section 71 and section 72 of this Code.

5. I*/we* hereby declare that the worker(s) concerned have been */will be* paid all the dues and compensation due to them under section 67, read with section 78(10)*/section 79*/section 80* of this Code before or on the expiry of the notice period.

OR

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

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

The permission sought for may please be granted.

Yours faithfully,

(Signature)

(Name of the Employer/*** Authorised Representative)

Seal

(*Strike off which is not applicable)

(** Indicate number in figures and words both)

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

Note:- Application to the State Government shall be served as indicated below:

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

ANNEXURE I

Particulars	Remarks, if any
1. Name of the industrial establishment/undertaking with complete postal address along with Pin Code, e-mail, mobile number, telephone number(s).	
2. Status of undertaking –	
(i) Whether State public sector/etc.	
(ii) Whether a private limited company/partnership firm.	
(iii) Whether the undertaking is Licensed/registered and if so, name of the licensing/ registering authority and licence/registration certificate number	
3. (a) MCA number	
(b) GSTN number	
5. (i) Annual production, item wise for pre-ceeding three years-	
(ii) Production figures, month-wise, for the preceding twelve months,	
6. Balance sheets, profit and loss accounts and audit reports for the last three years.	To be annexed
8. Names of the inter-connected companies or companies under the same management.	
9. Details of lay-off/Retrenchment resorted to in the last three years (other than the lay-off/Retrenchment for which permission is sought), including the periods of such lay-offs/Retrenchment the number of workmen involved in each such lay-off/ Retrenchment/continuation of lay off	
10. Any other relevant details which have bearing on lay-off or retrenchment or closure.	

ANNEXURE II
(Details of affected workers)

Sr. No.	UAN/ CMPFO	Name of the worker	Category (Highly Skilled/Skilled/ Semi-Skilled/Unskilled)	Date from which in service in/ with the said establishment/ undertaking/ Employer	Wage as on date of application	Remarks
1.						
2.						
3.						

FORM XXIII

[See sub-rule (1) of rule 50]

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

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

PART - I

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

PART - II

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

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

(Signature of the Compounding Officer)

Date:

Place:

PART - III

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

1. Name of applicant (name of the employer who committed the offence under the Industrial Relation Code 2020 to be mentioned)
2. Address of the applicant
3. Particulars of the offence.....
4. Section of the Code under which the offence has been committed
5. Details of the compounding amount deposited (electronically generated receipt to be attached).....
6. Details of the prosecution, if filed for the violation of above mentioned offences may be given.....

7. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence

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

8. Any other information which the applicant desires to provide

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

Applicant
(Name and signature)

Dated:

Place:

FORM XXIV
(See rule 52)

(Complaint under section 91 of the Industrial Relations Code, 2020)

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

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

A..... Complainant(s);

versus

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

Address:

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

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

The complainant(s) accordingly prays/pray that the Conciliation officer/Arbitrator/Industrial Tribunal 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 Relations 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 on day of 20.....

Signature

or

Thumb impression of the person verifying.



Department of Social Welfare
Directorate of Social Welfare

--

Order

3-31-2015-16-ADMN/Part III/3395

Sanction of the Government is hereby accorded for creation of the following posts in the Goa State Minorities Finance and Development Corporation Limited.

Sr. No.	Designation of the Post	Pay Scale	No. of Posts created
1	2	3	4
1.	Managing Director	Level 11	01
2.	Assistant Manager (Admin/Projects)	Level 06	01
3.	Accounts Clerk	Level 04	01
4.	Upper Division Clerk	Level 04	01
5.	Junior Steno	Level 04	01
6.	Lower Division Clerk	Level 02	01
7.	M.T.S.	Level 01	01

The expenditure shall be debited to the Budget Head: 2225—Welfare of SCs, STs and Other Backward Classes; 03—Backward Classes; 800—Other Expenditure; 05—Goa State Minority Finance and Development Corporation; 31—Grant-in-Aid.

4. This issues with the approval of Administrative Reforms Department, Personnel Department, and concurrence of Finance Department vide U.O. No. 80125 dated 18-8-2021 and approval of the Council of Ministers in the LVth meeting held on 30-09-2021.

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

Umeshchandra L. Joshi, Director & ex officio Joint Secretary (Social Welfare).

Panaji, 13th October, 2021.

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