

GOVERNMENT OF MEGHALAYA
DEPARTMENT OF LABOUR, EMPLOYMENT AND SKILL DEVELOPMENT

DRAFT NOTIFICATION

No. LE&SD.39/2024/22

Dated 3rd January, 2025

The following draft Rules, “Code on Industrial Relations Meghalaya Rules, 2024” which the Government of Meghalaya proposes to make in exercise of the powers conferred under Section 99 of the Code on Industrial Relation, 2020 (Central Act No 35 of 2020) is hereby published as required under sub-section (1) of Section 99 for information of all persons likely to be affected thereby and the notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of forty five (45) days from the date on which the copies of the Official Gazette, in which this notification is published, are made available to the public.

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

Objections and suggestions, if any shall be addressed to the Deputy Secretary to the Government of Meghalaya, Department of Labour, Employment and Skill Development, Secretariat Hills, Shillong or by email to labourdeptt.sectt@gmail.com

Sd/
Principal Secretary to the Govt of Meghalaya
Department of Labour, Employment
& Skill Development

DRAFT RULES
CHAPTER I
PRELIMINARY

1. Short title, application and commencement.-

- (1) These rules may be called the Code on Industrial Relations Meghalaya Rules, 2024.
- (2) These rules shall extend to the whole State of Meghalaya in respect to the industrial establishments and matters for which the State Government is the appropriate Government.
- (3) They shall come into force on the date of their final publication in the Official Gazette of Meghalaya.

1A. Definitions.-

- (1) In these Rules, unless the context otherwise requires.-
 - (a) “Code” means the Industrial Relations Code, 2020 (35 of 2020);
 - (b) “Electronically” means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of the Code.
 - (c) “Section” means a section of the Code;
 - (d) “State Government” means the State Government of Meghalaya.
- (2) All other words and expressions used in these Rules but not defined herein shall have the same meaning as respectively assigned to them under the Code.

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

- (2) The settlement shall be signed,-
 - (a) by the employer or by his authorised agent, or 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 the 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 authorised in this behalf by the President and Secretary of the Union; or
 - (vi) Five representatives of workers duly authorised 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 the settlement is arrived at between an employer and his worker otherwise than in the course of conciliation proceedings, the parties to the settlement shall jointly send a copy thereof electronically or by speed post or by registered post to the Labour Commissioner and to the concerned Conciliation Officer.
- (6) The Conciliation Officer shall file all settlements affected 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 prohibited a settlement between a worker or workers or Trade Union and an employer or mutually agreed terms and such settlement may be in a format other than **Form-I**.

CHAPTER II

BI-PARTITE FORUMS

3. Constitution of Works Committee.-

- (1) Every employer to whom an order made by the **Government of Meghalaya** under sub-section (1) of Section 3 relates, shall forthwith proceed to constitute a Works Committee in the manner as is specified in these Rules.
- (2) The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and class of workers engaged in, and to the sections, shops or departments of the establishment:

Provided that the total number of members of the Works Committee shall not exceed more than twenty;

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

- (3) Subject to the provisions of this Rule, the representatives of the employer in the Works Committee shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with, or associated with, the working of the industrial establishment.
- (4) (a) Where any workers of the industrial establishment are members of a registered Trade Union, the employer shall ask 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 or any other officer nominated by him, not below the rank of a Deputy Labour Commissioner/ Assistant Labour Commissioner, in writing, who shall, after hearing the parties decide the matter and his decision thereon shall be final.
- (5) **Group of Worker's representatives:** On the receipt of the information called for in sub-rule (4), the employer shall provide for the choosing of worker's representative of the Committee in the following manner, namely:-
- (a) In the case of a negotiating union under sub-section (2) or sub-section (3) of Section 14, such negotiating union shall nominate the worker's representatives of the Committee;
- (b) In the case of the negotiating council under sub-section (4) of Section 14, the nomination shall be in such manner that every registered Trade Union represented 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) within one month of the date on which it is called for, then, such Trade Union shall for the

purpose of this Rule be treated as if it did not exist:

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

- (6) **Electoral constituencies:** The employer may, if he thinks fit, direct that the workers shall vote in either groups, sections, shops or departments.
- (7) **Qualification of candidates for election:** Any worker, of not less than 19 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 workers 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 purpose 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 18 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 workers 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 three working days for filing of nomination with other requisite details while fixing a date as the closing date for receiving nominations from candidates for election as worker 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 under clause(a) 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

workers representative of the Committee shall be made on a nomination paper to be provided by the employer and the copies thereof shall be supplied by the employer to the workers requiring them.

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

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

(b) A nomination paper shall be held to be not valid under sub-rule (11), 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:

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

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

(13) **Voting in Election:** (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 Works Committee shall have among its office-bearers a **Chairperson**, a **Vice-Chairperson**, a Secretary and a Joint-Secretary. The Secretary and the Joint-Secretary shall be elected every year.

(b) the **Chairperson** shall be nominated by the employer from amongst the employer's representatives of the Works Committee and as far as possible the person shall be the head of the industrial relations;

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

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

(d) the Works Committee shall elect the Secretary and the Joint Secretary provided that where the Secretary is elected from amongst the

representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the workers and vice versa:

Provided that the post of Secretary or 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 workers and only the representatives of the workers shall be entitled to vote in such elections;

- (e) In any election under clause (d), in the event of equality of votes, the matter shall be decided by a draw of lot.
- (15)
 - (a) The term of office of the representatives of the Works 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 unexpired term of his predecessor;
 - (c) A member who without obtaining leave from the Works Committee, fails to attend three consecutive meetings of the Committee shall forfeit his membership.
- (16) In the event of worker's representative ceasing to be a member under clause (c) of sub-rule (15) or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be chosen in accordance with the provisions of this Rule from the same group to which the member vacating the seat belonged **for the remaining period**.
- (17) The Works Committee shall have the right to co-opt in a consultative capacity, persons employed in the industrial establishment having particular or special knowledge of a matter under discussion. Such co-opted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Works Committee.
- (18)
 - (a) the Works Committee may meet **at least once in three months**;
 - (b) the Works Committee shall in its first meeting regulate its own procedure;
 - (c) meeting of the Works Committee shall be called within three days of a notice to the Chairman mentioning the reasons for such meeting therein, if such notice is signed by at least half of the representatives of the Committee.
- (19)
 - (a) the employer shall provide accommodation for holding meetings of the Works Committee. He shall also provide all necessary facilities to the Works Committee and to the members thereof for carrying out the work of the Works Committee. The Works Committee shall ordinarily meet during working hours of the industrial establishment concerned,

on any working day and the representative of the workers shall be deemed to be on duty while attending the meeting;

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

4. Manner of choosing members from the employers and the workers for Grievance Redressal Committee under sub-section (2) of Section 4.-(1)

The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed ten.

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

- (3) The representatives of the workers of the Grievance Committee shall be chosen in the following manner:-

- (i) 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 workers representative of the Grievance Committee;

- (ii) 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 represented 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;

- (iii) Where there is no recognized negotiating union or negotiating council referred to in the clauses (i) and (ii), the workers of the industrial establishment shall choose amongst themselves the workers representatives of the Grievance Committee:

Provided that the employer may deploy an electronic platform for choosing workers 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.

Provided further that the tenure of the members of the Grievance Redressal Committee shall be **three years**:

Provided further also that in the absence of registered Trade Union, the tenure of members of Grievance Redressal Committee shall be for a period of **three** years from the date of the constitution of the Grievance Redressal Committee.

5. Application in respect of any dispute to be filed before the Grievance Redressal Committee by any aggrieved worker under sub-section (5) of Section 4.-Any aggrieved worker may file an application stating his dispute therein before the Grievance Redressal Committee giving his name, designation, employee Code, Department where posted, length of service in years, category of worker, address for correspondence, contact number, details of grievances and relief sought. Such application may be sent electronically or by speed post or registered post. The grievance may be raised within one year from the date on which the cause of action of such dispute arises.

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

Provided that in case of manual receipt of such application through registered post or speed post, the Conciliation Officer shall get the same digitized and enter the particulars of the application in the online mechanism under intimation to the concerned worker/ **Trade Union**.

CHAPTER – III

TRADE UNIONS

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

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

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

- (1) Save as provided in sub-rule (2), (3), (4) and (5) of this Rule, the annual audit of the accounts of any registered Trade Union shall be conducted by an auditor who is a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 and authorised to audit the accounts of companies and as defined under Section 2 (17) of the Companies Act, 2013.
- (2) Where the membership of a registered Trade Union did not, at any time, during the year ending on the 31st December, exceed two thousand, the annual audit of the accounts may be conducted-
 - (a) by any auditor authorised by the State Government to examine public accounts; or
 - (b) by any person who, having held an appointment under the Government in any audit or accounts department, is in receipt of a pension of not less than **Rs. 5000 per mensem**;
or
 - (c) by a Chartered Accountant.
- (3) Where the membership of a registered Trade Union did not, at any time, during the year ending on the 31st December, exceed one thousand the annual audit of the accounts may be conducted-
 - (a) by any two persons holding office as a Member of Corporation, a Municipality or
 - (b) by any person who, having held an appointment under the State Government in any audit or accounts department, is in receipt of a pension from the State Government of not less than Rs. 5000 a month;
or
 - (c) by any auditor appointed to conduct the audit of Co-operative Societies by the State Government or by the Registrar of Co-operative Societies or by any co-operative organization recognised by the State Government for this purpose.
- (4) Where the membership of a registered Trade Union did not at any time, during the year ending on the 31st December exceed two hundred fifty members, the annual audit of the accounts may be conducted by any two ordinary members of such registered Trade Union who were not on the executive during the period to which the accounts pertained.
- (5) Where the registered Trade Union is a federation of Trade Unions and the number of such unions affiliated to it at any time during the year ending on the 31st December, did not exceed fifty members, fifteen members or five members, respectively, the audit of the accounts of the federation may be conducted as if it has not, at any time, during the year had a membership of more than two thousand members, one thousand members or two hundred fifty members respectively.

