

Authoritative English text of this Department Notification No. LEP-A003/6/2026 Dated 29th April, 2026 as required under clause (3) of article 348 of the Constitution of India

**Government of Himachal Pradesh
Department of Labour, Employment & Overseas Placement**

No. : LEP-A003/6/2026

Dated 29th April, 2026

Shimla-2

Notification,

The following draft rules which the Government of Himachal Pradesh, proposes to make in exercise of the powers conferred by sub-section (1) of section 99 of the Industrial Relations Code, 2020 (35 of 2020) and all other powers enabling it in that behalf and is hereby published for information of all person(s) likely to be affected by these rules;

**DRAFT RULES
CHAPTER - I
PRELIMINARY**

1. Short title, application and commencement- (1) These rules may be called The Himachal Pradesh Industrial Relation Rules, 2026.

(2) They extend to whole of Himachal Pradesh.

(3) They shall come into force on the date of their publication in the Rajpatra (e-Gazette), Himachal Pradesh.

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

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

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

(c) “Form” means a form appended to the Schedule to these rules;

(d) “section” means a section of the Code; and

(e) “state” means Government of Himachal Pradesh;

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

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

- (2) The settlement shall be signed, — (a) by the employer or by his authorized agent, or where the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of such company or such other body corporate; and
- (b) on behalf of workers, by any of the following office bearers of Trade Union, namely: –
- (i) President; or
 - (ii) Vice-President; or
 - (iii) Secretary (including the General Secretary); or
 - (iv) Joint Secretary; or
 - (v) any other office bearer of the Trade Union authorized in this behalf by the President and Secretary of the Union; or
 - (vi) five representatives of workers duly authorized in this behalf at the meeting of the workers held for the purpose.
- (3) In case of an industrial dispute between individual worker and employer, the settlement shall be signed by the employer and the worker concerned.
- (4) Where the settlement is arrived at in the course of conciliation proceedings, the conciliation officer shall send a report thereof to the State Government together with a copy of the memorandum of settlement signed by the parties to the dispute.
- (5) Where a settlement is arrived at between an employer and his worker otherwise than in the course of conciliation proceedings, the parties to the settlement shall jointly send a copy thereof electronically or by speed post or by registered post, to the Labour Commissioner, Himachal Pradesh and to the concerned conciliation officer.
- (6) The conciliation officer shall file all settlements effected under the Code in respect of industrial disputes in the area within his jurisdiction in the register maintained electronically or otherwise.
- (7) The register referred to in sub-rule (6) shall contain the details including serial number, name of the industry, parties to the settlement, date of settlement, remarks and whether settlement was arrived at after the intervention of conciliation officer or by mutual negotiation.

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

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

CHAPTER II

BI-PARTITE FORUMS

4. Works Committee, its constitution and matters related thereto.–

(1) **Constitution of Works Committee:** Every employer to whom an order made by the Central Government under sub-section (1) of section 3 relates, shall forthwith proceed to constitute a Works

Committee (hereinafter in this rule referred to as the Committee) to promote measures for securing and preserving amity and good relations between the employer and workers and, to that end, to comment upon matters of common interest or concern, in the manner specified in this rule.

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

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

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

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

(3) Representation of Employer: Subject to the provisions of this rule, the representatives of the employer in the 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) Consultation with Trade Union: Where the workers of the industrial establishment are members of a registered Trade Union or Trade Unions, the employer shall ask such registered Trade Union or Trade Unions to inform him in writing as to—

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

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

(5) Group of Worker's representative's: On receipt of the information called for under sub-rule (4), the employer shall provide for the choosing of worker's representative of the Committee in the following manner, namely:—

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

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

(c) where there is no recognized negotiating union or negotiating council referred to in clauses (a) and

(b), the workers of the industrial establishment shall elect amongst themselves the worker's representatives of the Committee:

Provided that the employer may, deploy an electronic platform for conducting the election process over an information technology application, online platform or such other platform to enable as to how the representatives of workers shall be elected for the Committee under this clause:

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

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

(6) Electoral Constituencies: The employer may, if he thinks fit, direct that the workers shall vote in either by groups, sections, shops or departments.

(7) Qualification of Candidates for election: Any worker, of not less than twenty one years of age and with a service of not less than one year in the industrial establishment may, if nominated as provided in this rule, be a candidate for election as a worker's representative of the Committee:

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

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

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

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

(9) Fixation of schedule for Election: (i) The employer shall give a minimum time period of at least three working days for filing of nomination along with other requisite details while fixing a date as the closing date for receiving nominations from candidates for election as worker's representatives of the Committee.

(ii) The date fixed by the employer for holding the election referred to in clause (i) shall not be earlier than three days and later than fifteen days after the closing date for receiving nominations.

(iii) The date of election fixed under sub-rule (i) shall be notified at least seven days in advance to the workers concerned and such notice, which shall specify the number of seats to be elected, shall be affixed on the notice board or electronic notice board of the industrial establishment and given adequate publicity amongst the workers.

(10) Nomination of Candidates for election: (i) Every nomination for election as worker's representative of the Committee shall be made on a nomination paper to be provided by employer and the copies thereof shall be supplied by the employer to the workers requiring them.

(ii) Each nomination paper referred to in sub-rule (10) shall be signed by the candidate to whom it relates and attested by at least two other voters belonging to the group, section, shop or department, which the candidate seeking election shall represent, and shall be delivered to the employer.

(11) Scrutiny of Nomination papers: (i) On the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinized by the employer in the presence of the candidates and the attesting persons and those nominations which are not valid shall be rejected.

(ii) A nomination paper shall be held to be not valid under sub-rule (11), if—

(a) the candidate nominated is ineligible for being a candidate under sub-rule (7); or (b) the requirements of sub-rule (10) have not been complied with:

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

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

(13) Voting in Election: (i) If the number of candidates who have been validly nominated for election as worker's representative of the Committee is equal to the number of seats, the candidates as such shall be forthwith declared as duly elected.

