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NOTIFICATION

Dated Kohima, the 4th June, 2026.

NO.LAB/DRAFT/LC/1/26/2025-26/196: The Draft Nagaland Code on Industrial Relations Rules, 2026, which the State Government proposes to make in exercise of the powers conferred by Section 99 of the Industrial Relations Code, 2020 (35 of 2020), is hereby published for information of all persons likely to be effected thereby as required by Section 99(1), and notice is hereby given that the said draft will be taken into consideration after the expiry of a period of Forty Five (45), from the date of publication of this Notification in the Official Gazette.

Any objection or suggestion, which may be received by the State Government from any person or organisation with respect to the said draft before the expiry of the period specified above, will be reviewed for consideration by the State Government. Objections and suggestions, if any, may be addressed to the Labour Commissioner, Office of the Labour Commissioner, New Secretariat Complex, Nagaland, Kohima-797004 or through mail at labcomm-ngl@nic.in.

Sd/-

CHUBATEMJEN

Joint Secretary to the Govt. of Nagaland.

DRAFT NAGALAND CODE ON INDUSTRIAL RELATIONS RULES, 2026

Whereas vide notification number S.O. 5320 (E), dated 21st November, 2025, published in the Gazette of India, Extraordinary, Part II, Section 3(ii), SL. No. 5144, dated 21.11.2025, all the provisions of the Industrial Relations Code, 2020 (No. 35 of 2020) have come into force.

Therefore, the State Government proposes to make the following draft rules in exercise of the powers conferred by section 99 of the Industrial Relations Code, 2020 (No. 35 of 2020), which is hereby published for information of all persons likely to be affected thereby as required by section 99(1). Notice is hereby given that the said draft will be taken into consideration after the expiry of a period of thirty (30) days from the date of publication of this Notification in the Official Gazette.

Any objections or suggestions which may be received by the State Government from any person or organization with respect to the said draft before the expiry of the period specified above, will be reviewed for consideration by the State Government. Objections and suggestions, if any, may be addressed to the Labour Commissioner, Office of the Labour Commissioner, New Secretariat Complex, Nagaland, Kohima 797004 or through mail at labcomm-ngl@nic.in.

The Rules upon coming into force shall extend to the whole State of Nagaland and shall come into force on the date of their publication in the official Gazette of Nagaland. Upon coming into force, the Rules will repeal:

1. The Nagaland Trade Unions Regulations, 1980.
2. The Industrial Employment (Standing Orders) Nagaland Rules, 1978.
3. Nagaland Industrial Disputes Rules, 1979.

CHAPTER - I **PRELIMINARY**

1. Short title, extent and commencement.-

- (1) These rules may be called the Nagaland Code on Industrial Relations Rules, 2026.
- (2) They shall extend to the whole State of Nagaland
- (3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-

- (1) In these rules, unless the context otherwise requires:
 - (a) “Code” means the Industrial Relations Code, 2020.
 - (b) “electronically” means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of the Code.
 - (c) “Form” means a form appended to these rules.
 - (d) ***“High Court” means the Gauhati High Court (the High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh).***
 - (e) “Section” means the section of the Code.
 - (f) “State Government” means the Government of Nagaland.
- (2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

3. Settlement before the Conciliation Officer under Section 2(z) :- (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 Joint Labour Commissioner and to the 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. Constitution of Works Committee etc. under Section 3.- (1) ***Constitution of Works Committee:*** Every employer to whom an order made under sub-section (1) of section 3 relates, shall forthwith proceed to constitute a Works Committee (***hereinafter referred to as the Committee***) in the manner as is specified in this rule.

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

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

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

Provided also that the industrial establishment in which women workers are employed shall have adequate representation of women workers in the 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 Works Committee shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with, or associated with, the working of the industrial establishment.

(4) **Consultation with Trade Union:** (a) Where the workers of the industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to how many of the workers are members of such Trade Union; and

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

(5) **Worker's representatives:** On receipt of the information called for under sub-rule (4)(a), the employer shall provide for the selection of worker's representative on the Committee in two following groups, 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 recognised 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)(a) 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)(b), the process of choosing the worker's representative relating thereto shall be held on receipt of the decision of the Labour Commissioner.

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

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

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

(9) *Fixation of schedule for Election: (a) The employer shall give a minimum time period of at least seven 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.*

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

(c) The date of election fixed 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: (a) 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.*

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

(11) *Scrutiny of Nomination papers: (a) 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.*

(b) A nomination paper shall be held to be not valid if—

(i) the candidate nominated is ineligible for being a candidate under sub-rule (7); or

(ii) the requirements of sub-rule (10) have not been complied with:

(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: (a) 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.*

(b) 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: (a) The **Committee** shall have among its office-bearers a Chairman, a Vice-Chairman, a Secretary and a Joint-Secretary.

(b) The Chairman 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.

(c) The Vice-Chairman 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- Chairman, the matter shall be decided by draw of a lot.

(d) The Secretary and the Joint-Secretary shall be elected every year.

(e) 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 worker and vice versa:

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

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

Provided also that in the event of equality of votes, the matter shall be decided by a draw of lot.

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

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

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

(16) Vacancies: In the event of worker's representative ceasing to be a member under clause (c) of subrule (15) or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be chosen in accordance with the provisions of this rule 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 in a consultative capacity, persons employed in the industrial establishment having particular or special knowledge of a matter under discussion. Such co-opted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Committee.

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

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

(19) **Facilities for meetings etc.,-** (a) The employer shall provide accommodation for holding meetings of the Committee and all necessary facilities to the Committee for carrying out its work.

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

(c) The Secretary of the Committee may with the prior concurrence of the Chairman, 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 State Government, or the officer authorised 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 State Government or, as the case may be, by such officer, shall take steps to reconstitute the Committee in accordance with this rule.

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

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

(3) The 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 recognised negotiating union or negotiating council referred to in clauses (a) and (b) of this rule, the workers of the industrial establishment shall choose amongst themselves the worker's representatives of the Grievance Committee:

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

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

- (4) The tenure of the members of the Grievance Committee shall be three years.
- (5) Where there is no recognised negotiating union or negotiating council and if any dispute arises regarding choosing of the worker's representative to the Grievance Committee, the matter may be referred to the Labour Commissioner, Nagaland, 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 any aggrieved worker under sub-section (5) of section 4.- Any aggrieved worker may file an application stating his dispute therein before the Grievance Redressal Committee giving his name, designation, employee Code, Department where posted, length of service in years, category of worker, address for correspondence, contact number, details of grievances and relief sought. Such application may be sent electronically or otherwise.

7. Manner of filing application for the conciliation of grievance as against the decision of the Grievance Redressal Committee to the conciliation officer under sub-section (8) of section 4.- Any worker who is aggrieved by the decision of the Grievance Redressal Committee or whose grievance is not resolved by the said Committee within thirty days of receipt of the application, may file an application electronically or 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, the conciliation officer shall get the same digitized and enter the particulars of the application in the online mechanism under intimation to the concerned worker.

CHAPTER III **TRADE UNION**

8. Payment of subscriptions under clause (f) of Section 7.- (1) The payment of a minimum subscription by members of the Trade Union shall be provided as under the Rules of the Trade Union approved by the Registrar but shall not be less than one hundred rupees per annum.

(2) The subscription fee shall be collected only in the registered office of the Trade Union.

(3) The membership to the Trade Union shall be voluntary.

9. Safe Custody of the funds of the Trade Union and Annual Audit under clause (j) of Section 7.-

(1) The funds of a Trade Union shall be deposited in a schedule bank in the name of the Union:

Provided that 2% of the total funds available with the Union shall be kept at the disposal of two executive members i.e. President, Secretary and cashier for meeting any exigency pertaining to the routine affairs of the said Union.

- (2) Auditors - The annual audit of the accounts of any registered Trade Union as per clause (j) of section 7 of the Code shall be conducted by an auditor who is a Chartered Accountant within the meaning of Chartered Accountants Act, 1949 and authorised to audit the accounts of the Companies under section 141 of the Companies Act, 2013:

Provided that where the membership of Trade Union did not at any time during the financial year exceed 250, annual audit of the accounts may be conducted by any two members of the Union.

- (a) The Registrar may constitute such panel of certified Chartered Accountant to conduct the annual audit account of any registered Trade Union by notification in the official Gazette.
 - (b) The Registrar may add or remove the chartered Accountant from the panel.
 - (c) The Chartered Accountant shall conduct the audit of accounts of the Trade Union and shall submit the report to the Trade Union and a copy of the same to the Registrar.
- (3) Disqualification of Auditors - Notwithstanding anything contained in these rules, no person, who, at any time during the year, was entrusted with any part of the funds or securities belongs to the Trade Union shall be eligible to audit the accounts of the Union.
- (4) Audit of funds - The auditors appointed in accordance with these rules shall be given access to all books of the Trade Union and shall verify the annual return with the accounts and vouchers relating thereto and shall sign the auditor's declaration appended in **Form-II**, indicating separately on that form under his signature or their signatures a statement showing in what respect he or she find the return to be incorrect, unvouched or not in accordance with the Act. The particulars given in this statement shall indicate: -
- (a) every payment which appears to be unauthorized by rules of Trade Union or contrary to the provisions of the Act;
 - (b) the amount of any deficiency 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.
- (5) Every Trade Union shall maintain the following books and registers to facilitate the audit of its Accounts: -
- (a) Register of membership and Subscriptions in Form-III
 - (b) Register of receipts and disbursements of General Fund Accounts;
 - (c) Minutes Book to record the proceedings of all meeting;
 - (d) Register of stock, tools and plant to show the furniture, valuable documents relating to immovable property of the Union.
 - (e) Machine numbered subscription receipt.

- (f) Register of receipts and disbursements for the Political Fund (if there is a Political Fund)
 - (g) A file of vouchers.
- (6) Audit of separate fund to be constituted under Section 15: The audit of the separate fund of a registered Trade Union shall be carried out with the audit of the general account of the Trade Union by the same auditor or auditors.
- (7) Rectification of defects in accounts: The Trade Union shall explain within three (3) months from the date of the audit report, the defects or irregularities pointed out by the Chartered Accountant and action taken thereon, to the Registrar. The Registrar may also make an order directing the union or its office bearer to take such actions, as maybe specified in the order to remedy the defect within the time specified therein.