- (6) **Disqualification of auditors.**-Notwithstanding anything contained in these rules, no person who, at any time, during the year for which the accounts are to be audited, was entrusted with any part of the funds or securities belonging to a registered Trade Union shall be eligible to audit the accounts of that Union.
- (7) **Accessibility to the books of accounts.**-The auditor or auditors appointed in accordance with these regulations shall be given access to all the books of the registered Trade Union concerned and shall verify the general statement with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration appended to in **Form II**, indicating, separately on that form under his signature or their signatures a statement showing in what respect he or they find the return to be incorrect, not, supported by vouchers or not in accordance with the Code. The particulars given in the statement shall indicate-
- (a) every payment which appears to be unauthorised by the rules of the registered Trade union concerned or contrary to the provisions of the Code;
 - (b) the amount of any deficit or loss which appears to have been incurred by the negligence or misconduct of any person;
 - (c) the amount of any sum which ought to have been, but is not brought to account by any person.

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

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

appropriate head of accounts of the State Government.

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

- (1) Form of application for registration.-Every application for registration of a Trade Union shall be made in **Form IV** electronically or otherwise along with receipt of fee and such other documents as required under Section 9 of the Industrial Relations Code, 2020.
- (2) An affidavit shall be attached with the application filed for registration and cancellation of registration under sub-rule (1) by the applicant in the **Forms V and IX** respectively.
- (3) **Evidence to prove authority to make application.**-Upon an application for the registration of a Trade Union, the Registrar may require from the applicants such evidence, as may seem to be necessary to show that the applicants have been duly authorised to make the application on behalf of the Trade Union and other particulars in **Form-VI**.
- (4) **Fees for registration.**-The fee payable for registration of a Trade Union shall be Rs. One Hundred or as may be fixed by the State Government from time to time and shall be paid electronically or otherwise in the appropriate head of accounts of the State Government.
- (5) **Form of register.**-The register of Trade Unions by the Registrar shall be maintained electronically or otherwise in **Form VII**.
- (6) **Form of certificate.**-The certificate of registration in **Form VIII** shall be issued electronically or otherwise by the Registrar after due verification of the information and particulars submitted with the application, either by himself or through any other officer authorised by him and found proper. The certificate shall be issued by the Registrar within thirty days from the date of application received, otherwise the registration shall be deemed to be issued if no decision is taken and communicated **electronically or through registered post or speed post** on such application by the Registrar within thirty days.
- (7) **Form of application for withdrawal or cancellation.**-Every application by a Trade Union for withdrawal or cancellation of its certificate of registration shall be sent electronically **or through registered post or speed post** to the Registrar in **Form IX** along with a receipt of fee of Rs. One Hundred or as may be fixed by the State Government from time to time, to be paid electronically or otherwise in the appropriate head of accounts. The Registrar may require from the applicants such evidence, as may seem to be necessary, to show that the applicants have been duly authorised to make the application on behalf of the Trade Union.
- (8) **Verification and Grant of application.**-The Registrar, on receiving an application for registration, withdrawal or cancellation of registration; shall, before granting such application, verify that the application was approved in a

general meeting of the Trade Union, or if it was not so approved, that it has the approval of a majority of the members of the Trade Union. For this purpose, the Registrar may call for such further particulars as he may deem necessary and may examine any officer of the Union.

11. Appeal against non-registration or cancellation of registration under Section 10.-

The appeal against the order of the Registrar shall be filed by any aggrieved person within 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 certified copy of the order of the Registrar.

12. Communication to Trade Union and change in its registration particulars by the Registrar and by Trade Union to Registrar under Section 11.-

- (1) All communication and notices to a registered Trade Union shall be sent electronically or otherwise to Trade Union by the Registrar, to the approved postal address and e-mail address as mentioned in the register.
- (2) All communication and notices by a registered Trade Union with respect to any change in any particulars of Trade Unions or its rules or office bearers or membership falling below ten percent of total work or less than one hundred, whichever is less, shall be sent **electronically or by registered post or by speed post** to the Registrar to his official postal address or e-mail address within thirty days from such date of such change or event.
- (3) On receiving a copy electronically or otherwise of any communication made as mentioned under sub-rule (2), the Registrar shall, unless he has reason to believe that such communication has not been made in the manner provided by the rules of the Trade Union unless, such communication or alteration or change is not in accordance with the provisions of the Code, register such communication or change or alter in a register to be maintained for this purpose and shall notify the fact that he has done so, to the Secretary of the Trade Union in the manner prescribed under sub-rule (1).
- (4) The fee payable for such communication or alteration of rules shall be Rs. Fifty or as may be fixed by the State Government from time to time and be paid electronically or otherwise in the appropriate head of accounts of the State Government for each set of alterations made at one time.

13. Matters on which negotiating union or negotiating council may negotiate under sub-section (1) and (2) of Section 14.-

- (1) Negotiating union or negotiating council shall be entitled to negotiate with the employer or employers with respect to all or any of the following matters, namely:-
 - (i) All matters pertaining to Third Schedule to the Industrial Relations

Code, 2020.

- (ii) All matters pertaining to discharge or dismissal or termination of worker.
 - (iii) All matters pertaining to strike and lockout.
 - (iv) All matters pertaining to lay-off, retrenchment of workers and closure of establishment.
- (2) If there is only one Trade Union in an Industrial Establishment, which is having membership of twenty percent or more workers of that Establishment, such union shall be entitled to negotiate with the employer under the provisions of sub-rule (1).
- (3) **Manner of verification of workers of negotiating union under sub-section (3) of Section 14.**-The Registrar shall verify the membership of a trade union, on an application made by such union or industrial establishment in **Form X** for declaring the union as Negotiating Union for the industrial establishment either by the method of physical verification in Registrar's presence or in presence of any Officer authorised by him or on the basis of verification of payment of subscription to the Trade Union by the members. For this, a notice by the Registrar shall be served at least seven days in advance to all the workers and the employer indicating the date and time and place for such verification. On the report of such verification, the Registrar shall pass an order within fifteen days of such verification and communicate electronically or otherwise to such union and the employer and a copy shall also be displayed on the notice board of the industrial establishment. The Registrar shall enter the name of such union in the records as negotiating union for the industrial establishment. The Industrial Establishment shall recognise such trade union as Negotiating Union for the establishment.
- (4) **Manner of verification of workers of negotiating council under sub-section (4) of Section 14.**-The Registrar shall verify the membership of a Trade Union, on all application made by the Industrial Establishment in **Form X** for deciding the union to be taken in the Negotiating Council either by the method of physical verification in Registrar's presence or in presence of any Officer authorised by him or on the basis of verification of payment of subscription to the Trade Union by the members. For this, a notice by the Registrar shall be served at least seven days in advance to all the workers and the employer indicating the date and time and place for such verification. On the report of such verification, the Registrar shall pass an order within fifteen days of such verification and communicate electronically or otherwise to such union and the employer and a copy shall also be displayed on the notice board of the industrial establishment. The Registrar shall enter the name of such union in the records as member of Negotiating council for the industrial establishment. The Industrial Establishment shall recognise such Trade Union

as member of Negotiating Council for the establishment.

- (5) The list of Negotiating Unions and members of Negotiating Council referred to in Section 14 and verified under sub-rule (3), (4) or (5) shall be maintained in **Form XI** by the Registrar.

(6) **Facilities to be provided to Negotiating Union or Negotiating Council under sub-section (7) of Section 14.-**

- (i) **Right of holding discussions on the premises of the undertaking with employees.-**The officers of **Negotiating Union or member unions of Negotiating council** shall have the right and shall be permitted by the employer, to hold discussions on the premises of the undertaking with the employees concerned who are the members of such union:

Provided that-

- (a) the union shall intimate, in advance to the employer the name or names of the officer or officers authorised for the purposes and the name of the department or departments in which the members concerned are employed; and
- (b) the discussions shall be held in such manner as not to interfere with the working of the undertaking.

- (ii) **Right of holding discussions on the premises of the undertaking with the employer.-**The officers of a **Negotiating Union or member unions of Negotiating Council** shall have the right to meet the employer or any person appointed by him for the purpose and discuss with him the grievances of its members employed in his undertaking subject to the following conditions, namely:-

- (a) the discussion shall ordinarily be held on two days in a week during such working hours as may be fixed by the employer and the union except in urgent cases when it may be held on any day and at any time by previous appointment;
- (b) the union shall ordinarily communicate, in advance, the nature of the grievances which it desires to discuss;
- (c) the name of the officer or member authorised in this behalf shall either be communicated to the employer in advance or such officer shall carry a letter of authority.