(ii) Where, in any industrial establishment, the number of candidates validly nominated for election as worker's representative of the Committee is more than the number of seats allotted to it, voting shall take place on the day fixed for election.

(14) Officers of the Committee: (i) The Committee shall have among its office-bearers a Chair person, a Vice Chairperson, a Secretary and a Joint-Secretary.

(ii) The Chairperson of the Committee shall be nominated by the employer from amongst the employer's representatives of the Committee and he shall, as far as possible, be the head of the industrial establishment.

(iii) The Vice-Chairperson shall be elected by the members of the Committee representing the workers, from amongst themselves Provided that in the event of equality of votes in the election of the Vice-Chairperson, the matter shall be decided by a draw of lot.

(iv) The Secretary and the Joint-Secretary of the Committee shall be elected every year.

(v) The Committee shall elect the Secretary and the Joint Secretary 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 workers and vice versa: Provided that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of either the employer or the workers for three consecutive years: Provided further that the employer's representatives shall

not take part in the election of the Secretary or Joint Secretary, as the case may be, and only the representatives of the workers shall be entitled to vote in elections for the post of Secretary or Joint Secretary: Provided also that in the event of equality of votes in an election under this sub-rule, the matter shall be decided by a draw of lot.

(15) Term of Office: (i) The term of office of the members of the Committee other than a member chosen to fill a casual vacancy shall be three years.

(ii) Every member chosen to fill a casual vacancy shall hold office for the remaining period of the term of his predecessor.

(iii) The membership of any member, who fails to attend three consecutive meetings of the Committee without obtaining leave from the Committee, shall stand forfeited.

(16) Vacancies: In the event of worker's representative ceasing to be a member under clause (iii) of sub-rule (15) or ceasing to be employed in the industrial establishment or in the event of his resignation, death or otherwise, his successor shall be chosen in accordance with the provisions of this rule for the remaining period of the Committee from the same group to which the member vacating the seat belonged.

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

(18) Meetings: (i) The Committee may meet as often as necessary but not less often than once in three months.

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

(19) Facilities for meetings, etc.: (i) The employer shall provide accommodation for holding meetings of the Committee and shall also provide all necessary facilities to the Committee and to its members for carrying out the work of the Committee.

(ii) The Committee shall ordinarily meet during working hours of the industrial establishment concerned on any working day and the representatives of the workers shall be deemed to be on duty while attending the meeting.

(iii) The Secretary of the Committee may with the prior concurrence of the Chairperson, put up notice regarding the functions of the Committee on the notice board of the industrial establishment.

(20) Annual Return: The employer shall submit the details of the constitution and the functioning of the Committee as a part of unified annual return provided in the rules made in this behalf under the Occupational Safety, Health and Working Condition Code, 2020 (37 of 2020).

(21) Dissolution of Works Committee: The Central Government, or the officer authorized in its behalf, may after making such inquiry as it or he may deem fit, dissolve any Committee at any time, by an order for reasons to be recorded in writing, on being satisfied that the Committee has not been constituted in accordance with the provisions of this rule or that not less than two-thirds of the number

of representatives of the workers have without any reasonable justification failed to attend three consecutive meetings of the Committee or that the Committee has, for any other reason, ceased to function: Provided that where the Committee is dissolved under this sub-rule, the employer, may, and if so required by the Central Government or, as the case may be, by such officer, shall take steps to re-constitute the Committee in accordance with this rule.

5. Choosing of members from employers and workers for Grievance Redressal Committee.— (1)

The Grievance Redressal Committee (hereinafter in this rule referred to as the Grievance Committee) in an industrial establishment employing twenty or more workers, shall consist of equal number of members representing the employer and workers, which shall not exceed ten.

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

(3) The worker's representative of the Grievance Committee shall be chosen in the following manner, namely: —

(a) where there is a negotiating union under sub-section (2) or sub-section (3) of section 14, such negotiating union or negotiating council, as the case may be, shall nominate the worker's representatives of the Grievance Committee;

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

(c) where there is no recognized negotiating union or negotiating council referred to the clauses (a) and (b), the workers of the industrial establishment shall choose amongst themselves the worker's representatives of the Grievance Committee:

Provided that the employer may, deploy an electronic platform for choosing worker's representatives under this clause, over an information technology application, online platform or such other like platform:

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

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

(5) Where there is no recognized negotiating union or negotiating council and if any dispute arises regarding choosing of the worker's representative to the Grievance Committee, the matter may be referred to the concerned Regional Labour Commissioner (Central), who shall, after hearing the parties, decide the matter, whose decision shall be final.

6. Application in respect of any dispute to be filed before the Grievance Redressal Committee by an aggrieved worker.— (1) Any aggrieved worker may file an application stating his grievance therein and dispute before the Grievance Redressal Committee giving name, designation, worker code or token number, department where he is posted, length of his service in years, category of worker, address for correspondence, contact number, details of grievances and the relief sought therefor.

(2) The application referred to in sub-rule (1) may be sent electronically or otherwise.

(3) The application referred to in sub-rule (1) shall be filed within one year from the date on which the cause of action of such dispute arose.

7. Manner of filing application for the conciliation of grievance as against the decision of the Grievance Redressal Committee to conciliation officer.— 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 online on designated portal of the Department of Labour Employment and Overseas Placement, or by registered post or speed post, or in person, within a 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: Provided that in case of manual receipt of such application through registered post or speed post or in person, the conciliation officer shall get the same digitized and enter the particulars of the application in the online mechanism under intimation to the Trade Union and worker.

CHAPTER –III

TRADE UNIONS

8. Subscription by members to Trade Union under clause (f) of section 7.—A registered Trade Union may collect a minimum subscription from its members, as provided under the rules of the Trade Union, approved by the Registrar on monthly, quarterly, half yearly or yearly basis, which shall not be less than ten rupees per month and not more than 200 rupees per month.