10. Dissolutions of Trade Unions under clause (k) and (l) of Section 7.- (1) Notice in writing of every change in name of the trade union or variation or rescission to the rules of the Trade Union, shall be signed by the Secretary and by seven members of the Trade Union and shall be sent to the Registrar having jurisdiction.

(2) When a registered Trade Union is dissolved, notice of the dissolution signed by seven members and by the Secretary of the Trade Union shall, within fourteen days of the dissolution, be sent to the Registrar, and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the Trade Union and the dissolution shall have effect from the date of such registration.

(3) When a registered Trade Union is dissolved, notice of the dissolution and any amendment in rules shall be sent to the Registrar in **Form-IV**.

11. Assets and Liabilities of the Trade Union under Sub-Section (2) of Section 8.- (1) Where a Trade Union has been in existence for more than one year before the making of an application for its registration, it shall be delivered to the Registrar, together with the application, a general statement of assets and liabilities of the Trade Union prepared in **Form-V** (Schedule III) annexed to these rules electronically or otherwise.

(2) The Registrar for the purpose of satisfying himself that the application is genuine may call for further information and may refuse to register the Trade Union until such information is furnished.

12. Registration of Trade Union and cancellation thereof under Section 8 and 9.- (1) Every application for registration of a Trade Union shall be made in **Form-V** electronically or otherwise with the particulars mentioned in clause (1) of Section 8 of this Code along with the No Objection Certificate issued by the concerned District Deputy Commissioner, to the Registrar or Additional Registrar or Joint Registrar having jurisdiction.

(2) Every application must also furnish the location and corresponding address of its Head Office along with the registration fee of Rs.1000/- or as may be fixed by the State Government from time to time by a notification in this regard, and shall be paid electronically or otherwise.

(3) The Registrar of Trade Union on being satisfied that the applicant Trade Union has compiled with all the requirements in regard to the registration, register the Trade Union by entering in a register with particulars relating with Trade Unions contained in the statements accompanied with the applicant for registration in **Form-V**.

(4) Where the Registrar makes an order for registration of a Trade Union, he shall issue a certificate of registration to the applicant Trade Union in the **Form-VI**.

(5) If the Registrar has issued a certificate of registration to a Trade Union, he shall enter the name and other particulars of the Trade Union in a register maintained for such purpose.

(6) The application of a Trade Union for withdrawal or cancellation of certificate of registration by the Registrar shall be verified by the President and General Secretary of the Trade Union.

(7) Verification and grant of application for withdrawal or cancellation of certificate of registration: The Registrar on receiving an application for the cancellation of registration shall, before granting the application, satisfy himself that the withdrawal or cancellation of registration was approved by a general meeting of the Trade Union or if it was not approved that it has the approval of the majority of the member of the Trade Union. For this purpose, he may call any further particulars as he may deem necessary and may examine any officer of the Union.

13. Appeal against refusal to grant registration to a Trade Union or cancellation of a certificate of registration under section 10.- Any appeal against the order of the Registrar for refusal to grant registration to a Trade Union or cancellation of a certificate of registration shall be filed within thirty days from the date of receipt of the order to the Industrial Tribunal by filing an application mentioning the causes of the appeal accompanied with a certificate copy of the order of the Registrar.

14. Communications of Trade Union to Registrar under Section 11.- (1) All the communications and notices to a registered Trade Union shall be sent electronically or through registered post or speed post, *or in person*.

(2) The Trade Union shall inform the Registrar of any change in the particulars given by it in its application for registration and in its constitution or rules electronically or through registered post or speed post within 30 days.

(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 provision 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 in sub rule (1).

15. Matters to be negotiated by a negotiated union or negotiating council in an industrial establishment under Sub-Section (1) and (2) of Section 14.- (1) 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.

(2) If there is only one registered Trade Union in an Industrial establishment which is having membership of 30% or more worker of that establishment, such Union shall be entitled to negotiate with employer under the provision of sub-rule (1) ***as sole negotiating union of the workers.***

16. Manner of verification of workers of negotiating council under Sub-Section (3) and (4) of Section 14.- (1) (a) The **State** Government shall appoint a verification officer for the purpose of verification of membership of the Trade Unions in the industrial establishment who shall not have any interest with any of the Trade Unions in the industrial establishment:

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

(b) The verification officer may utilize the services of other officers to assist him depending upon the quantum of work of membership verification.

(c) The verification officer shall carry out the work of membership verification in the industrial establishment within the time as determined by the **State** Government.

(2) The employer of the industrial establishment shall bear all expenses and make arrangements in connection with the verification of membership of trade unions under sub-rule (1).

(3) (a) The Trade Unions which satisfy the following conditions may submit an application to the employer of the industrial establishment to accord status of negotiating union or the representatives of negotiating council of the workers, as the case may be, namely:-

(i) such Trade Union has a valid registration under the Trade Unions Act, 1926 (16 of 1926) and continuing as such or has the registration under the Industrial Relations Code, 2020 (35 of 2020), as the case may be; and

(b) The application for recognition made by Trade Union shall be accompanied with a copy of the registration certificate, a copy of list of members, details of the membership subscription and a copy of latest annual return of the trade union submitted to the Registrar of Trade Unions.

(4) (a) In case the negotiating union or negotiating council, as the case may be, has been constituted under the Code, the employer of the industrial establishment shall initiate action before expiry of the tenure of negotiating union or negotiating council, as the case may be, sufficiently in advance but not later than three months before the expiry of the tenure of negotiating union or negotiating council, as the case may be;

- (b) The date of reckoning shall be fixed by the verification officer for the industrial establishment for the purpose of verification of membership of the trade unions;
- (c) The employer of the establishment shall forward the documents and records submitted by trade unions to the verification officer.
- (d) On receipt of the documents and records, the verification officer shall scrutinize the records and documents submitted by the trade union to ascertain the status of registration of trade unions and related matters;
- (e) The verification officer shall hold meeting with representatives of employer of industrial establishment and all participating Trade Unions to decide about the process of verification of the membership of Trade Unions through secret ballot.
- (f) The employer may, in consultation with the verification officer, deploy an electronic process for conducting the election over an information technology application, online platform or like other platform.

17. Verification of membership of Trade Unions through secret ballot.-(1) The verification officer shall convene meeting of representatives of all registered Trade Unions functioning in the industrial establishment at least sixty days before the date of actual voting, to decide -

- (a) publication of voters list;
 - (b) date, time, mode of voting, place of voting;
 - (c) date, time and place of counting; and
 - (d) other modalities relating to secret ballot.
- (2) The verification officer shall cause the minutes of the meeting to be prepared and signed by all participating Trade Unions. All participating Trade Unions shall be allotted symbols in the same meeting. If no decision could be taken regarding date, time, mode of voting, place of voting, allotment of symbols, date, time and place of counting and like other matters in the meeting, then, the decision of the verification officer shall be final and he shall publish the schedule, programme and procedure of such secret ballot election.
- (3) All workers whose names are borne on the muster roll of the industrial establishment on the date of reckoning shall be eligible to cast their vote.
- (4) The voters list shall be prepared by the employer of the industrial establishment on the basis of names of the workers borne on the muster roll referred to in sub-rule (3) and the voters list shall contain the name, father's name, designation, worker number/identity card number issued by the employer and place of posting of the worker. The final voter list shall be published by the employer after obtaining the approval of verification officer and shall be displayed at notice board at the main entrance and website, if any, of the industrial establishment. A copy of such voters list shall also be sent to the participating Trade Unions by hand or by registered post or through electronic mode.
- (5) The verification officer shall display the list of the name of the participating Trade Unions with the symbol allotted to them on the notice board at the main entrance and website, if any, of the industrial establishment within two days of finalization of the list.
- (6) The voting and counting of votes shall be held on the date, time and place fixed by the verification officer under the supervision of the verification officer and during the counting, agents of all participating Trade Unions shall be allowed to remain present.

(7) After final counting of votes, the result shall be declared by the verification officer. The result sheet shall contain the name of all Trade Unions participated in election, total number of votes polled and the number of votes cast in favour of each of the trade unions which participated in the election.

18. Verification report to the employer.-The verification officer shall submit verification report along with the result sheet to the employer of industrial establishment.

19. Recognition of Trade Union as negotiating union or constituents of negotiating council.-(1) On the basis of verification report submitted by verification officer, the employer of the industrial establishment shall grant recognition to a Trade Union as a negotiating union or a constituent of negotiating council as per provisions of sub-section (3) or sub-section (4) of section 14 of the Code, as the case may be.

(2) Any recognition either as negotiating union or the negotiating council shall be valid for three years from the date of recognition or constitution or such further period not exceeding five years, in total, as may be mutually decided by the employer and the Trade Union, as the case may be.

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

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

21. Utilization of the general funds of trade Union under Sub-Section (1) of Section 15.- The general funds of a registered Trade Union shall not be spent on any object other than specified below-

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

- (b) The payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;
- (c) The prosecution or defence of any legal proceeding to which the Trade Union or any member thereof is party, when such prosecution or defence 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 employs;
- (d) The conduct of trade disputes on behalf of the Trade Union or any member thereof;
- (e) The compensation of members for loss arising out of trade disputes;
- (f) Allowances to members or their dependants 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 expense of funeral or religious ceremonies for deceased members) or for the dependents of members;
- (i) The up keep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such;
- (j) The payment, in furtherance of any objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contributions in any financial 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 credit of those funds at the commencement of that year; and
- (k) Subject to any other conditions in the notification, any other objects may be notified by the state Government in the Official Gazette.

22. Constitution of a separate fund under Sub-Section (2) of Section 15.- (1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payment may be made for the promotion of the civic and political interests of its members in furtherance of any of the objects specified in sub-rule (2) with the prior approval of the Registrar-

(2) The objects referred to in sub-rule (1) are:-

- (a) The payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body constituted under the Constitution or of any local authority, before, during or after the election in connection with his candidature or election; or
- (b) Holding of any meetings or the distribution of any literature or documents in support of any such candidate;
- (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 selection of a candidate for any legislative body constituted under the Constitution or for any local authority.
- (3) No member shall be compelled to contribute to the fund constituted under sub-rule (1) and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control and 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.
- (4) The funds of the Trade Union shall be deposited in a scheduled bank and operated jointly in the name of the President and at least two members of the Trade Union.
- (5) Audit of such funds shall also be conducted in the same manner as specified under the Code and these rules.
- (6) Any complaint of misappropriation of any funds of the registered Trade Union shall be entertained by the Registrar and the Registrar shall enquire and pass an appropriate order to the Trade Union, if any misappropriation is proved and such order shall be binding upon the Trade Union.