- (iii) **Collections of sums on the premises of the undertakings be certain officers of Negotiating Unions.-**Every officer of the negotiation union and such members of the union as have completed at least six months of membership and been authorised by the President in this behalf shall, subject to the following conditions, be entitled to collect sums as per rules of Trade Union payable by its members on the premises of an undertaking where wages are paid to them-

- (a) the name or names of the officer, officers, or members, authorised in this behalf shall be intimated in advance to the employer and changes, if any, therein shall be communicated to the employer at least twenty four hours before the date of collection;
 - (b) the officers and members visiting the undertaking for this purpose shall carry a letter of authority;
 - (c) no coercion or force shall be used on any employee;
 - (d) the collection shall be made without causing hindrance to the staff of the undertaking or interference in the management's work;
 - (e) not more than ten employees at a time shall be allowed together at the place where such sums are collected;
 - (f) collections shall be made on the usual pay day or days and the subsequent three days and the day on which unclaimed wages are paid.
- (iv) **Putting up notice boards of the Negotiating Unions in the undertaking.**-The President of the Negotiating union or an office bearer authorised by the President or General Secretary shall be entitled to put up a notice board or electronic notice board outside the time-keeper's office or at any other conspicuous place mutually agreed upon between the employer and the union and affix notices therein during the hours the undertaking is open:
- Provided that-
- (a) the notice board to be put up shall be of a reasonable size;
 - (b) the notices to be affixed shall be signed either by the President, the Vice-President when carrying on the duties of the President during his absence, the General Secretary, the Secretary; and
 - (c) such notices shall relate to lawful activities of the union and shall not be of an offensive or provocative nature.

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

- (1) The general funds of a registered Trade Union shall not be spent on any other objects other than that of the following, namely;-
- (a) the payment of salaries, allowance and expenses to office bearers of the Trade Union;
 - (b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;
 - (c) the prosecution or defence of any legal proceeding to which the Trade

Union or any member thereof is a 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 members for loss arising out of trade disputes;
- (f) allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members;
- (g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment;
- (h) the provisions of educational, social or religious benefits for the members (including the payments of the expenses or funeral or religious ceremonies for deceased members) or for the dependants of members;
- (i) the upkeep of a periodical published mainly for the purpose of discussion questions affecting employers or workers as such;
- (j) the payment in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contribution to any cause intended to the benefit of workers in general, provided that the expenditure in respect of such contribution in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year; and
- (k) subject to any conditions contained in the notification, any other objects notified by the State Government in the Official Gazette.

(2) **Composition of 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 payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in the Code.
- (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) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
 - (c) the maintenance of any person who is a member of any legislative body constituted under the constitution or of any local authority, or
 - (d) the registration of electors or the election of a candidate for any legislative body constituted under the Constitution or for any local authority; or
 - (e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.
- (3) No member shall be compelled to contribute to the fund constituted under sub-rule (2) and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund; and contribution to the said fund shall not be made a condition for admission to the Trade Union.

15. Manner of making application for adjudication before the Tribunal under sub-section (1) of Section 22.- The application before the Industrial Tribunal shall be filed within thirty days of occurrence of any dispute as provided under Section 22 or any such order of the Registrar passed in relation to such dispute along with the relevant copies of the documents related to such dispute or order and mentioning the cause of such dispute and the Tribunal shall give an opportunity of hearing to all concerned parties and shall pass the order within forty five days.

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

(1) Amalgamation of Trade Unions Form of notice.-

- (i) Notice of every amalgamation shall be sent to the registrar electronically or by registered post or by speed post in duplicate in **Form XII** by the applicant Trade Union.
- (ii) When the Registrar registers the amalgamation, he shall certify under his signature of such amalgamation and issue the certificate electronically or by the registered post or by speed post to all the concerned Trade Unions and shall make entry in all appropriate

records of such amalgamation.

- (iii) The notice of any change of the name of the Trade Union shall be sent to the Registrar electronically or by registered post or by speed post in **Form XIII**.
- (iv) When the Registrar registers a change of name, he shall certify under his signature of such change of name of the Trade Union and shall issue the certificate to the applicant Trade Union and shall make entry in all appropriate records of such change of name.

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

18. Annual Return (General Statement) of Trade Union under sub-section (1) of Section 26.-

- (i) 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 March in each year and shall be in **Form XIV**.
- (ii) The audit of the General Statement shall be done in the manner prescribed under Rule 8 of these Rules.
- (iii) 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.
- (iv) The Registrar may ask from the Trade Union in writing any other particulars about the General Statement and the audit report, as he deems fit, for ascertaining the facts mentioned in such General Statement and audit report.

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

- (1) Application shall be filed in **Form XV** by the Trade Union or federation of the Trade Unions to the State Government or the Officer authorised by the State Government in this regard by notification.
- (2) The State Government or the officer authorized shall, after due enquiry, as it deems fit, decide such application within sixty days of its receipt and send the copy of the decision to the applicant with a copy to the Labour Commissioner and the Registrar.
- (3) If any dispute arises in relation to such recognition, the State Government or the Officer authorised by the State Government in this regard, shall refer the dispute to the Industrial Tribunal. The Industrial Tribunal shall, after giving opportunity of hearing to the applicant and going through the relevant records

of the case, decide the appeal within forty five days and the order shall be binding upon the parties.

CHAPTER-IV

STANDING ORDERS

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

- (1) If the employer adopts the model standing order of the Central Government referred to in Section 29 with respect to matters relevant to his industrial establishment or undertaking, then, he shall intimate the concerned certifying officer electronically or **in person or by speed post or by registered post**, the specific date from which the provisions of the model standing order which are relevant to his establishment have been adopted.
- (2) **The model standing adopted under sub-rule (1) shall apply to the industrial establishment, and to all its unit in the State.**
- (3) **On receipt of information under sub-rule (1), the certifying officer shall enter the details of the industrial establishment which has adopted the model standing order in the register maintained under Rule 27.**
- (4) **Where, the certifying officer observes that the industrial establishment which has intimated adoption of model standing orders, is also engaged in activities other than for which model standing orders have been adopted, than he may, within a period of thirty days from such receipt of intimation of model standing orders so adopted, direct such employer to include or adopt certain provisions which are relevant to his industrial establishment and indicate those relevant provisions and direct such employer to comply the same within a period of thirty days from the date of receipt of such direction and send a compliance report only in respect of those provisions which the certifying officer has so directed to get included.**
- (5) **If no observation is made by the certifying officer within a period of thirty days of the receipt of the information as specified in sub-rule (1), then the model standing order shall be deemed to have been certified by the certifying officer.**
- (6) **The provisions of the model standing orders adopted in accordance with the provisions of these Rules shall remain in force with effect from the date specified in sub-rule (1).**
- (7) **Without prejudice to the provisions of this Rule, the certifying officer shall not raise any observation if the industrial establishment is engaged in activities which are wholly covered by the activities of the industrial establishment to which the standing orders apply.**

- 21. Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer where there is no Trade Union operating, under clause (ii) of sub-section (5) of Section 30.-**Where there is no such Trade Union and negotiating union or negotiating council, as is referred to in clause (ii) of said sub-section (5) of Section 30, then, the certifying officer shall direct the workers to choose three representatives within ten days from the date of such order. The names of these representatives shall be sent to the Conciliation Officer for verification, to whom he shall, upon their being chosen, forward a copy of the standing order requiring objections, if any, which the workers may desire to make to the draft standing order to be submitted within ten days from the receipt of the notice.
- 22. Manner of authentication of certified standing orders under sub-section (8) of Section 30.-**Standing orders or modification in the standing orders, certified in pursuance of sub-section (8) of Section 30 or the copies of the order of the appellate authority under sub-section (1) of Section 33 shall be authenticated by the certifying officer or the appellate authority, as the case may be, and shall be sent electronically or otherwise within a week to all concerned, but there shall not be any requirement of certification in cases of deemed certification under sub-section (3) of Section 30 and in cases where the employer has certified adoption of model standing orders.
- 23. Statement to be accompanied with draft standing orders under sub-section (9) of Section 30.-**A statement to be accompanied with-
- (i) draft standing order shall contain, the particulars such as name of the industrial establishment or undertaking concerned, address, e-mail address, contact number and strength and details of workers employed therein including particulars of Trade Union to which such workers belong; and
 - (ii) draft modification in the existing standing orders, shall contain the particulars of such standing orders which are proposed to be modified along with a tabular statement containing details of each of the relevant provision of standing order in force and proposed modification therein and reasons thereof and such statement shall be signed by a person authorized by the industrial establishment or undertaking.
 - (iii) The model standing orders, if modified, shall apply to all the units of the industrial establishment or undertaking in the State.
- 24. Conditions for submission of draft standing orders in similar establishment under sub-section (10) of Section 30.-**In cases of group of employers engaged in similar industrial establishments, may submit a joint draft standing order under section 30 and for the purpose of proceedings specified in sub-sections (1), (5), (6), (8) and (9) thereof after consultation with the concerned Trade Unions, negotiating

union or negotiating council, if any:

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

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

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

- (1) An employer or Trade Union or negotiating union or negotiating council, or where there is no negotiating union or negotiating council in an industrial establishment or undertaking, any union or such representative body of the workers of the industrial establishment or undertaking, desirous of preferring an appeal against the order of the certifying officer given under sub-section (5) of Section 30 shall within sixty days of the receipt of such order shall draw up a memorandum of appeal in tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added and reasons thereof and shall be filed electronically or otherwise 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 the 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 state 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 (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called or consider to be relevant if produced and after hearing the parties dispose of the appeal.
- (6) 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 council or any union or representative body of the workers, as the case may be, by whom the appeal has been filed.