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

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

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

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

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

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

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

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

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

10. Registration of Trade Union and cancellation thereof.— (1) Form of application for registration under section 8 and section 9 .—(1) Every application for registration of trade union shall be made to the Registrar electronically as well as through registered letter or otherwise in **Form III**.

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

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

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

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

(6) The fee payable for issue of duplicate certificate of registration shall be rupees 500/-.

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

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

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

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

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

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

(2) All communication and notices by a registered Trade Union with respect to any change in any particulars of the Trade Unions or its rules or membership thereof shall be sent electronically or otherwise to the Registrar to his official postal address or email address within thirty days from the date of such change or event.

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

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

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

(6) When the Registrar registers a change in name or any other particulars, he shall certify under his signature at the foot of the certificate issued under rule 10 of this Rules, that, the new name and the change in particulars has been registered and communicate the same electronically or otherwise.

13. Manner of Recognition of Negotiating Union or Negotiating Council.-

(1). Matters for negotiation between negotiating union or negotiating council and employer for the workers employed in the industrial establishment under sub-section (1) of section 14.- The matters pertaining to workers which the negotiating union or the negotiating council, as the case may be, shall negotiate with the employer of the industrial establishment under sub-section (1) of section 14 are specified, as below: -

(i) classification of grades and categories of workers;

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

14. Criteria for recognizing a single registered Trade Union of workers as sole negotiating union of workers under sub-section (2) of section 14.-

(1) Where there is only one registered Trade Union operating in an industrial establishment which is having its membership not less than 51 percent or more of the total workers employed in the industrial establishment, shall make an application in **Form IX** to the Conciliation Officer for recognition of a sole negotiating union, under sub section (2) of section 14. The application shall be made alongwith the statement of object and resolution passed and signed by the majority of members of the union employed in that establishment.

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

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

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

15. Manner of verification of membership of Trade Unions in an industrial establishment under sub-sections (3) and (4) of section 14.- —(1) If more than one Trade Union workers are registered

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

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

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

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

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

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

- (i) notice board for the purpose of displaying information relating to activities;
- (ii) of negotiating union or negotiating council, as the case may be; venue and necessary facilities for holding discussions by the negotiating union or negotiating council, as the case may be, as per schedule and agenda to be settled between employer of the industrial establishment and the negotiating union or negotiating council, as the case may be;
- (iii) venue and necessary facilities for holding discussions amongst the members of the negotiating union or constituents of negotiating council, as the case may be;

- (iv) facility for entrance of the office bearers of the negotiating union or negotiating council, as the case may be, in the industrial establishment for the purposes of ascertaining the matters which are relating to working conditions of the workers;
- (v) employer of the industrial establishment shall deduct subscription of the members of the Trade Union on the basis of the written consent of the worker;
- (vi) when the office bearers of the negotiating union or negotiating council shall be holding meetings with the employer as per agreed schedule between employer and such employed office bearers shall be treated as on duty; and
- (vii) employer of an industrial establishment, having three hundred or more workers, shall provide suitable office accommodation with necessary facilities to the negotiating union or negotiating council, as the case may be.

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

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

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

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

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

(b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or (c) the maintenance of any person who is a member of any legislative body constituted under the Constitution or of any local authority; or (d) the registration of electors or the selection of a candidate for any legislative body constituted under the Constitution or for any local authority; or

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

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

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

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

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

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

18. Manner of amalgamation under sub-section (2) and manner of sending signed amalgamation to Registrar of a different State under sub-section (3) of section 24.—(1) Any two or more registered Trade Unions may become amalgamated together as one Trade Union with or without dissolution or division of the funds of such trade Unions or either any of them, provided that, votes of at least two third of the members of each or every such Trade Union entitled to votes are recorded, and that at least two third of the votes recorded are in favor of the proposal.

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

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

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

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

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

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

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

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

Chapter IV STANDING ORDERS

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

(1). If the employer adopts the model standing orders 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 in person, or by speed post or by registered

post, the specific date from which the provisions of the model standing orders which are relevant to his establishment or undertaking have been adopted.

(2) The model standing order adopted under sub-rule (1) shall apply to the industrial establishment, and to all its units in the country.

(3) On receipt of information under sub-rule (1), the certifying officer shall enter the details of the industrial establishment which has adopted the model standing order in the register maintained under rule 17.

(4) Where, the certifying officer observes that the industrial establishment, which has intimated adoption of model standing orders, is also engaged in activities other than for which model standing orders have been adopted, then, he may, within a period of thirty days from such receipt of intimation of model standing orders so adopted, direct such employer to include or adopt certain provisions which are relevant to his industrial establishment and indicate those relevant provisions and direct such employer to comply the same within a period of thirty days from the date of the receipt of such direction and send a compliance report only in respect of those provisions which the certifying officer has so directed to get included.

(5) If no observation is made by the certifying officer within a period of thirty days of the receipt of the information as specified in sub-rule (1), then, the model standing order shall be deemed to have been certified by the certifying officer.

(6) The provisions of the model standing orders adopted in accordance with the provisions of these rules shall remain in force with effect from the date specified in sub-rule (1).

(7) Without prejudice to the provisions of this rule, the certifying officer shall not raise any observation if the industrial establishment is engaged in activities which are wholly covered by the activities of the industrial establishment to which the standing orders apply.

23. Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer where there is no Trade Union operating, under clause (ii) of sub-section (5) of section 30. – Where there is no such Trade Union as is referred to in clause (i) of said sub-section (5), 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. If no objection or request for modification is received by the certifying officer from the representatives of workers within fifteen days, the Certifying Officer may certify such draft standing order.