23. Subscriptions payable by the members of the Trade Union under Sub-Section (4) of Section 15.- The provisions specified in **Rule 8** of this rules shall be applicable.

24. Application for adjudication before Industrial Tribunal under Sub-Section (1) of Section 22. The aggrieved person may make an application to the Tribunal having jurisdiction, in **Form-VII** within a period of one year from the date on which the dispute arises, electronically or by registered post or by speed post or in person.

25. Manner of Amalgamation of Trade Unions under Sub-Section (2) of Section 24.- (1) Any two or more registered Trade Unions may amalgamate together as one Trade Union with or without dissolution or division of the funds of such Trade Unions or either or any of them, provided that the votes of at least one half of the members of each or every Trade Union entitled to vote are recorded, and that at least sixty percent of the votes recorded are in favour of the proposal.

(2) The notice in writing of every amalgamation of any two or more registered Trade Union shall be signed by the Secretary and by seven members of each and every Trade Union which is a party thereto and sent to the Registrar.

(3) The Registrar on receiving any such notice may take steps as he thinks fit to verify the facts stated therein and to satisfy himself that the notice is genuine. If he is not satisfied the Registrar may refuse to give effect to the notice, and if he is satisfied, he shall certify under his signature at the foot of the certificate issued under the new name that has been registered either electronically or otherwise.

(4) When the Registrar registers a change of name, he shall certify under his signature of such change of name of the Trade Union and shall issue the certificate to the applicant Trade Union and shall make entry in all appropriate records of such change of name.

26. Notice of change of name etc under sub-section (3) of section 24.- (1) The notice of any change in the name of the Trade Union shall be sent to the Registrar along with the certificate of registration, resolution of general meeting with 2/3rd general member within a fortnight of change, either in person or by a registered Post.

- (2) The Registrar on receiving any such notice may take such steps as he thinks fit to verify or cause to be verified the facts stated therein and to satisfy himself that the notice is genuine.
- (3) When the Registrar registers a change of name, he/she shall certify under his signature at the foot of the registration certificate.
- (4) The fee payable for registration of alteration of name of the Trade Union shall be Rs. 200/-

27. Distribution of funds of the Trade Union on dissolution.-Where it is necessary for the Registrar under Sub- Section (2) of Section 25 to distribute the funds of a registered Trade Union which has been dissolved, he shall divide the funds among the members in proportion to the amounts contributed by them by way of subscription during their membership through the officer appointed by the Registrar of Trade Unions. In the event of death of a member of a trade union subsequent to the date of its dissolution but prior to the distribution of funds, the Registrar shall pay the sum payable to such member to his legal dependents.

28. Annual Return of Trade Union under Sub-Section (1) of Section 26.- (1) The general statement to be furnished under Section 26 shall be submitted to the Registrar electronically or by registered post or by speed post by the 31st of March every year and shall be in **Form-VIII**.

- (2) Any Trade Union which does not submit Annual Returns for two consecutive years shall be deemed cancelled.

Provided that if the Registrar having heard the aggrieved party is of the view that the reason for non-submission of Annual Returns in time is justified, shall accept the Annual Returns so furnished.

- (3) The audit of the general statement shall be done in the manner prescribed under **Rule 9** of these Rules.
- (4) Upon a written demand by the Registrar, report of any audit done under these rules shall be presented by the Trade Union before the Registrar within such time limit as directed by the Registrar.
- (5) The Registrar may ask from the Trade Union in writing any other particulars about the general statement and the audit report, as he deems fit, for ascertaining the facts mentioned in such general statement and audit report.

29. Recognition of Trade Unions at State Level under Sub-Section (2) of Section 27.- (1) The State Government may recognise any Trade Union or federation of Trade Union as State Trade Union if the following mentioned are herein satisfied –

- (a) Trade Union or federation of union has at least combined verified membership of twenty five thousand or more.
 - (b) The membership presence is in at least four types of industries in the State. It shall be mandatory for Registrar to have the members of State union verified through Aadhar Identification.
- (2) The State Government or an officer authorised by it, shall after due enquiry, as it deems fit decide such application within thirty days of its receipt and send the copy of the decision to the applicant with a copy to the Registrar.
 - (3) If any dispute arises in relation to such recognition, the State Government or an officer authorised in this regard, 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 appeal within sixty days and the order shall be binding upon the parties.

CHAPTER IV **STANDING ORDERS**

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

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

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

31. 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. – (1) Where there is no such Trade Union as is referred to in clause (ii) 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.

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

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

33. Statement to be accompanied with draft standing orders under sub-section (9) of section 30.- (1) A statement to be accompanied with-

(a) 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

(b) 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.

(2) ***The statement referred to in sub-rule (1)*** shall be signed by a person authorized by the industrial establishment or undertaking.

(3) The model standing orders, if modified, shall also apply to all the units of the industrial establishment or undertaking in the country.

34. Conditions for submission of draft standing order in similar establishment under sub-section (10) of section 30.- In cases of group of employer engaged in similar industrial establishment may submit a joint draft standing order under section 30 of the Code and for the purpose of proceedings specified in sub- sections (1), (5), (6), (8) and (9) thereof after consultation with the concerned Trade Unions, negotiating union or negotiating council or three number of workmen representative in case no Trade Union exist:

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

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

35. Manner of disposal of appeal by appellate authority under section 32.- (1) A memorandum of appeal shall be drawn up in a tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added along with the reasons therefor, and file it electronically or in person with the appellate authority.

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

(a) where the appeal is filed by the employer, to Trade Union or the negotiating union or negotiating council, as the case may be, or where there is no negotiating union or negotiating council in an industrial establishment or undertaking, any union or such representative body of the workers of the industrial establishment or undertaking;

(b) where the appeal is filed by a Trade Union or the negotiating union or negotiating council, to the employer and the negotiating union or the negotiating council or all other Trade Unions of the workers of the industrial establishment, as the case may be, or where there is no negotiating union or negotiating council in an industrial establishment or undertaking, any union or such representative body of the workers of the industrial establishment or undertaking; and

(c) where the appeal is filed by a representative body of the workers, to the employer and other Trade Unions of the workers of the industrial establishment, or where there is no trade union of the workers in an industrial establishment or undertaking, any other worker who joins as a party to the appeal.

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

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

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

36. Sending of order and maintaining of standing orders.-

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

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

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

37. Register for final certified copy of Standing Order under section 34.- (1) The certifying officer shall maintain electronically 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 therefor on payment of two 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.

38. 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 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

39. 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-IX** to such worker affected by such change and shall also upload such notice on the designated portal, if any, of the industrial establishment.

(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

40. 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-X** and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent either in writing or electronically of arbitrator or arbitrators.

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

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

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

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

Explanation. - (1) In this rule, the expression ‘officer’ means any officer of 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.

41. 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.

42. Manner of choosing representatives of workers where there is no Trade Union under sub-section (5) of section 42.- Where there is no Trade Union, the representative of workers to present their case before the arbitrator or arbitrators in pursuance of Clause (c) of the proviso to Sub-Section (5) of Section 42, shall be chosen by a resolution passed by the majority of concerned workers in **Form-XI** 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

43. Terms and conditions of service of the office of the Judicial Member and the Administrative Member of the Tribunal constituted by the State Government under Sub-Section (5) of Section 44-

(1) Constitution of Industrial Tribunal

- (a) *The State Government shall, by notification, constitute one or more Industrial Tribunals under sub-section (1) of section 44 of the Code.*
- (b) *The Tribunal shall function independently in discharge of its adjudicatory functions and shall exercise such jurisdiction, powers and authority as conferred under the Code.*
- (c) *Upon constitution of the Tribunal, the infrastructure, records and staff of the erstwhile Labour Court at Dimapur shall stand designated for use by the Tribunal.*

(2) Principal Seat

- (a) *The Principal Seat of the Industrial Tribunal shall be at Dimapur.*
- (b) *All records of the Tribunal shall ordinarily be maintained at the Principal Seat.*
- (c) *The State Government may, in consultation with the Judicial Member, alter the location of the Principal Seat by notification in the Official Gazette.*

(3) Composition

- (a) *The Tribunal shall consist of a Judicial Member.*
- (b) *An Administrative Member shall be appointed when matters falling under clauses (a) to (e) of sub-section (7) of section 44 of the Code are required to be adjudicated.*
- (c) *In matters other than those referred to in clauses (a) to (e) of sub-section (7) of section 44 of the Code, the Judicial Member may sit and decide singly.*
- (d) *Where both members sit, the Judicial Member shall preside and, in case of difference of opinion, the opinion of the Judicial Member shall prevail.*

(4) Status of Office - Appointment as a Judicial Member or Administrative Member under these Rules shall not be construed as creating a permanent civil post in the State service or conferring any claim to regularisation, absorption, pension or other service benefits, including pensionary benefits, beyond the remuneration and benefits expressly provided in the Code and these Rules.