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

- (1) The standing order finally certified or deemed to have been certified or adopted as model standing orders under this chapter shall be maintained by the employer in Khasi, Garo, Hindi and English.
- (2) The certified standing order 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 workers enter and may also be posted on the designated portal/website, if any, of such industrial establishment.

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

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

- 28. Application for modification of Standing Order under sub-section (2) of Section 35.-**The application for modification of an existing standing order under sub-section (2) of Section 35 shall be submitted electronically or otherwise and contain the particulars of such standing orders which are proposed to be modified along with a tabular statement containing details of each of the relevant provisions of standing order in force, and proposed modifications therein, reasons thereof and the details of registered Trade Union(s) operating therein, and such statement shall be signed by a person authorized by the industrial establishment or undertaking. Such application shall be dealt in the same manner as provided under Rule 22 to 27 of these Rules.

CHAPTER – V

NOTICE OF CHANGE

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

- (1) Any employer intending to effect any change in the conditions of service applicable to any worker in respect of any matter specified in the Third Schedule to the Code, shall give notice in **Form-XVI** to such worker affected by such change, **electronically or by registered post with acknowledgement due or in person, 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 **or on electronic 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 **or a negotiating union or negotiating council** relating to the industrial establishment a copy of such notice shall also be served **in the manner specified in sub-rule (1)** on the Secretary of such Trade Union or each of the Secretaries of such Unions, as the case may be.

CHAPTER – VI

VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

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

- (1) Where the employer and workers agree to refer the dispute to arbitration, the Arbitration Agreement shall be in **Form-XVII** and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent either in writing, or electronically of arbitrator or arbitrators.

- (2) The Arbitration Agreement referred to in sub-rule (1) shall be signed.-
- (i) In case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other officer of the corporation authorized for such purposes;
 - (ii) In the case of the workers, by the officer of the registered Trade Union authorized in this behalf or by **five** representatives of the workers duly authorized in this behalf at a meeting of the concerned workers held for such purpose;
 - (iii) In the case of an individual worker, by the worker himself or by an officer of registered Trade Union of which the worker is a member, **or by another worker in the same establishment duly authorised by him in this behalf :**

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

- (1) In case of an association of the employers, means any officer of such association of the employers authorized for such purpose;
- (2) In case of registered Trade Union, means any of the following officers of such Trade Union authorised for such purpose, namely:-
 - (a) the President; or
 - (b) the Vice-President; or
 - (c) the Secretary (including the General Secretary); or
 - (d) a Joint Secretary; or
 - (e) any other officer of the Trade Union authorized in this behalf by the President and Secretary of the Trade Union.

- 31. Manner of issue of notification under sub-section (5) of Section 42.-**Where an industrial dispute has been referred to arbitration and the State Government is satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette and electronically or otherwise for the information of the employers and workers who are not parties to the arbitration agreement but are concerned in the dispute and they may present their case before the arbitrator or arbitrators appointed for such purpose.
- 32. Manner of choosing representatives of workers where there is no Trade Union under sub-section (5) of Section 42.-**Where there is no Trade Union, the representative of workers to present their case before the arbitrator or arbitrators in pursuance of clause (c) of the proviso to sub-section (5) of Section 42, shall be chosen by a resolution passed by the majority of concerned workers in **Form-XVIII** authorizing therein to represent the case. Such workers shall be bound by the acts of

representatives who have been authorized to represent before the arbitrator or arbitrators, as the case may be.

CHAPTER – VII

MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES

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

Qualification
of Judicial
Member to be
checked by
Law
Department

- (1) The qualification for appointment of the Judicial Member of the Industrial Tribunal (hereinafter in this chapter referred to as the Judicial Member) shall **be such as provided in sub-section (4) of Section 44.**
- (2) The Judicial Member shall be appointed by the State Government on the recommendation of a Search-cum-Selection Committee (SCSC) specified in sub-rule (3).
- (3) The Search-cum-Selection Committee shall comprise of the following members, namely:-
 - (i) Chief Secretary to the Government of Meghalaya, - Chairperson; and
 - (ii) Principal Secretary or Secretary to the Government of Meghalaya, Department of Labour, Employment & Skill Development – Member
 - (iii) Principal Secretary or Secretary to the Government of Meghalaya, Department of Law – Member
 - (iv) Principal Secretary or Secretary of the Government of Meghalaya, Department of Industry – Member
- (4) The Search-cum-Selection Committee (SCSC) shall determine its procedure for making its recommendation and, after taking into account the qualifications, suitability, record of past performance, integrity as well as adjudicatory experience keeping in view the requirement of the Industrial Tribunal, recommend a panel of two or three persons as it deems fit for appointment to each post.
- (5) No appointment of a Judicial Member shall be declared invalid merely by reason of a vacancy or absence of any member in the Search-cum-Selection Committee.
- (6) A Judicial Member shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty five years, whichever is earlier.
- (7) In case of casual, vacancy in the office of Judicial Member, the State Government shall appoint the Judicial Member of other State Industrial Tribunals to officiate as Judicial Member.

- (8) (a) A Judicial member shall be paid a salary of Rupees 2,25,000/- per month and shall be entitled to draw allowances as are admissible to an officer of the State Government holding Group A post carrying the same pay;
- (b) In case of appointment of retired High Court Judge, his pay shall be reduced by the gross amount of pension drawn by him.
- (9) (a) In case of serving High Court Judges, the service rendered in the Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service to which they belong and they shall be governed by the provisions of General Provident Fund Rules and the rules for pension applicable to them;
- (b) In case of retired High Court Judges, they shall be entitled to join Contributory Provident Fund Scheme as per rules during the period of their re-employment and additional gratuity shall not be paid for the service rendered in the Industrial Tribunal.
- (10) A Judicial Member shall be entitled for house rent allowance at the rate as admissible to an officer of the State Government holding Group A post carrying the same pay or may be allotted a suitable government accommodation.
- (11) (a) In case of serving High Court Judges, leave shall be admissible as admissible to the serving High Court Judges;
- (b) In case of retired Judges, leave shall be admissible as are admissible to an officer of the State Government holding Group A post carrying the same pay.
- (12) (a) The State Government shall be the leave sanctioning authority for the Judicial Member;
- (b) The State Government shall be the sanctioning authority for foreign travel to the Judicial Member.
- (13) State Government Health Scheme facilities as admissible to High Court Judges and Judicial Officers or an officer of the State Government holding Group A post carrying the same pay shall be applicable.
- (14) (a) Travelling allowance to a Judicial Member shall be admissible as per entitlement of an officer of the State Government holding Group A post carrying the same pay;
- (b) In case of retired High Court Judges, transfer travelling allowance for joining the Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the State Government holding Group A post carrying the same pay.
- (15) A Judicial Member shall be entitled for leave travel concession as admissible to an officer of the State Government holding Group A post carrying the same

pay.

- (16) A Judicial Member shall be entitled for transport allowance as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (17) No person shall be appointed as Judicial Member unless he is declared medically fit by an authority specified by the State Government in this behalf.
- (18)
 - (a) If a written and verifiable complaint is received by the State Government, alleging any definite charge of misbehaviour or incapacity to perform the functions as Judicial Member, it shall make a preliminary scrutiny of such complaint;
 - (b) If on preliminary scrutiny, the State Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehaviour or incapacity of a Judicial Member, it shall make a reference to the Search-cum-Selection Committee to conduct the inquiry;
 - (c) The Search-cum-Selection Committee shall complete the inquiry within six months time to such further time as may be specified by the State Government;
 - (d) After conclusion of the inquiry, the Search-cum-Selection Committee shall submit its report to the State Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit;
 - (e) The Search-cum-Selection Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.
- (19) A Judicial Member may, resign his office at any time by giving notice to this effect in writing under his hand addressed to the State Government:

Provided that the Judicial Member shall, unless he is permitted by the State Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of the office, whichever is earlier.
- (20) The State Government shall, on the recommendation of Search-cum-Selection Committee, remove from office any Judicial Member, who-
 - (a) has been adjudged as an insolvent; or
 - (b) has been convicted of an offence which, involves moral turpitude; or
 - (c) has become physically or mentally incapable of acting as a Judicial Member; or

- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Judicial Member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest:

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

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

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

Qualification of Administrative Member to be checked by Law Department

- (1) The qualification for appointment of the Administrative Member of the Industrial Tribunal (hereinafter in this chapter referred to as Administrative Member) shall be such as given in sub-section (4) of Section 44.
- (2) The Administrative Member shall be appointed by the State Government on the recommendation of a Search-cum-Selection Committee (SCSC) specified in sub-rule (3) of this Rule.
- (3) The Search-cum-Selection Committee shall comprise of the following members, namely:-
 - (i) Chief Secretary to the Government of Meghalaya, - Chairperson; and
 - (ii) Principal Secretary or Secretary to the Government of Meghalaya, Department of Labour, Employment & Skill Development – Member
 - (iii) Principal Secretary of Secretary to the Government of Meghalaya, Department of General Administration – Member
 - (iv) Principal Secretary of Secretary to the Government of Meghalaya, Department of Industry – Member.
- (4) The Search-cum-Selection Committee (SCSC) shall determine its procedure for making its recommendation and, after taking into account the qualifications, suitability, record of past performance, integrity as well as

experience keeping in view of the requirement of the Industrial Tribunal, shall recommend a panel of two or three persons as it deems fit for appointment to said post.