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

Standing orders or modification in the standing orders, certified in pursuance of sub-section (8) of section 30 or the copies of the order of the appellate authority under sub-section (1) of section 33 shall be authenticated by the certifying officer or the appellate authority, as the case may be, and shall be sent electronically as well as through registered post 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.

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

A statement to be accompanied with-

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

26. Conditions for submission of draft standing order in similar establishment under subsection (10) of section 30.-

In cases of group of employer engaged in similar industrial establishment (manufacturing similar kind of products) may submit a joint draft standing order under section 30 and for the purpose of proceedings specified in subsections (1), (5), (6), (8) and (9) thereof after consultation with the concerned Trade union.

Provided that the joint draft standing orders, in cases of group of employers engaged in similar industrial establishments (manufacturing similar kind of products), will be drafted and submitted to the Labour Commissioner/Joint Labour Commissioner, H.P. who shall, in consultation with the concerned certifying officers, certify or refuse to certify the said joint draft standing order, after recording reasons therefor.

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

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

(2) The appellate authority shall fix a date for the hearing of the appeal and direct notice thereof to be given –

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

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

(c) where the appeal is filed by the representative of the workers, to the employer and any other worker whom the appellate authority joins as a party to the appeal.

- (3) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.
- (4) The appellate authority may at any stage of the proceeding call for any evidence, if it considers necessary for the disposal of the appeal.
- (5) On the date fixed under sub-rule (2) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called or consider to be relevant if produced and after hearing the parties dispose of the appeal.

28. 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 as well as through registered post 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 under this Chapter shall be maintained by the employer in Hindi or in English.

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

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

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

Chapter V

NOTICE OF CHANGE

31. 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 – XV** to such worker affected by such change and copy of the same shall be submitted to the concerned Labour Inspector-cum-Facilitator for information.

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

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

Chapter VI

VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

32. Form of arbitration agreement and 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-XVI** and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent either in writing or electronically of arbitrator or arbitrators.

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

(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;

(i) In the case of an individual worker, an individual worker by the worker himself or by an officer of registered Trade Union of which the worker is a member:

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

(2) In this rule ‘officer’ means any of the following officers, namely:-

a) the President;

b) the Vice-President;

c) the Secretary (including the General Secretary);

d) a Joint Secretary; and

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

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

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

Chapter VII

MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES

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

- (a) inspection of premises of establishment and documents;
- (b) receiving evidence on affidavit;
- (c) discovery of the documents;
- (d) investigation and enquiry;
- (e) any other document/matters that may be required by the conciliation officer or Tribunal.

36. Manner of conciliation proceedings sub-section (1), full report under sub-section 4 and (4) sub-section under report full (1), application and manner of dealing such application under sub-section (6) of Section 53.

(1). Where any industrial dispute exists or is apprehended or a notice under section 62 has been given, the conciliation officer shall on receipt of such application, examine the application and if he finds that the dispute is pertaining to the jurisdiction of the State Government, he shall register the dispute and adopt the procedure in such manner as he may deem fit for holding conciliation proceedings.

- (2) If no such settlement is arrived at in the conciliation proceeding referred to in sub-rule (1), the conciliation officer shall submit a report to the State Government within fourteen days from the date on which the conciliation proceedings are concluded.
- (3) The report referred to in sub-rule (2) shall be accessible to the parties concerned.
- (4) The report referred to in sub-rule (2) shall contain inter-alia the submissions of the employer, worker or Trade union, as the case may be, and it shall also contain the efforts made by the conciliation officer to bring the parties to the amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion of the conciliation officer.
- (5) Any dispute which is not settled during the conciliation proceedings, then, either of the concerned party may make an application in **Form XVIII**, before the Tribunal within ninety days from the date of the report under sub-rule (2).
- (6) In case of an industrial dispute which has not been settled during the conciliation proceedings, an application may be made before the Tribunal by either of the parties concerned for adjudication. The Tribunal shall direct the party raising the dispute to file a statement of claim with complete details along with relevant documents, list of supporting documents and witnesses within thirty days from the date on which application is filed. A copy of such statement may be sent to each of the opposite parties in the dispute.
- (7) The Tribunal after ascertaining that the copies of statement of claim and other related documents are furnished to the other side by the party raising the dispute, the Tribunal shall fix the first hearing as soon as possible and within a period of one month from the date of receipt of the application. The opposite party or parties shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party or parties for service.
- (8) Where the Tribunal finds that the party raising the dispute, despite its directions, did not forward the copy of the statement of claim and other documents to the opposite party or parties, it shall give directions to the concerned party to furnish the copy of the statement to the opposite party or parties, granting extension of fifteen days for filing the statement, if the Tribunal finds sufficient cause for not filing the statement of claim and other documents within time.
- (9) Evidence shall be recorded either in Tribunal or may be filed on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. Where the oral examination of each witness proceeds, the Tribunal shall make a memorandum of the substance of what is being deposed. While recording the oral evidence the Industrial Tribunal shall follow the procedure laid down in **Rule 4 of Order XVIII** through the **Code of Civil Procedure (Amendment) Act, 2002**
- (10) On completion of evidence, arguments may be heard immediately or a date may be fixed for arguments, which shall not be beyond a period of fifteen days from the closure of evidence.

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

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

(12) In case any party defaults or fails to appear at any stage, the Tribunal may proceed with the case ex-parte, and decide the application in the absence of the defaulting party: Provided that, the Tribunal on the application of either party filed before the submission of the award, revoke the order that the case shall proceed ex-parte, if it is satisfied that the absence of the party was on justifiable grounds, and proceed further to decide the matter as contested.

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

(14) The Tribunal may summon and examine any person whose evidence appears to it to be material for deciding the case and shall be deemed to be a civil court within the meaning of sections 345, 346 and 348 of the Bharatiya Nagrik Suraksha Samhita, 2023.