(5) Appointment of Judicial Member

- (a) *The Judicial Member shall be appointed on the recommendation of a Search-cum-Selection Committee consisting of:-*
 - i) *the Chief Justice of the High Court or a Judge nominated by him - Chairperson; ii)*
a Judge of the High Court nominated by the Chief Justice - Member;
 - iii) *the Chief Secretary to the Government of the State - Member;*
 - iv) *the Secretary to the Government, Law and Justice Department - Member.*

- (b) *The judicial members of the Committee shall have primacy in matters relating to selection.*
 - (c) *The Committee shall recommend a panel of suitable candidates in order of merit.*
 - (d) *The State Government shall, within thirty days of the receipt of recommendation, appoint the person placed first in the panel and shall not appoint any person not recommended by the Committee. In the event the person placed first declines appointment or is found ineligible prior to assumption of office, the State Government shall appoint the next person in order of merit.*
 - (e) *The Search-cum-Selection Committee shall regulate its own procedure in a transparent manner and may adopt such method of scrutiny, shortlisting and interaction with candidates as it may deem appropriate.*
 - (f) *The absence of any member other than the Chairperson shall not invalidate the proceedings of the Committee, provided that at least one judicial member participates in the selection process.*
- (6) **Qualifications of Judicial Member**
- (a) *A person shall be eligible for appointment as Judicial Member if he or she—*
 - i) *is or has been a District Judge; or*
 - ii) *is qualified to be appointed as a Judge of a High Court under Article 217 of the Constitution and possesses substantial experience in adjudicatory proceedings relating to labour, service or industrial law.*
 - (b) *An advocate appointed as Judicial Member shall, upon assumption of office, cease to practice as an advocate and shall not practice in any court or tribunal during tenure.*
- (7) **Appointment and Qualification of Administrative Member**
- (a) *The Administrative Member shall be appointed on the recommendation of a Committee in which a nominee Judge of the Chief Justice shall participate in addition to the Chief Secretary to the State Government.*
 - (b) *The Administrative Member shall be appointed in accordance with sub-rule (5)(b) to (f), which shall apply mutatis mutandis.*
 - (c) *A person shall be eligible for appointment as Administrative Member if he or she—*
 - i) *possesses not less than fifteen years' experience in labour administration, industrial relations, personnel management, employment policy, finance relating to industrial establishments, or related fields; and*
 - ii) *has held a post not below the rank of Joint Secretary or equivalent in the Government or public sector; or a senior managerial position dealing substantially with industrial relations in a recognised industrial establishment; or has practised as an advocate for not less than fifteen years with substantial experience in labour and industrial law; or has served in teaching or research in labour law or industrial relations for not less than fifteen years in a recognised institution.*
 - (d) *The absence of matters requiring participation of the Administrative Member shall not affect the constitution or functioning of the Tribunal.*
- (8) **Tenure and Age**
- (a) *The Judicial Member and Administrative Member shall hold office for a term of five years from the date of assumption of office or until attaining the age of sixty-seven years, whichever is earlier.*
 - (b) *The Members shall be eligible for reappointment for one further term, subject to the upper age limit specified in this rule and the provisions prescribed in the next following rule.*

(9) Filling of Vacancy

- (a) *Not later than six months prior to the expiry of the term of either of the Member, the State Government shall intimate the Chief Justice of the High Court of the impending vacancy.*
- (b) *Upon such intimation, the Search-cum-Selection Committee shall initiate the process for filling the vacancy in accordance with rule 43(5) or (7), whichever the case may be.*
- (c) *The incumbent Member shall be eligible for consideration for appointment and shall not be required to submit any application.*
- (d) *The Search-cum-Selection Committee shall consider the suitability of all eligible candidates, including the incumbent, independently and without reference to any executive opinion.*
- (e) *The recommendation of the Committee shall be binding on the State Government.*
- (f) *Pending completion of the process, the incumbent shall continue in office until a successor assumes charge.*

(10) Sitting of the Tribunal and Circuit Benches

- (a) *The Tribunal shall ordinarily sit at the Principal Seat.*
- (b) *Subject to rule 43(1)(a), the Tribunal may, where the Judicial Member considers it necessary for expeditious or convenient disposal of disputes, hold sittings at such other places within the State as may be notified for that purpose.*
- (c) *Upon such decision in clause (b) above, the Judicial Member shall inform the Labour Commissioner or such officer as may be designated for making necessary administrative arrangements.*
- (d) *The Labour Commissioner shall provide venue, staff support and logistical assistance for such sittings and shall not interfere with judicial proceedings.*
- (e) *Circuit sittings shall not affect the continuity, jurisdiction, authority or legal identity of the Tribunal, and proceedings conducted at such place shall be deemed to be proceedings of the Tribunal at the Principal Seat.*

(11) Remuneration

- (a) *The expenditure on account of salary, allowances and other benefits under this rule shall be charged to the Consolidated Fund of the State.*
- (b) *The Judicial Member shall receive a fixed salary of ₹ 2,25,000 (Rupees Two Lakh TwentyFive Thousand) per month.*
- (c) *The Administrative Member shall receive a fixed salary of ₹1,95,000 (Rupees One Lakh Ninety-Five Thousand) per month.*
- (d) *The salary payable under this rule shall be payable irrespective of whether the Member is in receipt of pension or any other retirement benefits from previous service, if any.*
- (e) *The Judicial Member and the Administrative Member shall be entitled to such allowances, leave, travelling allowance, daily allowance, medical facilities and other service benefits as are admissible to an officer of the State Government holding a post carrying equivalent pay, and such entitlements shall not be varied to their disadvantage during tenure.*
- (f) *Where a serving judicial officer is appointed as Judicial Member –*
 - i) *he or she shall be deemed to be on deputation or assignment;*
 - ii) *he or she shall continue to draw the pay, allowances and other service benefits admissible in the parent judicial service;*
 - iii) *no additional salary shall be payable unless otherwise determined in consultation with the High Court;*
 - iv) *the period of service rendered as Judicial Member shall be treated as service in the parent judicial cadre for all purposes including seniority and pension.*

(12) Administrative and Secretariat Support

- (a) *The ministerial and support staff so designated under rule 43(1)(d) shall function under the administrative and procedural control of the Judicial Member in matters relating to –
i) listing of cases; ii) maintenance of records; iii) issuance of notices and process; iv) custody of judicial files; and v) other judicial proceedings.*
- (b) *Allocation or withdrawal of staff assisting the Tribunal shall be made in consultation with the Judicial Member to ensure effective functioning of the Tribunal.*
- (c) *The State Government may, having regard to the volume of disputes and administrative requirements, establish a separate secretariat or create such additional posts as may be necessary for the efficient functioning of the Tribunal.*

(13) Removal of Member

- (a) *The Judicial or Administrative Member shall not be removed from office except on one or more of the following grounds–
i) proven misbehaviour;
ii) incapacity to discharge functions by reason of physical or mental infirmity;
iii) insolvency;
iv) conviction for an offence involving moral turpitude; or
v) acquisition of financial or other interest likely to affect prejudicially the discharge of functions.*
- (b) *No Member shall be removed on the grounds specified in sub-clause (i) or (ii) of clause (a) except after an inquiry conducted –
i) in the case of a Judicial Member, by a Judge of the High Court nominated by the Chief Justice; and
ii) in the case of an Administrative Member, by a retired District Judge nominated by the Chief Justice of the High Court.*
- (c) *The Member shall be informed in writing of the charges against him or her and shall be given a reasonable opportunity of being heard.*
- (d) *The inquiry authority shall submit a report containing findings on each charge, and such findings shall be binding on the State Government.*
- (e) *Removal on the grounds specified in sub-clause (iii), (iv) or (v) of clause (a) may be made after giving notice and reasonable opportunity of representation.*

(14) Initiation of Removal Proceedings

- (a) *Where the State Government receives a written complaint containing specific and verifiable allegation against a Judicial Member or Administrative Member which would constitute a ground for removal under these Rules, it shall forward the matter to the Chief Justice of the High Court within thirty days of receipt.*
- (b) *The Chief Justice of the High Court, or a Judge or Judicial Officer nominated by him, shall determine whether a prima facie case exists warranting formal inquiry.*

(15) Suspension pending Inquiry

- (a) *Where an inquiry is proposed or has been ordered against a Member, he may be placed under suspension with prior concurrence of the Chief Justice of the High Court, pending completion of the inquiry.*
- (b) *Suspension under this sub-rule shall not be ordered unless it is satisfied that the nature of the allegations is such that continuance in office is likely to prejudice the inquiry or affect the integrity of the Tribunal.*
- (c) *During the period of suspension, the Member shall be entitled to subsistence allowance as may be determined in consultation with the High Court, but which shall not be less than half of the salary.*
- (d) *No Administrative Member shall discharge the functions of the Tribunal independently during the period of suspension of the Judicial Member.*

(16) Acting Arrangement**(a) Where –**

- i) *the office of the Judicial or Administrative Member falls vacant; or ii) the Judicial or Administrative Member is under suspension; or*
- iii) *the Judicial or Administrative Member is unable to discharge functions by reason of recusal or otherwise,*

the State Government shall, in consultation with the Chief Justice of the High Court, or his nominee in the case of Administrative Member, make appropriate arrangements for discharge of the functions of the Tribunal.

(b) Such arrangement may, in the case of Judicial Member, include –

- i) *appointment of an Acting Judicial Member from among persons qualified under these*

Rules; or ii) request to the High Court for nomination of a serving District Judge to discharge functions for such period as may be necessary.

(c) In the case of Administrative Member, the appointment may be made from among persons qualified under these Rules, for the remainder of the term or for such limited period as may be necessary.**(d) A person appointed to discharge the functions of the Judicial or Administrative Member on an acting basis shall be entitled to such remuneration, allowances and travelling expenses as may be specified in the order of appointment after consultation with the High Court.****(e) The arrangement made under this rule shall continue until the Member resumes office or a vacancy is otherwise filled in accordance with these Rules.****(f) Pending such appointment of an acting Administrative Member, the Tribunal shall continue to function in all matters not requiring participation of the Administrative Member.****(17) Dual Appointment as Judge of Employees' Insurance Court****(a) Notwithstanding anything contained in these Rules, a person appointed as Judicial Member of the Industrial Tribunal may, subject to eligibility under the Code on Social Security, 2020, also be appointed as Judge of the Employees' Insurance Court.****(b) Such dual appointment shall be made by a separate notification under the relevant enactment.****(c) Where the same person holds office as Judicial Member of the Industrial Tribunal and as Judge of the Employees' Insurance Court –**

- i) *the two offices shall remain legally distinct;*
- ii) *separate cause lists, registers, seals and records shall be maintained for each forum; iii) proceedings under each enactment shall be conducted independently;*
- iv) *orders shall be passed and signed separately in each statutory capacity.*