- (5) No appointment of Administrative Member shall be declared invalid merely by reason of one vacancy or absence of any Member in the Search-cum-Selection Committee.
- (6) An Administrative Member shall hold office for a term of four years or till he attains the age of sixty five years, whichever is earlier.
- (7) In case of casual vacancy in the office of Administrative Member, the State Government shall appoint the Administrative Member of other State Industrial Tribunals to officiate as Administrative Member.
- (8) The Administrative member shall be paid a salary of Rupees 2,25,000/- per month and shall be entitled to draw allowances as are admissible to an officer of the State holding Group A post carrying the same pay. In case of retired Government Officer, his pay shall be reduced by the gross amount of pension drawn by him.
- (9)
 - (a) In case of serving Government Officer, the service rendered in Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service which he belongs and shall be governed by the prevalent Provident Fund Rules in the State.
 - (b) In case of retired Government Officers, they shall be entitled to join Contributory Provident Fund Scheme as per extant rules during period of their re-employment. Additional gratuity shall not be admissible for the service rendered by the Administrative Member in the Industrial Tribunals.
- (10) Administrative Member shall be entitled for house rent allowance at the rate as admissible to an officer of the State Government holding Group A post carrying the same pay or may be allotted a suitable government accommodation.
- (11)
 - (a) In case of serving Government Officer, leave shall be admissible in accordance with the extant rules of the service which he belongs;
 - (b) In case of retired Government Officers, leave shall be admissible as are admissible to an officer of the State Government holding Group A post carrying the same pay.
- (12)
 - (a) The State Government shall be the leave sanctioning authority for the Administrative Member;
 - (b) The State Government shall be the sanctioning authority for foreign travel to the Administrative Member.
- (13) State Government Health Scheme facilities as admissible to an officer of the State Government holding Group A post carrying the same pay shall be applicable.

To be checked
with Finance
Department

- (14) (a) Travelling allowance to an Administrative Member shall be admissible as per entitlement of an officer of the State Government holding Group A post carrying the same pay;
- (b) In case of retired Government Officer, transfer travelling allowance for joining the State Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the State Government holding Group A post carrying the same pay.
- (15) An Administrative Member shall be entitled for leave travel concession as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (16) An Administrative Member shall be entitled for transport allowance as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (17) No person shall be appointed as an Administrative member, unless he is declared medically fit by an authority specified by the State Government in this behalf.
- (18) (a) If a written and verifiable complaint is received by the State Government, alleging any definite charge of misbehaviour or incapacity to perform the functions as Administrative Member, it shall make a preliminary scrutiny of such complaint;
- (b) If on preliminary scrutiny, the State Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehaviour or incapacity of an Administrative Member, it shall make a reference to the Search-cum-Selection Committee to conduct the inquiry;
- (c) The Search-cum-Selection Committee shall complete the inquiry within six months time or such further time as may be specified by the State Government;
- (d) After conclusion of the inquiry, the Search-cum-Selection Committee shall submit its report to the State Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit;
- (e) The Search-cum-Selection Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.
- (19) An Administrative Member may, resign his office at any time by giving notice to this effect in writing under his hand addressed to the State Government.

Provided that the Administrative Member shall, unless he is permitted

by the State Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of the office, whichever is earlier.

- (20) The State Government shall, on the recommendation of the Search-cum-Selection Committee, remove from office any Administrative Member, who-
- (a) has been adjudged as an insolvent; or
 - (b) has been convicted of an offence which, involves moral turpitude; or
 - (c) has become physically or mentally incapable of acting as Administrative Member; or
 - (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as an Administrative Member; or
 - (e) has so abused his position as to render his continuance in office prejudicial to the public interest:

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

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

35. Manner of holding conciliation proceedings, full report, and application and the manner of deciding such application, proceedings before Tribunal, issue of Award and application for recovery of dues.-(1) Where the conciliation officer receives any—

- (a) notice of a strike or lockout given under Rule 36 or Rule 37; or
 - (b) application in respect of an existing industrial dispute; or
 - (c) information regarding apprehended industrial dispute,
- then, he shall—
- (i) in case of clause (a), enter the details on the designated portal and hold conciliation proceedings and inform the concerned parties the date of sitting for such purpose;

- (ii) in case of clause (b), enter the details on the designated portal and examine the application and if he finds that such dispute pertains to the jurisdiction of the Central Government, transfer the application to the concerned authority or otherwise shall proceed with the application and issue first notice in writing to the parties concerned declaring his intentions to commence conciliation proceedings.
 - (iii) in case of clause (c), enter the details on the designated portal and examine the application and if he finds that such dispute pertains to the jurisdiction of the State Government, shall register the dispute and issue first notice in writing to the parties concerned declaring his intentions to commence conciliation proceedings.
- (2) The employer's representative and the worker's representative shall, on receipt of the notice referred to in sub-rule (1), submit their respective statements in respect of the said dispute in the first meeting of the conciliation proceedings.
- (3) The conciliation officer shall, without delay, ascertain the facts and circumstances relating to the dispute and enquire into all matters affecting the merits and write 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.
- (4) If no such settlement is arrived at in the conciliation proceedings referred to in sub-rule (3), the conciliation officer shall, within seven days from the date on which the conciliation proceedings are concluded, upload a report on the designated portal and forward a copy thereof electronically or by registered post or by speed post or in person to the parties to the dispute and to the Labour Commissioner. The report shall be made accessible to the parties concerned on the said designated portal.
- (5) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings, the conciliation officer shall, apart from submitting a report thereof to the Labour Commissioner or an officer authorised in this behalf by the Labour Commissioner along with a memorandum of the settlements signed by the parties to the dispute, also upload such report and memorandum of settlement on the designated portal.
- (6) The report referred to in sub-rule (4) shall, *inter alia*, contain the submissions of the employer, worker or Trade Union, as the case may be, involved in the dispute and it shall also contain the efforts made by the conciliation officer to bring the parties to an amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion arrived at by the conciliation officer.
- (7) All the evidences before the conciliation officer, except the documentary evidence, shall be filed in the form of affidavit and the parties to the dispute shall also file the application or, as the case may be, reply or rejoinder thereof in the form of an affidavit.
- (8) Where any dispute is not settled during the conciliation proceedings then either

of the concerned parties to the dispute may, within ninety days from the date of the report under sub-rule (4) make an application in **Form-XXI**, before the Tribunal through the Labour Commissioner, electronically or by registered post or speed post or in person.

(9) On receipt of the application referred to in sub-rule (8), 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 such application is filed and a copy of such statement may be sent electronically or uploaded on the designated portal or by registered post or speed post, for service on each of the opposite parties to the dispute.

(10) The Tribunal shall, 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, fix the date of first hearing as soon as possible and within a period of one month from the date of receipt of the application.

(11) The opposite party or parties shall file their written statement together with supporting documents along with the list thereof and list of witnesses, if any, within a period of thirty days from the date of the first hearing and simultaneously forward a copy thereof to the opposite party or parties electronically or uploaded on the designated portal or by registered post or speed post.

(12) Where the Tribunal is satisfied that any of the party to the dispute, despite its directions, has, due to reasonable cause, failed to comply with the procedure for service provided under sub-rules (9) and (10) or sub-rule (11), it shall direct the concerned party who is at default to furnish the copy of the statement or written statement, as the case may be, within fifteen days to the concerned party in accordance with the procedure specified in sub-rule (9) or as the case may be sub-rule (11).

(13) Evidence shall be recorded or may be filed as an affidavit before the Tribunal, and where an affidavit has been filed, the opposite party shall have the right to cross examine each of the deponents filing the affidavit.

(14) Where the oral examination of each witness proceeds, the Tribunal shall make a memorandum of the substance of what is being deposed and 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).

(15) 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 date of closure of evidence.

(16) The Tribunal shall, at the instance of the parties to the dispute and for reasons to be recorded in writing, not ordinarily grant an adjournment for a period exceeding a week at a time:

Provided that in any case not more than three such adjournments shall be granted by the Tribunal.

(17) The Tribunal may, at any time, correct any clerical or arithmetical mistake or error arising from an accidental slip or omission in any proceedings, report, award or decision, either of its own motion or on application of any of the parties.

(18) 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 defaulted party:

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

(19) The Tribunal shall communicate its award electronically or otherwise to the parties concerned and the Government, and upload it in the designated portal within one month from the date of the pronouncement of the award.

(20) 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 relevant Sections of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023).

(21) Where assessors or experts are appointed to advise a Tribunal under sub-section (5) of Section 49 in relation to a proceeding before it, the Tribunal shall obtain the advise of such assessors or experts, as the case may be, but such advise shall not be binding on such Tribunals.

(22) Every party to an award, who wants to obtain a copy of such award or other document, may obtain a certified copy of the award or any other document filed in any proceedings of the Tribunal after depositing the following fee, electronically or otherwise in the Tribunal in the following manner, namely:-

- (a) Fee for obtaining a copy of the award or document filed in any proceedings of the Tribunal shall be charged at the rate of two rupees per page or as fixed by the State Government, from time to time by notification;
- (b) Fee for certifying a copy of any such award or order or document shall be charged at the rate of two rupees per page or as fixed by the State Government, from time to time by notification;
- (c) where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one half of the total fee leviable under this sub-rule shall be payable.