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

(16) A party in an award, who wants to obtain a copy of the award or other document, may obtain a copy of the award or other document after depositing the fee electronically in the Tribunal in the following manner, namely: (a) fee for obtaining a copy of an award or the document filed in any proceedings of Tribunal be charged at the rate of ten rupees per page, (b) for certifying a copy of any such award or order or document, a fee of ten rupees per page shall be payable, (c) copying and certifying fees shall be payable electronically or manually, (d) where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable.

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

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

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

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

37. Manner of appointment, term of office, salaries and allowances, resignation and other terms of conditions of service of Judicial and Administrative Members of the Industrial Tribunal under sub-section (5) of section 44:-

(1) The Judicial and Administrative members of the Industrial Tribunal shall be appointed by the State Government on the recommendation of the selection committee.

(2) For the purpose of appointment of Judicial and Administrative members of the Industrial Tribunal, the State Government shall prepare a list of suitable persons after due consideration of applications received in which the qualifications of all persons, their past performance and experience of disposal of industrial disputes or judicial/quasi-judicial work shall be clearly stated.

(3) For the purpose of appointment of Judicial member of the Industrial Tribunal, the Selection Committee shall comprise of the following members namely.-

- (a) a Chief Justice of High Court or Justice of the High Court of Himachal Pradesh nominated by him-Chairperson;
- (b) one out-going member of the Tribunal-Member;
- (c) Additional Chief Secretary/ Principal Secretary/Secretary to Government of Himachal Pradesh in the Labour Department- Member,

(4) For the purpose of appointment of Administrative member of the Industrial Tribunal, the Selection Committee shall comprise of the following members namely.-

- (a) Minister of Labour Department, Himachal Pradesh
- (b) one out-going member from the Government-Member;
- (c) Additional Chief Secretary/Principal Secretary/Secretary to Government of Himachal Pradesh in the Labour Department- Member,

(5) The Selection Committee shall determine its procedure for making its recommendation and, after taking into account the qualification, suitability, record of past performance, integrity as well as adjudicatory experience in view of the requirement of the Industrial Tribunal, shall recommend a panel of two or three persons as it deems fit for appointment to each post.

Provided that an officer not below the rank of Joint Secretary to the Government of Himachal Pradesh shall not be eligible to be appointed as an Administrative Member of the Tribunal.

(6) A Judicial or 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 five years, whichever is earlier.

(7) The salary allowances of the Judicial and Administrative members of the Tribunal shall be,-

- (a) in case of appointment of a serving Judicial Government Officer, the existing salary and allowances admissible to him in previous service;
- (b) in case of appointment of a retired person, the salary and allowances last drawn reduced by the pension;

- (c) in case of appointment of a serving Judicial/ Government Officer, the allowances and other service conditions of a Judicial/Administrative member of the Tribunal shall be same as in their previous service.
- (8) A retired person appointed as Judicial/Administrative Member shall be entitled for rent free accommodation or house rent allowance at the, rate as admissible to an officer of the Government of Himachal Pradesh holding Group-A post carrying the same pay.
- (9) In case of appointment of a retired person, the other terms and conditions of service shall be such as specified by the State Government by general or special order.
- (10) If a retired person appointed as Judicial or Administrative member does not join within a period of one month from the date of appointment, then the State Government may cancel his appointment and thereafter the vacant post shall be filled from the person in waiting list.
- (11) If for any reason any vacancy occurs in the Industrial Tribunal, it shall be filled in the manner prescribed in sub-rule (4) of this rule.
- (12) The State Government, if it deems necessary, may transfer a Judicial/Administrative member appointed in an Industrial Tribunal to another Industrial Tribunal and may give additional charge of Judicial/Administrative member of any Industrial Tribunal to the Judicial/Administrative member of another Industrial Tribunal.
- (13) (a) If a written and verifiable complaint is received by the State Government, alleging any definite charge of misbehavior or incapacity to perform the functions as Judicial/Administrative Member, it shall make a preliminary scrutiny of such complaint. (b) If on a preliminary scrutiny, the State Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of a Judicial/Administrative Member, it shall set up an inquiry which shall be headed by a person nominated by the Chairperson of the Selection Committee: Provided that in case of an inquiry against a Judicial Member, the Chief Justice of High Court shall be consulted.
- (c) The Inquiry Officer shall complete the inquiry within a time of six months or such further time as may be specified by the Chairperson of the Selection Committee.
- (d) After the conclusion of the inquiry, the Inquiry Officer shall submit its report to the State Government stating its findings and the reasons therefor on each of the charges separately with such observations on the whole case as it may think fit.
- (14) The State Government after affording the principal of natural justice, may remove any Judicial/Administrative member from the Industrial Tribunal.
- (15) A retired person appointed as Judicial/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.
- (15) The State Government shall, on recommendation of the Selection Committee, remove from office any Judicial/Administrative Member, who,-
- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence which, involves moral turpitude; or

- (c) has become physically or mentally incapable of acting as such a Judicial Member: or
- (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/Administrative Member proposed to be removed on any ground specified in clauses (b) to (e), is he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.
- Provided further that in case of removal of Judicial member, the Chief Justice of High Court shall be consulted.
- (17) Matter relating to the terms and conditions of services with respect to which no express provisions has been made in these rules, shall be decided by the State Government after consultation Chairperson of the selection committee.
- (18) In case of retired Judicial/Government Officer, transfer travelling allowance for joining the Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the Government of India holding Group A post carrying the same pay.
- (19) The State Government shall have power to relax the provision of any of these rules in respect of appointment, salary and allowances, resignation and other terms and conditions of service of Judicial/Administrative member of Industrial Tribunal.