(d) The tenure, age limit, removal safeguards and protection of service conditions applicable to the Judicial Member shall continue to apply independently in respect of each office.**(e) Where the Judicial Member of the Industrial Tribunal is also appointed to discharge the functions of the Employees' Insurance Court, no separate salary shall be payable for such additional designation.****(f) The Judicial Member may be paid such honorarium per sitting for discharging functions as Employees' Insurance Court as may be notified by the State Government in consultation with the Chief Justice of the High Court.****(g) The honorarium and allowances once fixed at the time of such dual appointment shall not be varied to the disadvantage of the Member/Judge during tenure.****(h) Travelling allowance and daily allowance shall be payable in accordance with the applicable rules where sittings of the Employees' Insurance Court are held outside the Principal Seat.**

- (i) *In the event of any potential conflict of jurisdiction or overlapping subject matter between the two fora, the Member shall recuse from one of the proceedings in accordance with law.*
 - (j) *Dual appointment under this rule shall not affect the independence, jurisdiction or authority of either forum.*
 - (k) *The expenditure under this sub-rule shall be charged to the Consolidated Fund of the State.*
- (18) **Recusal and Consequential Arrangement**
- (a) *A Member shall recuse from hearing any matter in which –
i) he or she has a direct or indirect personal interest; ii) he or she has previously appeared or advised in the matter; or iii) circumstances exist giving rise to a reasonable apprehension of bias; or iv) for any other sufficient cause.*
 - (b) *Recusal shall not affect the tenure or general authority of the Member.*
 - (c) *Where recusal of the Judicial Member results in inability of the Tribunal to hear a matter, the State Government shall, in consultation with the Chief Justice of the High Court, make appropriate arrangement for disposal of such matter in accordance with these Rules.*
 - (d) *In the case of dual appointment, recusal in one statutory capacity shall not automatically operate as recusal in the other statutory capacity unless the circumstances giving rise to conflict so require.*
- (19) **Oath of Office** - *Every person appointed as Judicial Member or Administrative Member shall, before entering upon office, make and subscribe an oath or affirmation of office and secrecy in the form specified in Form XII annexed to these Rules, before the Chief Justice of the High Court or a person authorised by him.*
- (20) **Resignation**
- (a) *A Judicial Member or Administrative Member may resign from office by giving notice in writing addressed to the State Government.*
 - (b) *The resignation shall take effect upon expiry of three months from the date of receipt of such notice or from the date on which a successor enters upon office, whichever is earlier:
Provided that in the case of a Judicial Member, the State Government may permit relinquishment of office earlier only in consultation with the Chief Justice of the High Court.*

43A. Power to Regulate Procedure and Issue Directions

- (1) *Subject to the provisions of the Code and these Rules, the Judicial Member shall have the power to regulate the procedure of the Tribunal in matters of practice and internal administration.*
- (2) *Without prejudice to the generality of sub-rule (1), the Judicial Member may issue directions or administrative orders relating to –*
 - (a) *form and manner of presentation of pleadings and applications;*
 - (b) *maintenance of registers, records and order sheets;*
 - (c) *custody, indexing and preservation of case files;*
 - (d) *preparation of cause lists and numbering of proceedings;*
 - (e) *specification and use of the official seal of the Tribunal;*
 - (f) *electronic record management, digitisation and e-filing systems;*
 - (g) *conduct of proceedings through video conferencing or hybrid mode; and*
 - (h) *any other matter necessary for the efficient and orderly discharge of the functions of the Tribunal.*

- (3) *Directions issued under this rule -*
- (a) *shall be consistent with the provisions of the Code and these Rules;*
 - (b) *shall not abridge or affect substantive rights of parties; and*
 - (c) *shall be made available in such manner as the Tribunal may specify for information of the public.*

43B. Filing and Receipt of Applications in Districts

- (1) **Place of Filing**
Notwithstanding anything contained in these Rules, any application, reference, appeal, complaint or other proceeding required to be instituted before the Tribunal may be presented -
- (a) *at the Principal Seat of the Tribunal; or*
 - (b) *before the office of the Assistant Labour Commissioner having territorial jurisdiction over the area in which the cause of action arises or where the establishment is situated.*
- (2) **Receipt and Transmission**
- (a) *The Assistant Labour Commissioner or such other person as may be designated shall, upon receipt of such application or proceeding, acknowledge the same in writing and assign a receipt number.*
 - (b) *The Assistant Labour Commissioner shall transmit the application and connected documents to the Tribunal at the Principal Seat within such time as may be specified by administrative direction.*
 - (c) *The date of presentation before the Assistant Labour Commissioner shall be deemed to be the date of filing before the Tribunal for all purposes, including limitation.*
- (3) **No Adjudicatory Power -** *The Assistant Labour Commissioner shall not exercise any adjudicatory function in respect of matters filed under this rule and shall act only as a receiving and forwarding authority.*
- (4) **Listing and Circuit Sitting**
- (a) *Upon receipt of the transmitted record, the Judicial Member may, having regard to convenience of parties and interests of justice, direct that the matter be heard – i)at the Principal Seat; or ii)at a place within the territorial jurisdiction where the matter originated; or iii)through video conferencing.*
 - (b) *Where the Judicial Member decides to hold a sitting at a place other than the Principal Seat, the Labour Commissioner or such officer as designated shall make necessary logistical arrangements.*
- (5) **Electronic Filing -** *The Tribunal may permit electronic filing in such manner as may be specified by directions issued under these Rules.*

44. Matters in respect of which a Conciliation Officer and Tribunal shall have powers of a Civil Court under clause (d) of section (3) of Rule 49.-(1) *The Conciliation officer and the Tribunal shall have powers of a Civil Courts as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters namely:*

- (a) *Inspection of premises of establishment and documents;*
- (b) *Receiving evidence on Affidavit;*
- (c) *Discovery of the documents;*
- (d) *Investigation and enquiry;*
- (e) *Any other matters that may be prescribed by the State Government.*

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

- (a) The employer or the workers representative in the first meeting shall submit their respective statement in the matter of said dispute;
 - (b) *The conciliation officer shall, without delay, ascertain the facts and circumstances relating to the dispute and enquire into all matters affecting the merits and right settlement thereof and hold conciliation proceedings between the parties to the dispute and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.*
- (2) If no such settlement is arrived at in the conciliation proceeding referred to in sub-rule (1), the conciliation officer shall submit a report electronically or in any other form to the concerned parties and the State Government within seven days from the date on which the conciliation proceedings are concluded.
 - (3) The report referred to in sub-rule (2) shall be accessible or provided 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) *If a settlement is arrived at in the conciliation proceeding referred to in sub-rule (1), the conciliation officer shall submit a report along with the memorandum of settlement electronically or in any other form to the concerned parties and the State Government.*
 - (6) *Any dispute which is not settled during the conciliation proceedings may be presented before the Tribunal by either of the concerned party by making an application in Form-XIII within ninety days from the date of the report under sub-rule (2).*
 - (7) 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.
 - (8) 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.
 - (9) 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.

- (10) Evidence shall be recorded either in Tribunal or, as the case maybe, filed on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. Where the oral examination of each witness proceeds, the Tribunal shall make a memorandum of the substance of what is being deposed. While recording the oral evidence the Tribunal shall follow the procedure laid down in rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).
- (11) 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.
- (12) 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 may, 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.

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

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

- (14) The Tribunal shall communicate its Award electronically or otherwise to the parties concerned and the State Government within one month from the date of the pronouncement of the award.
- (15) The Tribunal may summon and examine any person whose evidence appears to it to be material for deciding the case and shall be deemed to be a civil court within the meaning of sections 345, 346 and 348 of the Code of Criminal Procedure, 1973 (1 of 1974).
- (16) 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.
- (17) A party to 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 Rs. Two per page.
- (b) For certifying a copy of any such award or order or document, a fee of Rs. Two per page shall be payable.
- (c) Copying and certifying fees shall be payable electronically or otherwise.

- (d) Where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable.
- (18) 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.
- (19) The proceedings before the Tribunal shall be held in open court: Provided that the Tribunal may direct any proceeding before it to be held by video conferencing:

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

CHAPTER VIII **STRIKES AND LOCK-OUTS**

46. Number of persons by whom the notice of strike shall be given, the person or persons to whom such notice shall be given and the manner of giving such notice under sub-section (4) of section 62.

– (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-XIV** which shall be duly signed by the Secretary or where there is no registered Trade Union, by five elected representatives of the workers giving the notice relating to the concerned industrial establishment, endorsing the copy thereof electronically or by registered post or speed post or in person to the concerned conciliation officer and Labour Commissioner, Nagaland.

2) The date of receipt of the notice referred to in sub-section (1) shall be the date of receiving the notice.

(3) 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, Nagaland.

47. 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-XV** 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 and the date of receipt of such notice by the conciliation officer shall be the date of receiving the notice.

(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 and the Labour Commissioner, Nagaland.

CHAPTER IX **LAY-OFF, RETRENCHMENT AND CLOSURE**

48. Manner of serving notice before retrenchment of the worker under clause (c) of section 70.– If any employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year under him, then, such employer shall give notice of such retrenchment in **Form-XVI** to the State Government, Labour Commissioner and the concerned

Officer having jurisdiction through e-mail or, by registered or speed post, in the following manner, namely: —

- (a) where notice is given to a worker, notice of retrenchment shall be sent within three days from the date on which notice is served on the worker;
- (b) where no notice is given to the worker and he is paid one month's wages in lieu thereof, notice of retrenchment shall be sent within three days from the date on which such wages are paid; and
- (c) where retrenchment is carried out under an agreement, which specifies a date for the termination of service, notice of retrenchment shall be sent so as to reach the State Government and a copy thereof to the Labour Commissioner, Nagaland at least one month before such date:

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

49. Manner of giving an opportunity for re-employment to the retrenched workers under Section 72.- (1) The employer shall prepare a list of all workers in the particular category from which retrenchment is contemplated, arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

(2) When any vacancy occurs in an industrial establishment and there are workers of such industrial establishment retrenched within one year prior to the proposal for filling such vacancies, then, the employer of such industrial establishment shall, if such workers are citizens of India and have given their willingness for employment, give them preference over other on the basis of their service seniority.

(3) The employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment the details of vacancies at least fifteen days before the date on which such vacancies are to be filled and shall also give intimation of those vacancies by registered post or speed post or through e-mail to every one of all the retrenched workers eligible to be considered therefor, to the latest address or e-mail or any other contact reference, given by each of them at the time of retrenchment or at any time thereafter:

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

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

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

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

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

50. Manner of serving notice by the employer for intended closure under sub-section (1) of section 74.- (1) If an employer intends to close down an industrial establishment, he shall give notice of such closure in **Form-XVI** to the State Government and a copy thereof to the Labour Commissioner by email or registered post or speed post or in person.