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

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

Provided that the proceedings before the Tribunal may be at the request of the parties or of the directions of the Tribunal, held by video conferencing:

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

(25) A conciliation officer, Judicial Member or Administrative Member of the Tribunal or any person authorised in writing by the conciliation officer or Tribunal in this behalf may, for the purposes of any conciliation or adjudication under the Code at any time between the hours of sunrise and sunset and in the case of the person so authorised, after giving reasonable notice in writing, may enter any building, factory, workshop, or other place or premises whatsoever, and inspect the same or any work, machinery, appliance or article therein or enquire any person therein in respect of anything situated therein or any matter relevant to the subject matter of conciliation or adjudication, as the case may be.

(26) The Tribunal may, in the interest of justice and after recording reasons therefore, admit or accept any evidence at any stage or the proceeding before it.

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

Provided that in the case of a person authorised in writing by the worker, or in the case of the dead of the worker, the assignee or heir of the deceased worker shall make the application in **Form-XXI(B)**.

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

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

CHAPTER – VIII

STRIKES AND LOCK-OUTS

36. **Number of persons by whom the notice of strike shall be given, the person or persons to whom such notice shall be given and the manner of giving such notice under sub-section (4) of Section 62.**-(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-XXII** which shall be duly signed by the Secretary **of the concerned registered Trade Union or by** five elected representatives of the workers where there is no

registered Trade Union, which is either a negotiating union or member Trade Union of the negotiating council relating to such industrial establishment endorsing the copy thereof electronically or otherwise to the concerned Conciliation Officer, Labour Commissioner and the State Government.

(2) The date of receipt of the notice referred to in sub-rule (1) shall be the date of receiving the notice for the purposes of clause (a) of sub-rule (1) of Rule 35.

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

37. Manner of giving notice of lock-out under sub-section (5) and authority under sub-section (6) of Section 62.-

(1) The notice of lock-out referred to in sub-section (2) of Section 62 shall be given by the employer of an industrial establishment in **Form-XXIII** to the General Secretary or Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof to the concerned Conciliation Officer, Labour Commissioner and the State Government electronically or otherwise. The notice shall be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

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

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

CHAPTER – IX

LAY-OFF, RETRENCHMENT AND CLOSURE

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

Commissioner/ Assistant Labour Commissioner, through e-mail or registered post 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 Government and a copy thereof to the Deputy Labour Commissioner/ Assistant Labour Commissioner, at least one month before such date:

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

39. 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) Where any vacancy occurs in an industrial establishment and there are workers of such industrial establishment retrenched within one year prior to the proposal for filling up such vacancy, then, the employer of such industrial establishment shall, if such workers are citizens of India and have given their willingness for employment, give them preference over other persons in filling up of such vacancy, 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 everyone of the retrenched workers eligible to be considered therefore, to the latest address or e-mail given by each of them at the time of retrenchment or at any time thereafter:

Provided that when the number of such vacancies is lesser 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 vacancies 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 or herself 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).

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

CHAPTER –X

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

41. **Manner of making application to the State Government by the employer for the intended lay-off and the manner of serving copy of such application to workers under sub-section (2) of Section 78.**-An application for permission under sub-section (1) of Section 78 shall be made to the State Government or an officer authorized by it in this regard by the employer in **Form-XXVI** stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to the worker concerned and the Conciliation Officer electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.
42. **Manner for applying for permission from the State Government to continue the lay-off under sub-section (3) of Section 78.**-The employer shall in case of an industrial establishment being a mine specified in sub-section (3) of Section 78 where

the workers (other than Badli workers or casual workers) have been laid-off under sub-section (1) of Section 78 for reasons of fire, flood or excess of inflammable gas or explosion, within a period of thirty days from the date of commencement of such lay-off, apply to the State Government or an officer authorised by it in **Form-XXVI** in this regard electronically and by registered or speed post with a copy to the Labour Commissioner and the Conciliation Officer for permission to continue the lay-off specifying the number of days, intimating the number of workers to be laid off, the total number of workers employed in the industrial establishment, the date of layoff and the reasons for continuation of such layoff.

- 43. Time-limit for review under sub-section (7) of Section 78.**-(1)The State Government or an Officer authorised by it may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (4) of 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 the 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 Government decides to review the order referred to in sub-rule (1) on its own motion, it may take necessary steps within one month from the date on which the order is made and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

- 44. Manner of making application to the State Government by the employer for the intended retrenchment and manner of serving copy of such application to workers under sub-section (2) of Section 79.**-An application for permission referred to in sub-section (1) of Section 79 shall be made to the State Government or an officer authorized by it by the employer in **Form-XXVII** stating clearly therein the reasons for the intended retrenchment electronically or otherwise and a copy of such application shall also be sent to the workers, the Labour Commissioner and the concerned Conciliation Officer electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

- 45. Time-limit for review under sub-section (6) of Section 79.**-(1)The State Government or an Officer authorised by it, may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (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 the 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 Government decides to review the order referred to in sub-rule (1), on its own motion, it may take necessary steps within one month from the date on which 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.

46. Manner of making application to the State Government by the employer for intended closing down of an industrial establishment and the manner of serving copy of such application to the representatives of workers under sub-section (1) of Section 80.-

An employer who intends to close down an industrial establishment to which Chapter X of the Code applies shall apply electronically or otherwise in Form-XXVIII for prior permission at least ninety days before the date on which intended closure is to become effective, to the State Government, stating clearly therein the reasons for the intended closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers and the Labour Commissioner and the Conciliation Officer electronically and by registered post or speed post.

47. Time-limit for review under sub-section (5) of Section 80.-(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 (2) of Section 80.

(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 the 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 Government decides to review the order referred to in sub-rule (1), on its own motion, it may take necessary steps within one month from the date on which 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.

CHAPTER – XI

WORKER RE-SKILLING FUND

- 48. Manner of utilization of und under sub-section (3) of Section 83.**-Every employer who has retrenched a worker or workers under this Code, shall, within ten days, at the time of retrenching a worker or workers, electronically or otherwise transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account provided by the State Government. Name of the account shall be displayed on the website/ labour portal of the Labour Department maintained by the State Government. The fund so received shall be transferred by the State Government to each worker or workers' account electronically or otherwise within forty five days of receipt of funds from the employer. The employer shall also submit the list containing the name of each worker retrenched, the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the State Government to transfer the amount in their respective accounts.

CHAPTER –XII

OFFENCES AND PENALTIES

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

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

electronically or otherwise and deposit the compounding amount electronically or by cash or by demand draft, as the case may be, within fifteen days of the receipt of the notice, in the account specified by the Compounding Officer in the notice.

- (3) Where the prosecution has already been instituted against the accused in the competent Court, he may make an application to the Court to compound the offence against him and the Court, after considering the application, may allow composition of the offence by the Compounding Officer in accordance with provisions of Section 89 and the procedure specified in this Rule.
- (4) If the accused complies with the requirement of sub-rule (2), the Compounding Officer shall compound the offence for the amount of money deposited by the accused and-
 - (a) if the offence is compounded before the prosecution, then no complaint for prosecution shall be instituted against the accused;
 - (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 (3) with the permission of the Court, then, the Compounding Officer shall treat the case as closed and intimate the composition of offence to the competent Court by which such composition was allowed and after receiving such intimation, the Court shall discharge the accused and close the prosecution.
- (5) The Compounding Officer shall exercise the powers to compound the offence under this Rule, subject to the direction, control and supervision of the State Government.

CHAPTER – XIII

MISCELLANEOUS

50. Protected workers under sub-sections (3) and (4) of Section 90.-

- (1) Every registered Trade Union connected with an industrial establishment, to which the Code applies, shall communicate to the employer before the 30th April of every year, the names and addresses of such officers of the Union who are employed in that establishment and who, in the opinion of the Union should be recognised as “protected workers”. Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.
- (2) The employer shall, subject to sub-sections (3) and (4) of Section 90,

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

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

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

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

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

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

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

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

under the Code relating to a dispute in which the worker is a party in **Form-XXXI**.

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

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

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

(ii) On receipt of a complaint the enquiry officer shall call upon the person or persons through a notice to be sent electronically or by registered post or by speed post, and upload a copy of the same on the designated portal of the Government, to appear before him or her 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 or speed post.

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

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

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

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

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

(5) **Authorisation**—The authorization 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) **Permission to appear**—Any person who intends to appear in the proceeding on behalf of complainant shall present before the Enquiry Officer and submit a brief written statement explaining the reason for his appearance. The Enquiry officer shall record an order on the statement and in the case of refusal shall include reasons for the same, and incorporate it in the record.
- (7) **Presentation of documents.**—Complaint or other documents relevant to the complaint may be presented in person to the Enquiry Officer at any time during hours fixed by the Enquiry Officer, or may be sent to him electronically or by registered post or speed post and the opposite party shall have the right to reply to the complaint along with such other documents.
- (8) The Enquiry Officer shall endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be. If the documents have been submitted electronically, no such endorsement shall be necessary.
- (9) **Refusal to entertain complaint**—
 - (i) The Enquiry Officer may refuse to entertain a complaint presented under sub-section (1) of section 85 if after giving the complainant an opportunity of being heard, the Enquiry Officer is satisfied, for reasons to be recorded in writing that—
 - (a) the complainant is not entitled to present the complaint; or
 - (b) the complainant is barred by limitation under the provisions of this Code
 - (c) the complainant fails to comply the directions given by the Enquiry Officer under sub-section (2) of Section 85.
 - (ii) The Enquiry Officer may refuse to entertain complaint which is otherwise incomplete. He may ask complainant to rectify the defects and if the Enquiry Officer thinks that the complaint cannot be rectified he may return the complaint indicating the defects and, if he so refuses shall return it at once indicating the defects. If the complaint is presented again, after the defects have been rectified, the date of representation shall be deemed to be the date of presentation for the purpose of sub-section (1) of Section 85.
- (10) **Record of proceedings.**—The Enquiry Officer shall in all cases mention the particulars at the time of passing of order containing the details, i.e., date of complaint, name and address of the complainant, name and address of the opposite party or parties, section-wise details of the offence committed, plea of the opposite party, findings and brief statement of the reasons and penalty imposed with signature, date and place.
- (11) **Exercise of powers.**—In exercise of the powers of a Civil Court, conferred under

the Code of Civil Procedure, 1908, the Enquiry Officer shall be guided in respect of procedure by relevant orders of the First Schedule of the Code of Civil Procedure, 1908, with such alterations as the Enquiry Officer may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they are in conflict with the express provisions of this Code or these Rules.