Chapter VIII

STRIKES AND LOCK-OUTS

38. Manner of giving notice of strike under sub-section (4) of Section 62.— (1) The notice of strike referred to in sub-section (1) of section 62 shall be given to the employer of an industrial establishment in **Form XIX** which shall be duly signed by the Secretary and five elected representatives of the registered Trade Union relating to such industrial establishment endorsing the copy thereof electronically or otherwise to the concerned conciliation officer, Labour Commissioner, Himachal Pradesh and the State Government.

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

39. Manner of giving notice of lock-out under sub-section (5) and authority under sub-section (6) of section 62. (1) The notice of lock-out referred to in sub-section (2) of section 62 shall be given by the employer of an industrial establishment in **Form-XX** to the Secretary of every registered Trade

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

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

Chapter IX

LAY-OFF, RETRENCHMENT AND CLOSURE

40. Manner of serving notice before retrenchment of worker under clause (c) of Section 70. If any employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year under him then, such employer shall give notice of such retrenchment, in **Form-XXI** to the State Government, Deputy Labour Commissioner and the concerned area conciliation officer through e-mail and by registered or speed post.

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

42. Manner of serving notice by employer for intended closure under sub-section (1) of section 74.—If an employer intends to close down fully or partially an industrial establishment he shall give notice of such closure in **Form- XXI** to the State Government and a copy thereof to the concerned Conciliation Officer by e-mail and registered post or speed post.

Chapter X

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

43. Manner of making application and serving copy of such application to workers under sub-section (2) of 78.—An application for permission of lay-off under sub-section (1) of section 78 shall be made by the employer in **Form- XXII** stating clearly therein the reasons for the intended lay off, electronically and registered post or otherwise and a copy of such application shall be served simultaneously to the worker concerned electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.

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

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

46. Manner of making application for intended retrenchment and manner of serving copy of such application under sub-section (2) of section 79.—An application for permission referred to in sub-section (1) of section 79 shall be made by the employer in **Form- XXII** stating clearly therein the reasons for the intended retrenchment electronically or otherwise and a copy of such application shall also be sent to workers electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

47. Time limit for review under sub-section (6) of section 79.—The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (3) of section 79 within a period of thirty days from the date on which such orders is made.

48. Manner of making application for intended closing down and of serving copy of such application under sub-section (1) of section 80.—An employer who intends to close down fully or partially an industrial establishment to which Chapter X of the Code applies shall apply electronically and registered post or otherwise in **Form- XXII** for prior permission at least ninety days before the date on which intended closure is to become effective to the State Government, stating clearly therein the reasons for the intended closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers electronically and by registered post or speed post.

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

Chapter XI

WORKER RE-SKILLING FUND

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

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

51. Manner of utilization of fund under sub-section (3) of section 83.- (1). Every employer who has retrenched a worker or workers under this Code, shall, within ten days, at the time of retrenching a worker or workers shall electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account (name of the account) shall be displayed on the website of the Labour, Employment & Overseas Placement Department, Himachal Pradesh to be maintained by the State Government.

(2). The fund so received shall be transferred by the State Government to each worker or worker's account electronically within forty five days of receipt of funds from the employer and the worker shall utilize such amount for his re-skilling.

(3). The employer shall also submit the list containing the name of each worker retrenched, the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the State Government to transfer the amount in their respective account.

Chapter XII

OFFENCES AND PENALTIES

52. Compounding of offences under section 89.—(1) The officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of section 89 (hereinafter referred to as the compounding officer), shall in the offences in which prosecution is not instituted, is of the opinion that any offence under the Code for which the compounding is permissible under section 89, he shall send a notice to the accused in **Form XXIII** consisting of three Parts.

(2) In Part I of such Form, the compounding officer shall inter-alia specify;

- (a) the name of the offender and his other particulars,
- (b) the details of the offence and in which section the offence has been committed,
- (c) the compounding amount required to be paid towards the composition of the offence.

- (3) The 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.
- (4) 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.
- (5) The accused to whom the notice referred to in sub-rule (1) is served, may send Part III of the Form duly filled by him to the compounding officer electronically or otherwise and deposit the compounding amount electronically or otherwise, within fifteen days of the receipt of the notice, in the account specified by the compounding officer in the notice.
- (6) Where the prosecution has already been instituted against the accused in the competent Court, he may make an application to the Court to compound the offence against him and the Court, after considering the application, may allow Compounding of the offence by the compounding officer in accordance with provisions of section 89.
- (7) If the accused complies with the requirement of sub-rule (2), the compounding officer shall compound the offence for the amount of money deposited by the accused and.
- (a) if the offence is compounded before the prosecution, then no complaint for prosecution shall be instituted against the accused; and
- (b) if the offence is compounded after institution of prosecution under sub-rule (3) with the permission of the Court, then, the compounding officer shall treat the case as closed as if no prosecution had been launched and will proceed in accordance with compounding as under clause (a) and intimate the compounding of offence to the competent Court in which the prosecution is pending and after receiving such intimation, the Court shall discharge the accused and close the prosecution.
- (8) The compounding officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the State Government.

Chapter XIII

MISCELLANEOUS

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

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

90, recognize such workers to be protected workers for the purposes of the said section and communicate to such Trade Union, in writing, the list of workers recognized as protected workers for a period of twelve months from the date of such communication.

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

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

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

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

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

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

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

56. Manner of authorization of employer under sub-section (2) of section 94.—Where employer, is not a member of any association of employers, he may authorize in **Form-XVII** to an officer of any association of employers connected with, or by any other employer engaged in the industry in which

the employer is engaged to represent him in any proceeding under the Code relating to a dispute in which the employer is a party.

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

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

(2) Issue of Notice.— If the complaint filed is admitted by the Enquiry officer, he shall call upon the person or persons through a notice to be sent electronically or through speed/ registered post and a copy of the same to be posted on State Portal of the Govt. of Himachal Pradesh to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the complainant of the date so specified.