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

CHAPTER X

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

51. Manner of making application to the State Government by the employer for the intended layoff and the manner of serving copy of such application to workers under sub-section (2) of section 78.- An application for permission under sub-section (1) of section 78 shall be made by the employer in **Form- XVII** stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to the worker concerned electronically 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.

52. Manner for applying for permission from the State Government to continue the lay-off under sub-section (3) of section 78.- The employer shall in case of an industrial establishment 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 in **Form-XVII** electronically and by registered or speed post with a copy to the Labour Commissioner for permission to continue the lay-off by specifying the number of days, intimating the number of workers to be laid off, the total number of workers employed in the industrial establishment, the date of layoff and the reasons for continuation of such lay off.

53. Time-limit for review under sub-section (7) of section 78.- (1) The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (4) of the section 78.

(2) The employer or any worker concerned, along with the order referred to in sub-rule (1), may make an application, within thirty days from the date on which the order is made, to the State Government for reviewing the order and that Government shall, within two months from the date on which the application is made, dispose of the same after providing the concerned parties an opportunity of being heard.

(3) Where the State Government decides to review the order referred to in sub-section (1) on its own motion, it may take necessary steps within one month from the date on which the order is made and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

54. Manner of making application to the State Government by the employer for the intended retrenchment and manner of serving copy of such application to workers under sub-section (2) of section 79.- An application for permission referred to in sub-section (1) of section 79 shall be made by the employer in **Form- XVII** stating clearly therein the reasons for the intended retrenchment

electronically and a copy of such application shall also be sent to workers electronically and by registered post or speed post or in person. 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.

55. Time-limit for review under sub-section (6) of section 79.- (1) The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under *sub-section (3) of section 79*.

(2) The employer or any worker concerned, along with the order referred to in sub-rule (1), may make an application within thirty days from the date on which such order is made, to the State Government for reviewing that order and that Government shall within a period of two months from the date on which such application is made, dispose of the application after providing the concerned parties an opportunity of being heard.

(3) Where the State Government decides to review the order referred to in sub-section (1), on its own motion, it may take necessary steps within one month from the date on which such order is made and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

56. Manner of making application to the State Government by the employer for intended closing down of an industrial establishment and the manner of serving copy of such application to the representatives of workers under sub-section (1) of section 80.- An employer who intends to close down an industrial establishment to which Chapter X of the Code applies shall apply electronically in **Form XVII** and a copy of such application shall also be sent to the representatives of the workers and the Labour Commissioner electronically and in person or by registered post or speed post and shall also be conspicuously displayed by the employer on a notice board at the main entrance of the industrial establishment.

57. Time-limit for review under sub-section (5) of section 80.- (1) The State Government may, either on its own motion or on an application made by the employer or any worker, review its order granting or refusing to grant permission under *sub-section (2) of section 80*.

(2) The employer or any worker concerned may make an application along with the order referred to in sub-rule (1), within thirty days from the date on which such order is made, to the State Government for reviewing that order and that Government shall, within two months from the date on which such application is made, dispose of that application after providing the concerned parties an opportunity of being heard.

(3) Where the State Government decides to review the order referred to in sub-section (1) on its own motion, it may take necessary steps within one month from the date on which the order is made, and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

CHAPTER XI

WORKER RE-SKILLING FUND

58. Contributions to the worker re-skilling fund under clause (b) of Sub-Section (2) of Section 83- (1) The State Government may contribute to worker re-skilling fund for the purpose of re-skilling of workers.

(2) Corporate bodies may contribute to the worker re-skilling fund as Corporate Social Responsibility within the meaning of the Company Act, 2013.

(3) Any individual may contribute to re-skilling fund.

(4) Any other source as may be notified by the State Government.

59. 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, from the date of such retrenchment, electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account (name of the account shall be displayed on the official website of the Labour Department, Nagaland) to be maintained by the Labour Commissioner.

(2) The fund so received shall be transferred by the Labour Commissioner to each of the retrenched worker or workers' account electronically within forty five days of retrenchment to enable the worker to utilise that 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 the Labour Commissioner.

CHAPTER XII

OFFENCES AND PENALTIES

60. Manner of holding an enquiry under sub-section (1) of section 85.- *(1) 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 State Government may appoint any officer not below the rank of Under Secretary to the Government of India or an officer of equivalent rank in the State Government as notified by the State Government under sub-section (1) of section 85 (hereinafter referred to as the enquiry officer).*

(2) *On receipt of the complaint, the enquiry officer shall call upon the person or persons through a notice to be sent electronically, or by registered post or speed post 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. Where a party so desires, he may request in writing to the enquiry officer to issue notice in the enquiry only by post and also in cases where the enquiry officer feels that no electronic means of communication are available to the parties concerned, he may send such notice by registered post or speed post.*

(3) *If the person, to whom notice has been issued under sub-rule (2), 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 enquiry officer may dismiss the complaint:*

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 officer shall at his discretion permit hearing the parties or any of the party, as the case may be, through video conferencing.

(5) *The authorisation to appear on behalf of any person, under 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) Any person who intends to appear in the proceeding on behalf of complainant shall present himself before the enquiry officer and submit a brief statement in writing explaining the reason for his appearance.

(7) The enquiry officer shall record an order on the statement referred to in sub-rule (6) permitting the person referred to in that sub-rule to appear in the proceeding on behalf of complainant, and in the case of refusing such permission, the enquiry officer shall include reasons for the same, and incorporate it in the record.

(8) The 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 and the opposite party shall have the right to reply the complaint and such other documents.

(9) The enquiry officer shall endorse, or cause to be endorsed, on each document the date of its presentation or receipt, as the case may be, and if the documents are submitted electronically, no such endorsement shall be necessary.

(10) The enquiry officer may refuse to entertain a complaint, if he considers that the complaint is incomplete and may ask the complainant to rectify the defects within the time specified by him for such purpose:

Provided that if the enquiry officer finds that it is not possible to rectify the defects in the complaint, he may at once return such complaint indicating the defects.

(11) Where the complaint is presented again, after rectification of the defects, the date of such representation shall be deemed to be the date of presentation for the purpose of sub-section (1) of section 85.

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

- (a) the complainant is not entitled to present the complaint; or
- (b) the complainant has filed the complaint beyond six months from the date on which the offence complained is committed;
- (c) the complainant fails to comply the directions given by the inquiry officer under sub-section (2) of section 85.

(13) The enquiry officer shall, in all cases, mention the particulars at the time of passing of order containing the details, such as, the date of complaint, name and address of the complainant, name and address of the opposite party or opposite parties, section-wise details of the offence committed, plea of the opposite party, findings and brief statement of the evidence taken including cross examination, reasons and penalty imposed with his signature, date and place.

(14) The enquiry officer shall, in respect of procedure, be guided by the provisions of the relevant Orders of the First Schedule of the Code of Civil Procedure, 1908 (5 of 1908), with such alterations as the enquiry officer may deem fit, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of the Code or these rules.

(15) The enquiry officer shall, after the case has been heard, pass an order or give a direction on the same day or on a future date to be fixed for this purpose.

(16) Any person, who is either a complainant or an opposite party or his representative, or any person permitted under sub-rule (7) shall be entitled to inspect any compliant, or any other document filed with the inquiry officer, in a case to which he is a party or representing a party.

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

62. Manner of composition of offence by a Gazetted Officer specified under sub-section (1) of section 89 and the manner of making application for the compounding of an offence specified under sub-section (4) of section 89.— (1) The officer notified by the State Government for the purposes of compounding of offences under sub- section (1) of section 89 (hereinafter referred to as the compounding officer) shall, if he is of the opinion that any offence under the Code for which the compounding is permissible under the said section and in respect of which prosecution is not instituted, send a notice electronically and by registered post or speed post or manually under proper receipt to the accused in Form- XVIII consisting of three parts.

(2) In part I of the 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; and (c) the compounding amount required to be paid towards the composition of the offence.

(3) In Part II of the Form, the compounding officer 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 referred to in sub-rule (1) shall have a continuous unique number containing alphabets or numerical and other details such as the compounding officer concerned, industrial establishment, year, place, and 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 the part III of the Form duly filled by him to the compounding officer electronically and deposit the compounding amount electronically or by cash or demand draft, 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 concerned to compound the offence against him and the Court, after considering the application, may allow composition of the offence by the compounding officer in accordance with provisions of section 89 and the procedure specified in this rule.

(7) If the accused complies with the requirement of sub-rule (5), the compounding officer shall compound the offence for the amount of money deposited by the accused and-

- (a) if the offence is compounded before the institution of prosecution, then no complaint for prosecution shall be instituted against the accused;
- (b) if the offence is compounded pending proceeding under section 85, the compounding officer shall intimate the composition to the officer referred to in that section, who shall, after intimation, close the proceeding in respect of the accused person of such offence; and

(c) *if the offence is compounded after institution of prosecution under sub-rule (6) with the permission of the Court, then, the compounding officer shall treat the case as closed and intimate the composition of the offence to the competent court by which such composition was allowed and after receiving such intimation, the court shall discharge the accused person and close the prosecution.*

(8) *The compounding officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the State Government.*

CHAPTER XIII **MISCELLANEOUS**

63. Protected workers under sub-section (3) and (4) of section 90.- (1) Every registered Trade Union connected with an industrial establishment, to which the Code apply, shall communicate to the employer before the 30th April of every year, the names and addresses of such of the officers of the Trade Union who are employed in that establishment and who, in the opinion of the Union, should be recognised as protected workers.

(2) Any change in the incumbency of any such officer of the Trade Union shall be communicated to the employer by the Union within fifteen days of such change.

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

(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 recognise ***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 Unions that the numbers of recognised 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 recognised as protected workers. Such selection shall be made by ***that Trade*** Union and communicated to the employer within five days of the receipt of the employer's ***written intimation*** in this regard.

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

64. Manner of making complaint by an aggrieved worker under section 91.- (1) Every complaint under section 91 of the Code shall be made electronically or by registered post or speed post or in person

in **Form-XIX** 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 aggrieved worker making the complaint or by the 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.