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

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

55. **Expenses of witnesses.**—Every person, who attends or otherwise appears on receipt of a summon, as a witness before the 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 concluded.

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

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

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

58. **Appointment of Commissioner.**—Where it is necessary to appoint a Commissioner under sub-section (3) of Section 59 for the purposes of computing the money value of a benefit referred to in sub-section (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; or
 - (c) Stipendiary magistrate; or
 - (d) Registrar or Secretary of a Tribunal constituted under any State Act or, a Tribunal constituted under the Code.

- 59. 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 58 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 into the nearest Treasury, 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 into the Treasury 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 into the Treasury 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 into the Treasury.

- (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 instalments 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.

- 60. Time for submission of report.**-(1) Every order for the appointment of Commissioner under sub-section (3) of Section 59 shall indicate a date, allowing sufficient time for the Commissioner to submit his report.

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

Provided that the Tribunal may, if it deems fit for sufficient cause, grant extension of time even where no application for such extension has been received from the Commissioner within the time limit allowed under sub-rule (1).

- 61. Supersession-** In exercise of the powers conferred by sub-section (1) of Section 99 of the Industrial Relations Code, 2020 read together with sub-section (2) of that Section, **the Code on Industrial Relations Meghalaya Rules, 2024 are in supersession of :-**

- (i) The Assam Industrial Dispute Rules, 1958 (Adapted from Assam) vide The State of Meghalaya Adaptation of Laws Order (No 1), 1974
- (ii) The Assam Trade Union Regulations, 1927 (Adapted from Assam) vide The State of Meghalaya Adaptation of Laws Order (No 1), 1974
- (iii) The Assam Industrial Employment (Standing Orders) Rules 1947 (Adapted

from Assam) vide The State of Meghalaya Adaptation of Laws Order (No 1), 1974

Provided that the said supersession shall not affect.-

- (a) the previous operation of the said Rules or anything duly done or suffered thereunder, or
- (b) affect any right, liability or obligation acquired, accrued or incurred under the said Rules.

Form – I

(See Rule 2)

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

Names of Parties: Representing employer(s);

..... Representing workers;

Short recital of the case

Terms of settlement

Signature of the parties/ Authorised Representatives of the Parties

*Signature of Conciliation Officer

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

Form II

(See sub rule (7) of Rule 8)

Auditors' Declaration

The undersigned having had access to all the books and accounts of the and having examined the foregoing statements and verified the same with the account vouchers relating thereto, not the same is signed as found to be correct, duly vouched and in accordance with the law, subject to the remarks, if any, appended hereto and also certify that the had properly maintained its membership register and its accounts and the members had paid their membership subscription Rs nP general fund account of the trade union, subject to the remarks, if any, appended hereto.

(1) Auditor

(2) Auditor

Note :-Each Auditor should state below his signature in what capacity with reference to Rule 18 he is qualified to audit the trade union's accounts.

Form III
(See sub rule (1) of Rule 9)
Notice of the Dissolution or Amendment in rules of a Trade Union

Name of trade union
Registration number
Dated the day of 20

To,
The Registrar of Trade Unions,

Meghalaya,

Notice is hereby given that the above mentioned trade union was dissolved in pursuance of the Rules thereof 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 in pursuance of the Rules thereof on the day of 20

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

(Signed) 1
2
3
4
5
6
7
8

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

Schedule I
AMENDMENT IN RULES

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

	Matter (1)	Original Rules (2)	Amendment proposed (3)
1.	Name of Trade 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 forfeitures can be imposed or varied	.....
10.	The manner in which the Rules shall be amended, varied or rescinded.	.....
11.	The manner in which the members of the executive and the other officers of the union shall be appointed and removed.	.....
12.	The safe custody of the funds.	.....

Signature of the Applicant/s

Form IV

[See sub rule (1) of Rule 10]

Application for Registration of Trade Unions

Name of the Trade Union

Address

Dated day of 20

1. This application is made by the persons whose names are subscribed at foot hereof.
2. The name under which it is proposed that the Trade Union on behalf of which this application is made shall register, is as set forth in Rule No
A copy of the resolution approving the name of union passed in a meeting of on is enclosed.
3. The address of the head office of the union to which all communications and notices may be addressed, is
4. The Union came into existence on the day of 20
5. The union is a union of employers/ workers engaged in the industry or / Professions / or (Establishment) and has members.
6. The particulars required by Section 8 of the Industrial Relations Code, 2020, are given in Schedule II. A copy of the manner and proceedings of appointment/ election as officers of the unions is enclosed.
7. The particulars given in Schedule III show the provision made in Rules for the matters detailed in Section 7 of the Industrial Relations Code, 2020. A copy of the resolution passed in a meeting of the on approving the Rules is enclosed.
8. (To be struck out in the case of unions which have not been in existence for one year before the date of application)
The particulars required by Section 8 of the Industrial Relations Code, 2020, are given in Schedule IV.
9. Two copies of the Rules of the union are attached to this application duly subscribing the names of seven or more members as required under Section 6 of the Industrial Relations Code, 2020.
10. The balance of the General Fund Account of the Trade Union of the day of registration is Rs P
11. We have been duly authorised by the Trade Union to make this application on its behalf such authorisation consisting of*

Name	Occupation	Address	Signature
(1)	(2)	(3)	(4)

*State here whether the authority to make this application was made by a resolution of a general meeting of the Trade Union of it not, in what other way it was given.

To,
The Registrar of Trade Unions,
Meghalaya

Schedule II

List of Officers Name of the Trade Union

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

Schedule III Reference to Rules

The numbers of the Rules making provisions for the several matters detailed in column (1) are given in column (2) before:-

	Matter (1)	Number of Rules (2)
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 forfeitures can be imposed or varied	.....
10.	The manner in which the Rules shall be amended, varied or rescinded.	.....
11.	The manner in which the members of the executive and the other officers of the union shall be appointed and removed.	.....
12.	The safe custody of the funds.	.....
13.	The annual audit to the accounts	.....
14.	The facilities for the inspection of the	.....

	account books by officers and members.	
15.	The manner in which the union may be dissolved.	.....

Schedule IV

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

Statement of Liabilities and Assets on the day of 19

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

List of Securities

Particulars	Face Value	Cost price	Market value
(1)	(2)	(3)	(4)
		(Signed)	1.
			2.
			3.
			4.
			5.
			6.
			7.

Form-V

(See Rule 10 (2))

I Shri/Smt

Address

Occupation

Age Years truly declare in writing
that on this date in this region For the purpose of this
business meeting of the Union under the chairman ship of
..... in which (Name of the Union) has been registered under the Industrial
Relations Code, 2020.

The name and the registration details is as follows

S.N	Name	Age	Occupation	Address
1.				
2.				
3.				
4.				
5.				
6.				
7.				

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

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

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

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

Date Signature

Place

Form VI
(see sub rule (3) of Rule 10)
List of Officers of Trade Union

(1) List of Officers Name of the Trade Union

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

(2) Attach certified copy of the resolution passed about the authorisation of the applicant/s.

Form VII
(See sub rule (5) of Rule 10)
Register of Trade Unions

Name of the Union	Address of Office	Date of registration	Name of present Office Bearers	Number of Members	Date of Cancellation	Date of dissolution	Date of amalgamation	Name of the trade union with which amalgamated	Date of change in office bearers
1	2	3	4	5	6	7	8	9	10

Date of change in rules	Any other information	remarks
11	12	13

Signature of Registrar

Form VIII
(See sub rule (6) of Rule 10)
Certificate of Registration of Trade Union
Office of the Registrar of Trade Unions
Government of Meghalaya

1. Registration No.

2. Name of Trade Union

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

(Signature) (Seal)
Registrar of Trade Unions

Form IX

(See sub rule (7) of Rule 10)
Request to Withdraw or Cancel Certificate of Registration

Name of Trade Union

Registration Number

Address

Dated the day of 20

To,

The Registrar of Trade Unions,
Government of Meghalaya,

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

(Here give the exact signed copy of the resolution)

(Signature)

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

Form X

(See sub rule (3) and (4) of Rule 13)

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

Name of the Trade Union

Address

Dated the day of 20.....

To,

The Registrar of Trade Unions,
Meghalaya,

Dear Sir,

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

....., Address

under sub section (3) / (4) be registered accordingly in the records of the Register. A copy of
the particulars and other documents in this behalf signed by the authorised person is enclosed.

2. The union was registered on the day of 20 ,
under Certificate No. issued by the Registrar of Trade Unions for
Meghalaya.

3. A copy of the rules of the Union is attached.

4. The address of the head office of the union to which all the communications may be
addressed is

5. The union has members in the the Industrial
Establishment named above And represents per cent of
the total number of employees employed in the Industrial Establishment named.