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

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

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

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

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

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

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

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

(9) Refusal to entertain complaint.—

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

(a) the complainant is not entitled to present the complaint; or
(b) the complainant is barred by limitation under the provisions of this Code
(c) the complainant fails to comply the directions given by the Enquiry Officer under sub-section (2) of section 85.

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

(10) Record of proceedings - The Enquiry Officer shall in all cases mention the particulars at the time of passing of order containing the details, i.e., date of complaint, name and address of the complainant, name and address of the opposite party or parties, section-wise details of the offence committed, plea of the opposite party, findings and brief statement of the reason and penalty imposed with signature, date and place.

(11) Exercise of powers.—In exercise of the powers of a Civil Court, conferred under the Code of Civil Procedure, 1908, the Enquiry Officer shall be guided in respect of procedure by relevant orders of the First Schedule of the Code of Civil Procedure, 1908, with such alterations as the Enquiry Officer may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of this Code or these rules.

(12) Order or direction when to be made.—The Enquiry Officer, after the case has been heard, shall make the order or direction on a future date to be fixed for this purpose.

(13) Inspection of documents.—Any person, who is either a complainant or an opposite party or his representative, or any person permitted under sub-rule (3) shall be entitled to inspect any complaint, or any other document filed with the Enquiry Officer be, in a case to which he is a party.

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

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

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

60. Repeal and saving.— The Himachal Pradesh Industrial Disputes Rules, 1974, The Industrial Employment (Standing Orders) Himachal Pradesh Rules, 1973 and Amendment Rules, 1991; and The Himachal Pradesh Trade Unions Regulations, 1978 are hereby repealed. However, anything done or any action taken under these rules and regulations shall be deemed to to have been validly done or taken under the corresponding provisions of the code.

(Priyanka Basu Ingty)
Secretary (LE&OP) to the
Government of Himachal Pradesh, Shimla-2

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 proceedings

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 Joint / Deputy Labour Commissioner.

FORM –II

[See Rule 9(v)]

Auditors' Declaration

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

(1) Auditor

(2) Auditor

FORM -III

[See Rule 10(1)]

Application for Registration of Trade Unions

Name of Trade Union:

Address:

Dated the day of 20.....

1. This application is made by the persons whose names are subscribed at the foot hereof.
2. The name under which it is proposed that the Trade Union on behalf of which this application is made shall be registered is as set forth in Rule No
.....
3. The address of the Head Office of the Union to which all communications and notices may be addressed is
4. The Union came into existence on the day of 20 .
5. The union is a union of employers/workers engaged in the industry/or
..... profession/or (establishment), and has
..... members.
6. The particulars required by code in Schedule I,II, III is attached to this application.
7. One copy of the Rules of the Union, is attached to this application.
8. We have been duly authorized by the Trade Union to make this application on its behalf, such authorization consisting of

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

To

The Registrar of Trade Union,(Concern Area)

SCHEDULE I

Industrial Relations Code, 2020.

List of Officers

Name of Trade Union

Office Held in Union	Name	Age	Address	Occupation

SCHEDULE II

Reference to Rules

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

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

SCHEDULE III

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

Statement of Liabilities and Assets on the day of 20

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

List of Securities

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

FORM-IV

(See Rule 10(2))

I Shri/Smt -----

Address -----

Occupation -----

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

The name and the registration details is as follows:

Sr. No.				
1.				
2.				
3.				
4.				
5.				
6.				
7.				

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

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

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

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

Date

Place

Signature.

FORM-V

(See Rule10(5))

Certificate of Registration of Trade Unions

Name of Trade Union-

Registration Number Office of the Registrar of Trade Union, (Concerned area)
It is hereby certified that the Union having address ----- has been registered
under the Industrial Relations Code, 2020, this.....day of.....20.....

SEAL

Registrar of Trade Unions.

FORM-VII

[See Rule 10(8)]

Request to withdraw or cancel Certificate of Registration

Name of Trade Union-

Registration Number

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

To,

Registrar of Trade Union

.....

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

(Here give exact copy of Resolution)

(Signed)

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

FORM-VIII

[See Rule 12(5)]

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

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

R/s sir,

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

1.
2.
3.

SEAL

Signature.

To,

The Registrar of Trade Union, (Concern Area)

FORM-IX

[See Rule 14(1),(2) and 15(1)]

Application for verification of Sole Negotiating Union

To,

The Conciliation Officer,

..... (for the area)

Sub : Application for verification of Sole Negotiating Union

Sir/madam,

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

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

Signature of President /General Secretary / Secretary

Encl: Statement of object

Copy to:

The Owner/Director / Manager of the establishment.

FORM-X

{See Rule 14(4) and 15(3)}

Certificate of Sole Negotiating Union

Name of Trade Union

Address of the Trade Union

Registration Number of Union.....

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

SEAL

Signature of the Employer.

Date :

Place :

Copy to – Concern Conciliation Officer.

FORM-XI

[See Rule 15(4)]

Application for verification of representative for negotiating council

To,

The Conciliation Officer,

..... (for the area)

Sub : Application for verification of representative for negotiating council

Sir/madam,

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

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

Signature of President /General Secretary / Secretary.

Encl : (1) Statement of object

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

Copy to: The Owner / Director / Manager of the establishment.

FORM-XII

[See Rule 15(5)]

Certificate of Representative of union for negotiating council

Name of representative

Name of Trade Union

Address of the Trade Union

Registration Number of Union

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

Date :

Place :

SEAL

Signature of the Employer.