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

66. Manner of authorization of employer for representing in any proceeding under sub-section (2) of Section 94.- Where the employer is not a member of any association of employers, then, such employer may authorize in **Form-XXI** 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.

67. Submission of a copy of the Form to the office of Director General, Labour Bureau under clause (zzf) of sub-section 2 of Section 99.- A copy of each **Form XIV** (notice of strike), **Form XV** (notice of lockout), **Form XVI** (notice for intimation of retrenchment or closure to the State Government), **Form XVII** (Application for permission of lay-off or retrenchment or closure), and **Form XVIII** (compounding of offences), shall be shared electronically with Director General, Labour Bureau in auto-mode.

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

69. Appointment of Commissioner.-*Where it is necessary to appoint a Commissioner under subsection (3) of section 59 for the purposes of computing the money value of a benefit referred to in subsection (2) of the said section, the Tribunal may appoint a —*

(a) *person with experience in the particular industry, trade, business or field encompassing the question referred to in sub-section (2) of the said section; or*

(b) *person who had been a judge of a civil court.*

70. Fees for Commissioner, etc.- (1) *The Tribunal shall, after consultation with the parties, estimate the probable duration of enquiry by the Commissioner referred to in rule 68 and fix the amount of his fees and other incidental expenses incurred by him.*

(2) *The Tribunal shall direct the payment of fees and other incidental expenses to the Commissioner, within a specified time, by such party or parties and in such proportion, as it may deem fit.*

(3) *The Commissioner shall not submit his report until the receipt of deposit of the sum referred to in sub-rule (2) is filed before the Tribunal:*

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

Provided further that the Tribunal may in its discretion, extend the time for depositing such sum.

(4) *The Tribunal may, at any time, for reasons to be recorded in writing, vary the amount of the Commissioner's fees in consultation with the parties.*

(5) *The Tribunal may direct that the fees shall be disbursed to the Commissioner in such installments and on such date as it may deem fit.*

(6) *The undisbursed balance, if any, of the sum deposited under this rule shall be refunded to the respective party or parties who deposited the sum in the same proportion as that in which it was deposited.*

FORM-I

[See Rule 3(1)]

**(MEMORANDUM OF SETTLEMENT ARRIVED AT DURING CONCILIATION/OR
SETTLEMENT ARRIVED AT BETWEEN THE EMPLOYER AND HIS WORKERS
OTHERWISE THAN IN THE COURSE OF CONCILIATION PROCEEDING)**

Names of Parties:

..... Representing employer(s);

..... Representing workers;

Short recital of the case

.....

Terms of settlement

.....

Signature of the parties

Witnesses:

(1)

(2)

*Signature of Conciliation Officer

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

FORM-II

[See rule 9 (4), 15 (1)]

(AUDITOR'S DECLARATION)

The undersigned having had access to till the books and accounts of theand having examined the forgoing statements and verified the same with the account vouchers relating thereto, now sign the same as found to be correct, dully 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.....P.....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

FORM-III

[See Rule 9(5)(a) and 15(2)]

(REGISTER OF MEMBERSHIP AND SUBSCRIPTION)

Sl no.		
	Token or worker's no	
	Name	
	Date of admission	
	Occupation	
	Rate of pay	
	Rate of submission	
	Jan	
	Feb	
	Mar	
	April	
	May	
	June	
	July	
	Aug	
	Sep	
	Oct	
	Nov	
	Dec	
	Total	
	Amount outstanding at the end of the year	

FORM-IV

[See Rule 10(3)]

(NOTICE OF DISSOLUTION OR AMENDMENT IN RULE OF A TRADE UNION)

Name of the Trade Union:.....

Registration No.....

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

To,

The Registrar of Trade Unions,

Nagaland.

Notice is hereby given that the above-mentioned Trade Union was dissolved in pursuance of the Rules thereto on the.....day of.....20.....

Or

Notice is hereby given that the following rules of the Trade Union given under Schedule I are proposed to be amended of the Rules thereof on the.....day of.....20..... We have dully authorised by the union to forward this notice on its behalf, such authorization consisting of a resolution passed at a general meeting on the.....day of..... 20..... copy of which is enclosed.

(Signed).

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....
- 6.....
- 7.....
- 8.....

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

Name:.....

Address.....

Dated.....

FORM-V

[See Rule 12 (1), 11 (1)]

APPLICATION FOR REGISTRATION OF TRADE UNION

Dated the _____ day of 20 _____

1. We hereby apply for registration of a Trade Union under the name of _____

2. The address of the head office of the Union _____

3. The Union came into existence on the _____ day of _____

4. The Union is a union of employers/workers engaged in the industry or profession _____ Industry (for the profession)

5. The particulars of the office bearers of the Trade Union as per Schedule-I.

6. To be struck out in the case of Unions which have not been in existence for one year before the date of application. The particulars required by Section 8(2) of the Code are given in Schedule-III.

7. We have been duly authorized to make this application by a resolution No.

.....adopted unanimously in the General Meeting of workers held on.....

Sl. no	Name	Signature	Occupation	Address	Contact/email.id

To the Registrar of Trade Unions, Schedule I - List of Officers.

Title	Name	Age	Address	Occupation

Schedule- II- Reference to Rules.

The member of the rules making provision for several matters detailed in column 1 are given in column 2 below:-

Matter	No. of rules
--------	--------------

1. Name of Union.

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

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

4. The maintenance of a list of members.

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

6. The admission of ordinary members

7. The admission of honorary or temporary members

8. The conditions under which members are entitled to benefits assured by the rules.
9. The conditions under which fines or forfeiture can be imposed or varied or rescinded.
10. The manner in which the rules shall be amended or varied or rescinded.
11. The manner in which the members of the executive and the other officers of the union shall be appointed and removed.
12. Safe custody of funds
13. The annual audit of the accounts.
14. The facilities for the inspection of the account books by officers and members.
15. The manner in which the Union may be dissolved.

Schedule III

Statement of Liability and assets on the day of

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

Liabilities	Rs.	P.	Assets	Rs.	P.
Amount of general funds	Cash		In hands of Treasurer		
Amount of political fund			In hands of Secretary		
Loans from other liabilities to be specified			In hands of. In the Bank In the Bank of Securities as per list unpaid subscription dues, Loans to immovable property, goods, and furniture. (Other assets to be specified.)		
Total Liabilities			Total Assets		

LIST OF SECURITIES

Particulars	Nominal	Market Value	In hands
Signed 1.			
2			
3			
4			
5			
6			
7			

FORM-VI

[See Rules 12(4)]

CERTIFICATE OF REGISTRATION

No.....

It is hereby certified that the Trade Union name.....
(Address of the Union) has been registered under Chapter-III of
 the Industrial Relations Code, 2020 on this
 day.....of.....20.....
 Given under my seal and signature

Registrar of Trade Unions, Nagaland.

FORM - VII

(See Rule 24)

Before the State Industrial Tribunal -----(place of the
 Industrial Tribunal having jurisdiction where dispute arises)

(A) Name and Address of Applicant(s)

Versus

(B) Name and Address of Opposite party(ies)

Brief facts of the dispute (statement regarding specific issues of dispute may be mentioned) which are
 connected with and relevant to the dispute under sub-section (1) of Section 22 of Industrial Relation
 Code, 2020 (35 of 2020).

Prayer:

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

Name and signature of the worker(s) or

Officer of Trade union, raising the dispute

FORM-VIII

[See Rule 28 (1)]

Annual Audit Report, Details of Assets and Liabilities and Annual Return to be furnished by the Trade Union for the year ending 31st December, 20.....

Name of the Union.....

Registered Head Office.....

Registration Certificate's number.....

Return to be made by federation of Trade Union	Number of Unions affiliated at beginning of the year. Number of Unions joining during the year Number of Unions disaffiliated at the end of the year
This return need not be made by federations of Trade Unions	Number of members on books at the beginning of the year. Number of members admitted during the year (add together) Number of members who left during the year (deduct) Total number of members on books at the end of the year. Males Females Number of member contributing to political fund.

Dated:

Secretary

Statement of Liabilities and details of assets on the day of20.....

Liabilities	Rs.	P	Assets	Rs.	P
Amount of general fund	Cash				
Amount of separate fund Loans from			In hands of Treasurer In hands of Secretary		
Debts due to To be specified other liabilities			In the Bank Securities as per list below. Unpaid subscription due in the Bank, Loans of immovable property goods and furniture. Other assets (to be specified)		
Total Liabilities			Total assets		

LIST OF SECURITIES

Particulars	Nominal value	Market value at date on which hands of accounts have been made up.

GENERAL FUND ACCOUNT

Income	Rs.	P.	Expenditure	Rs.	P.
Balance at beginning of the year Contributions from members @ per member. Donations Sales of Periodicals, rules, etc, Interest on investment, Income from			Salaries, allowances and expenses of officers. Salaries, allowances and expenses of establishment. Auditor's fees. Legal expenses. Expenses in conducting trade disputes. Compensation paid to members for loss arising out of trade disputes. Funeral, old age, sickness, unemployment benefits, etc. Educational, social and religious benefits. Cost of publishing periodicals, Rent,		
miscellaneous sources (to be specified).			Rates and Taxes Stationery Printing and Postage. Expenses incurred under Rule 23 (to be specified) Other expenses (to be specified) Balance at the end of the year		

SEPARATE FUND ACCOUNT

Income	Rs.	P.	Expenditure	Rs.	P.
Balance at the beginning of the year. Contributions from member @ per member			Payment made on object specified in Rule 24 (to be specified) Expenses on management (to be specified) Balance at the end of the year		
Total.....	Total				

Treasurer.....

FORM -IX

[See Rule 39 (1)]

(NOTICE OF CHANGE OF SERVICE CONDITIONS PROPOSED BY AN EMPLOYER)

Name of the employer.....

Address.....

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

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

Signature.....

Designation.....

ANNEXURE

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

Copy forwarded to:

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

FORM-X

[See Rule 40 (1)]

(AGREEMENT FOR VOLUNTARY ARBITRATION)**BETWEEN**

.....Name of the parties representing employer (s) /Phone no. &Email..... And
.....Representing worker/Phone No. &Email.....