Copy to – Concern Conciliation Officer

FORM-XIII

[See Rule 18(2)]

Notice of Amalgamation of Trade Unions

- A. Name of registered trade union
- B. Number of registration

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

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

To,

The Registrar of Trade Unions,
 (Concerned area)

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

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

(State the terms)

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

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

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

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

- 1 Secretary
- 2
- 3
- 4
- 5 Members
- 6
- 7
- 8

FORM-XIV

{See Rule 10(3) and 20(1)}

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

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

Part A

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

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

Note :— Information in regard to—

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

Part B
General Fund Account

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

Treasurer

Part C
Statement of Liabilities and Assets of Trade Union

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

Liabilities

Assets

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

Part D

List of Securities

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

Part E

Political Fund Account

Income
Expenditure

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

Part F

Auditors' Declaration

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

(1) Auditor
(2) Auditor

Part G

Officers appointed by election or nomination

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

The following changes of officers have been made during the year

Officers relinquishing office

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

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

Signature.

FORM-XV

[See Rule 31(1)]

Notice of change of service conditions proposed by an employer

Name of employer.....

Address.....

Dated theday of20.....

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

Signature.....

Designation.....

ANNEXURE

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

Copy forwarded to :

1. The Secretary of registered Trade Union, if any.
- 2 The Labour Inspector-cum-Facilitator.

FORM-XVI

[See Rule 32(1)]

Agreement for voluntary arbitration
BETWEEN

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

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

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

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

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

Witnesses

- 1.
- 2.

Copy to :

- (i) The Conciliation Officer (***)here enter office address of the Conciliation Officer for the area concerned).
- (ii) The Principal Secretary/Secretary to the Government of Himachal Pradesh.

FORM-XVII

[See Rules 34,55 and 56]

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

Before the Authority
(Here mention the authority concerned)

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

Versus

.....

Employer I/we hereby authorize Shri / Sarvashri (if representatives are more than one) 1.....2..... 3 to represent me/us in the above matter. Dated this.....day of.....20.....

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

FORM-XVIII

[See Rule 36(5)]

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

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

In the matter of : Applicant
Address.....

Versus

.....Opposite
party(ies)
Address.....

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

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

Date

Place

Signature of Applicant.

FORM-XIX

[See Rule 38(1)]

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

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

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

To

(The name of the employer).

Dear Sir/Sirs,

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

Yours faithfully,

(Secretary of the Union)

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

ANNEXURE

Statement of the Case.

Copy to:

- (1) Labour Commissioner, Himachal Pradesh.
- (2) Conciliation Officers of the concerned area.

FORM- XX

[See Rule 39(1)]

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

Name of employer

Address

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

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

Signature.....

Designation.....

ANNEXURE

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

Copy forwarded to :

- (1) The Secretary of the Registered Union, if any
- (2) Conciliation officer (Here enter office address of the Conciliation Officer concerned area.).
- (3) Labour Commissioner, Himachal Pradesh.

FORM-XXI

(See Rules 40 and 42)

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

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

Name of Industrial Establishment or Undertaking or Employer

Address.....

Dated (DD/MM/YYYY).

To,

Sir/Madam,

The Principal Secretary /Secretary(LE&OP)

to the Government of Himachal Pradesh.

Part-I

(Retrenchment)

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

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

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

Part - II

(Closure)

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

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

Number of workers

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

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

Yours faithfully,

(Name & Designation of the employer/
Authorized Representative)

ANNEXURE I

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

Copy to :

1. Labour Commissioner, Himachal Pradesh.
2. Conciliation Officers of the concerned area.

FORM – XXII

(See Rules 43, 46 and 48)

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

To,

The Principal Secretary/Secretary (LE&OP) to the

Government of Himachal Pradesh, Shimla-2.

Sir/Madam,

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

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

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

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

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

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

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

Yours faithfully,

(Signature)

(*Strike off which is not applicable)

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

ANNEXURE I

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

ANNEXURE- II

	Particulars	Remarks, if any
1.	Name of the industrial establishment/ undertaking with complete postal address along with Pin Code, e-mail, telephone number (s).	
2.	Status of undertaking— (i) Whether central public sector/State public sector/Foreign majority company /joint sector company, etc., (In case of foreign holding company then indicate the extent of foreign holding)	Indicate the status of the company
	(ii) Whether a private limited company/ partnership firm or proprietorship firm	
3.	(a) MCA number	
	(b) GSTN number	
	(c) Registration number of the labour department	
4.	(a) *Names and identification number of the affected workers proposed to be laid-off/retrenched/ to be affected by closure.	The identification number UAN of EPFO under SS Code.
5.	(i) Annual production, item wise for pre-ceding three years	
	(ii) Production figures, month-wise, for the preceding twelve months,	
6.	Balance sheets, profit and loss accounts and audit reports for the last three years.	To be annexed
7.	Net worth of the company	
8.	Names of the inter-connected companies or companies under the same management.	
9.	Details of lay-off/ Retrenchment resorted to in the last three years (other than the lay-off/ Retrenchment for which permission is sought), including the periods of such lay-offs/ Retrenchment the number of workmen involved in each such lay-off/ Retrenchment /continuation of lay off	
10.	Any other relevant details which have bearing on lay-off or retrenchment or Closure.	

Copy to :

1. Labour Commissioner, Himachal Pradesh.
2. Conciliation Officers of the concerned area.

FORM-XXIII

(See Rule 51)

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

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

PART - I

1. Name and Address of the offender Employer-

2. Address of the Establishment.....

3. Particulars of the offence

.....

4. Section of the Code under which the offence is committed.....

5. Compounding amount required to be paid towards composition of the offence

.....

PART – II

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

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

Date:

Place:

(Signature of the Compounding Officer)

PART – III

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

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

Applicant
(Name and signature)

Date :

Place :

To,

The Compounding Officer

FORM-XXIV

[See Rule 54(1)]

(Complaint under section 91 of the Industrial Relations Code, 2020) Before the Conciliation officer/ Arbitrator/ Tribunal

In the matter of Reference No.....

A.....

Complainant(s);

Versus

B.....

Opposite Party(ies).

Address:

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

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

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

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

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

Verification

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

Signature of the person verifying.

By order and in the name of the Governor of Himachal Pradesh,

Principal Secretary to Government.