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).

1. (i) Specific matters in dispute.
2. (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.
3. (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.
4. (iv) Total number of workers employed in the undertaking affected.
5. (v) Estimated number of workers affected or likely to be affected by the dispute.

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

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

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

Witnesses

1.
2.

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

(ii) The Labour Commissioner.

FORM-XI

[See Rule 42, 63, 64]

(AUTHORIZATION BY A WORKER, GROUP OF WORKER, EMPLOYER, GROUP OF EMPLOYER TO BE REPRESENTED IN A PROCEEDING BEFORE THE AUTHORITY UNDER THIS CODE).

Before the Authority

(Here mention the authority concerned)

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

.....workers

Versus .

.....Employer

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

Dated this.....day of.....20..... Signature of person(s) nominating the
representative(s) Address Accepted

FORM-XII

[See Rule 44 (1) and (2)]

(FORM OF OATH OF OFFICE FOR JUDICIAL MEMBER OR ADMINISTRATIVE MEMBER (WHICHEVER IS APPLICABLE) OF STATE INDUSTRIAL TRIBUNAL)

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

Place: (Signature) Date:

FORM-XIII

[See Rule 45(6)]

(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

FORM-XIV

[See Rule 46(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 Relation code I/We hereby give you notice that I propose to call a strike / we propose to go on strike on20....., for the reasons explained in the annexure.

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.**

FORM-XV

[See Rule 47 (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 62(6) of this code, I/we hereby give notice to all concerned that it is my/our intention to effect lock out in..... department(s), section(s) of my/our establishment with effect from..... for the reasons explained in the annexure.

Signature.....
Designation.....

ANNEXURE

Statement of reasons Copy

forwarded to:

- (1) The Secretary of the Registered Union, if any
- (2) Conciliation officer (Here enter the office address of the Labour Commissioner)
- (3) Labour Commissioner
- (4) To the office of DG.

FORM-XVI

[See Rule 48 and 50]

(NOTICE OF INTIMATION OF RETRENCHMENT/ CLOSURE TO BE GIVEN BY AN EMPLOYER TO STATE GOVERNMENT)

(To be submitted online. In case of exigencies, on paper in the prescribed format below)

Name of Industrial Establishment /Undertaking/ Employer..... Labour

Identification Number

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

To,

The

1. *(Retrenchment) (a) Under Section 70(C) of this Code, I/ we* hereby intimate you that I*/we* have decided to retrench..... workers** out of a total of Workers** with effect from..... (DD/MM/YYYY) or
 (Closure) (b) Under Section 74(1) of this Code, I / we hereby intimate you that I*/we* have decided to close down,.....(name of the industrial establishment or undertaking) with effect from..... (DD/MM/YYYY). The number of workers whose services would be terminated on account of the closure of the undertaking is..... (number of workers)
2. The reason for Retrenchment / Closure is

3. * The worker(s)* concerned were given on the..... (DD/MM/YYYY) one month's notice in writing as required under section 70(a)*/ section 75(1)* of this Code. or
 * The worker(s) concerned have been given on the..... (DD/MM/YYYY) one month's pay in lieu of the notice as required under section 70(a)*/ section 75(1)* of this Code.
4. * I*/We* hereby declare that the worker(s) concerned have been*/will be* paid all their dues along with the compensation due to them under section 70* / section 75* of this Code before or on the expiry of the notice period. or
 I/We hereby state that currently Insolvency proceedings are on in respect of the said Industrial Establishment/Undertaking/Employer, and that I*/we* will pay all the dues along with the compensation due to them under concerned laws.
5. (Retrenchment) I/we* hereby declare that the worker(s) concerned have been* / will be* retrenched in compliance to the Section 71 and section 72 of this Code.
- 6.I*/ we* hereby declare that no court case is pending before any Court in the matter, and if yes, the details thereof have been Annexed.
- 7.I*/ we* hereby declare that the above information given by me*/us* in this notice and the Annexures is true, I*/ we* am*/ are* solely responsible for its accuracy and no facts/ materials has been suppressed in the matter.

Yours faithfully,

(Name of Employer/ ***Authorized Representative with Seal)

(* Strike off which is not applicable.)

(** Indicate number in figures and words both)

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

Copy to :

(1) To the Office of(Only for statistical purpose.) (2) Labour Commissioner (3) To the Registered Unions/ Authorised Representatives of Workers operating in the establishments or undertakings.

FORM – XVII

[See Rule 51, 52, 54 and 56]

[APPLICATION FOR PERMISSION OF LAY-OFF/ CONTINUATION OF LAY-OFF/ RETRENCHMENT/ CLOSURE TO BE GIVEN BY AN EMPLOYER / INDUSTRIAL ESTABLISHMENT /UNDERTAKING TO THE STATE GOVERNMENT UNDER THE PROVISIONS OF CHAPTER X OF THE INDUSTRIAL RELATIONS CODE, 2020 AND RULES MADE THERE UNDER]

(To be submitted online. In case of exigencies on paper in the prescribed format below)

Name of Industrial Establishment or Undertaking or Employer..... Labour
 Identification Number..... Dated.....

(Note: The application to the State Government shall be served as indicated below: Lay-off : at least 15 days before the intended Lay-off

Continuation of Lay-off – at least 15 days before the expiry of earlier Lay-off Retrenchment – at least 60 days before the intended date of Retrenchment

Closure – at least 90 days before the intended date of Closure)

To,
 The Secretary to the Government of Nagaland,
 Department of Labour,
 Nagaland.

1. *(Lay-off) (a). Under section 78(2) of the Industrial Relations Code, 2020, I*/we* hereby apply for —permission to lay-offworkers** out of total of workers** employed in my*/our* establishment (details to be given in Annex-I) with effect from (DD/MM/YYYY). or

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

(Retrenchment) (c) Under section 79(2) of the Industrial Relations Code, 2020, I/we* hereby apply for permission for intended retrenchment of..... workers out of total of workers** employed in my*/our* establishment (details to be given in Annex-I) with effect from (DD/MM/YYYY). or

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

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

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

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

3.The details of affected worker(s) is at Annexure II.

4.(Retrenchment) I*/we* hereby declare that the workers concerned will be retrenched in compliance to the Section 71 and section 72 of this Code.

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

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

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

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

The permission sought for may please be granted.

Yours faithfully,
(Name of Employer/ ***Authorised Representative with Seal)

(* Strike off which is not applicable.) (** Indicate number in figures and word both)

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

ANNEXURE I

(Please give replies against each item)

1.	Name of the undertaking with complete postal address, email, mobile and land line.	
2.	Status of undertaking— (i) Whether State public sector/ etc, (ii) Whether a private limited company/ partnership firm (ii) Whether the undertaking is Licensed/registered and if so, name of licensing/ registration authority and licence/registration certificate numbers.	
3.	a)MCA Number b)GSTN Number	
4.	(i) Annual production, item wise for preceding three years- (ii) Production figures, month-wise, for the preceding twelve months,	
5.	Audit report of establishment/ undertaking including Balance sheets, profit and loss accounts for the last three years.	To be annexed
6.	Names of the inter-connected companies or companies under the same management.	
7.	Details of lay-off/ Retrenchment resorted to in the last three years including the periods of such lay-offs/ Retrenchment the number of workmen involved in each such lay-off/ Retrenchment / continuation of lay off	
8.	Any other relevant details which have bearing on lay-off/ continuation of lay off/ retrenchment/ closure.	

ANNEXURE II

(Details of affected workers)

UAN/ CMPFO	Name of the Worker	Category (Highly Skilled / Skilled/ Semi-skilled / Unskilled)	Date from which in service in/with the said establishment /Undertaking/ Employer	Wage as on date of Application	Remark

FORM –XVIII

[See Rule 62(1)]

(NOTICE TO THE EMPLOYER WHO COMMITTED AN OFFENCE FOR THE FIRST TIME UNDER THIS CODE, FOR COMPOUNDING OF OFFENCE UNDER SUB-SECTION (4) OF SECTION 89)

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

PART - I

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

PART – II

You are advised to deposit the above mentioned amount within fifteen days from the date of issue of this notice for compounding the offence as per section 89 (1) of the Industrial Relation Code, 2020, alongwith 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 for compounding of offence

1. Name of applicant (name of the employer who committed the offence under the Industrial Relation

Code 2020 to be mentioned.....

2. Address of the applicant 3. Particulars of the offence

.....

.....

4. Section of the Code under which the offence has been committed

.....

5. Details of the compounding amount deposited (electronically generated receipt to be attached)

.....

6. Details of the prosecution, if filed for the violation of above mentioned offences may be given

.....

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

.....

.....

.....

8. Any other information which the applicant desires to provide

.....

.....

.....

Dated:

Place:

Applicant
(Name and signature)

FORM –XIX

[See Rule 64]

(COMPLAINT UNDER SECTION 91 OF THE INDUSTRIAL RELATION CODE, 2020)

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

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

A..... Complainant (s)

Versus

B..... Opposite Party(ies). Address:

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

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

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

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

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

Verification

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

Signature or Thumb impression of the person verifying.

FORM-XX

[See rule 65]

(MANNER OF AUTHORIZATION OF WORKER FOR REPRESENTATION UNDER SECTION 94 OF THE INDUSTRIAL RELATIONS CODE)

To,
 The Authority (name.....)
 Address.....

I, (name of the applicant) hereby authorize Shri/Smti
 holding the post of Executive Officer/Office Bearer (name
 of the post) In the Trade Union (name of the Trade
 Union).....Bearing registration number.....to represent
 me (name of the applicant).....employed in (name of the establishment
 and address)in the manner as mentioned below:

Signature, name and address of the applicant.

FORM-XXI

[See Rule 66]

(MANNER OF AUTHORIZATION OF EMPLOYER FOR REPRESENTATION UNDER SECTION 94 OF THE INDUSTRIAL RELATIONS CODE)

To,
 The Authority (name.....)
 Address.....

I, (name of the applicant).....hereby authorize Shri.....
 holding the post of Executive Officer/Office Bearer (name of the post)
 in the Trade Union (name of the Trade Union).....
 bearing registration number.....to represent
 me (name of the applicant)..... employed in (name of the establishment and
 address).....in the manner as mentioned below:-

Signature, name and address of the applicant