Yours faithfully,
Authorised Signatory,

(See sub rule (3) and (4) of Rule 13)

**Declaration of the Trade Union as Negotiating Union or Member of the
Negotiating council**

Office of the Registrar of Trade Unions, Meghalaya,

Name of Trade Union

Entry No

It is hereby certified that the Union has been declared as
Negotiating Union/ Member of the Negotiating council for the Industrial Establishment

..... As provided under sub section (3)/ (4) of Section 14 of
the Industrial Relations Code, 2020 on this Day of 20

Signature and Seal
Registrar of Trade Unions,
Meghalaya

Form XI
(See sub rule (5) of Rule 13)
Register of Negotiating Union or Member of the Negotiating council

Sr No/entry no	Name of the Negotiating Union	Name of the member union of negotiating Council Negotiating Union	Address of officer	Date of registration	Name of present Office Bearers	Number of Members	Name of the Industrial Establishment	Address of the Industrial Establishment	Total number of workers which are members of the Trade Unions	Percentage of workers which are members of the Negotiating Union/ Member of Negotiating Council	Date of declaration by the Registrar
1	2	3	4	5	6	7	8	9	10	11	12

Any other information	Remark
13	14

Signature and Seal
Registrar of Trade Unions,
Meghalaya

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

A. Name of registered Trade Union

B. Number of registration

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

C. Dated the day of 19

To,

The Registrar of Trade Unions,
Meghalaya,

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

(State the terms)

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

Accompanying this notice is a copy of the Rules intended to be henceforth adopted by the amalgamated trade union.

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

(Signed)

1. Secretary

.....

2.

.....

3.

.....

4.

.....

5. Members

.....

6.

.....

7.

.....

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

Name of Trade Union already registered
Registration number
Address
Dated this day of 19

To,

The Registrar of Trade Unions,
Meghalaya,

Notice is hereby given that the provisions of Section 24 of the Industrial Relations Code, 2020, having been complied with the name of the above mentioned trade union has been changed to

The consent of the members was obtained by*

(Signed)	1	Secretary
	2	Member
	3	Member
	4	Member
	5	Member
	6	Member
	7	Member
	8	Member

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

Form XIV
(See clause (i) of Rule 18)
Part A

Annual Returns (General Statement) prescribed under Section 26 of the Industrial Relations Code, 2020

From 1st January, 20 To 31st December, 20

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

16. Return to made by federations of Trade Unions:-

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

Note:-Information in regard to-

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

Part B
General Fund Account

Income			Expenditure		
Sr	Details	Rs.nP	Sr	Details	Rs.nP
1.	Balance at the beginning of the year		1.	Salaries, allowances and expenses of offices	
2.	Subscription received from members as per the following details:-		2.	Salaries, allowances and other expenses of the establishment	
	(a) Subscription received for the current year.		3.	Auditors fee	
	(b) Subscription in arrears for the current year		4.	Legal expenses	
	(1) Subscription in arrears for 3 months or less.		5.	Expenses in conducting trade disputes.	
	(2) Subscription in arrears for 6 months or more than 6 months		6.	Compensation paid to members for loss arising out of grade disputes	
	(c) Subscription in arrears for more than one year		7.	Funeral, old age, sickness, unemployment benefits, etc	
	Total		8.	Educational, social and religious benefits.	
3.	Donations.		9.	Cost of publishing periodicals	
4.	Interest on investments		10.	Rents, rates and taxes	
5.	Sales of periodicals, books and rules, etc.		11.	Stationery, printing and postage.	
6.	Income from miscellaneous sources (to be specified)		12.	Expenses incurred under Industrial Relations Code, 2020	
			13.	Other expenses (to be specified)	
				(1)	
	(1)			(2)	
	(2)			(3)	
	(3)			(4)	
	(4)			Total expenditure	
	(5)				
	(6)			Balance at the end of the year	
	Total			Total	

Treasurer

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

Liabilities and Assets

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

Part D

List of Securities

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

Part E

Political Fund Account

Income/ Expenditure

Details		Rs.nP.		Details		Rs.nP.
1.	Balance at the beginning of the year		1.	Payments made on objects specified in Section 15 (2) of the Industrial Relations Code, 2020.		
2.	Contributions from members		2.	Expenses of management (to be fully specified)		
				Total	.....
				Balance at the end of the year		
	Total	.....		Total		.....

Part F

Auditors' Declaration

The Undersigned having had access to fill the books and accounts of the and having examined the foregoing statements and verified the same with the account vouchers relating thereto, now sign the same as found to 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 nP 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

Note:-Each Auditor should state below his signature in what capacity with reference to Regulation 18 he is qualified to audit the trade union's accounts.

Part G
Officers appointed by election or nomination

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

Part H

The following changes of officers have been made during the year

Officers relinquishing office

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

Form XV

(See sub rule (1) of Rule 19)

Application for recognition as the State Level Trade Union

Name of the Trade Union/Federation of Trade Unions

Address

Dated the day of 19

To,

The Principal Secretary or Authorised Officer (Designation),
Department of Labour, Employment & Skill Development,
Government of Meghalaya

Dear Sir,

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

2. The Trade Union/ Federation of Trade Unions is duly registered on the day of year, under Certificate No. issued by the Registrar of Trade Unions for Meghalaya.

3. A copy of the rules of the Trade Union, Federation of Trade Unions is attached.

4. The address of the head office of the Trade Union/ Federation of Trade Unions to which all the communications may be addressed is

5. The Trade Union/ Federation of Trade Unions has affiliation of other Trade Unions in the State, list of such trade unions and their addresses, registration details and membership etc, is attached herewith.

6. The Trade Union/ Federation of Trade Unions has total members (number) in the State (District wise/ Trade Union wise membership).

Yours faithfully,
Name and Designation
General Secretary/ Secretary.

Form – XVI
(See Rule 29)

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

Name of employer

Address

Dated the day of 20

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

Signature

Designation

Annexure

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

Copy forwarded to:

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

Form – XVII
(Agreement for voluntary arbitration)
(See sub rule (1) of Rule 30)
Between

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

And

..... Representing worker

It is hereby agreed between the parties to refer the following dispute to the arbitration of

..... [here specify the name(s) and address(es) of the arbitrator (s)]

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

*We further agree that the majority decision of the arbitrator(s) 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 Central 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 Principal Secretary to the Government of Meghalaya, Department of Labour, Employment & Skill Development.
- (ii) Labour Commissioner
- (iii) The Conciliation Officer [here enter office address of the Conciliation Officer for the area concerned]

Form-XVIII

(See Rule 32)

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

Before the Authority
(Here mention the authority concerned)

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

..... workers

Versus

..... Employer

I/ We hereby authorise Shri/ Smti. (if representatives are more than one)

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

Dated this day of 20

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

Address Accepted

Form-XIX

(See sub rule (21) of Rule 33)

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

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

(Signature)

Place:

Date:

Form-XX
(See sub rule (21) of Rule 34)
Form of Oath of Office for Administrative Member of State Industrial Tribunal

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

(Signature)

Place:

Date:

Form-XXI

(See sub rule (8) of Rule 35)

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

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

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

..... Applicant

Address.....

Versus

.....Opposite party (ies)

Address

The above mentioned applicant begs to state as follows:-

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

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

Date

Place

Signature

Form-XXI(A)

[See sub rule (27) (a) of Rule 35]

**(APPLICATION UNDER SUB-SECTION (1) OF SECTION 59 OF THE
INDUSTRIAL RELATIONS CODE, 2020)**

To,

(1) The Labour Commissioner, Meghalaya, Shillong.

(2) The Deputy Labour Commissioner/ Assistant Labour Commissioner
(here insert the name of the region).

Sir,

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

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

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

Signature of the applicant(s)

Address(es)

Station:

Date:.

ANNEXURE

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

Form-XXI(B)

[See proviso under sub rule (27) (a) of Rule 35]

**(APPLICATION BY A PERSON AUTHORISED BY A WORKER OR BY THE
ASSIGNEE OR HEIR OF A DECEASED WORKER UNDER SUB-SECTION (1) OF
SECTION 59 OF THE INDUSTRIAL RELATIONS CODE, 2020)**

To,

(1) The Labour Commissioner, Meghalaya, Shillong.

(2) The Deputy Labour Commissioner/ Assistant Labour Commissioner
(here insert the name of the region).

Sir,

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

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

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

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

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

Signature of the authorised person/ assignee/ heirs

Station:

Date:.

Address(es)

ANNEXURE

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

Form-XXI(C)

[See sub rule (27) (b) of Rule 35]

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

Before the Industrial Tribunal at

..... between and

.....

(1) Name of the applicant(s)

.....

(2) Name of the employer

.....

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

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

Signature or Thumb Impression of the applicant(s)

Address(es)

Place:

Date:.

ANNEXURE

[Here set out the details of the money due or the benefits accrued together with the case for
their admissibility]

Form-XXI(D)

[See proviso under sub rule (27) (b) of Rule 35]

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

Before the Industrial Tribunal at

..... between and

.....

(1) Name of the applicant(s)

.....

(2) Name of the employer

.....

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

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

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

Name and address of worker

Signature of the assignee/heirs

Address(es)

Place:

Date:.

ANNEXURE

[Here set out the details of the money due or the benefits accrued together with the case for their admissibility]

Form-XXII

(See Rule 36)

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

Name of five elected representatives of workers

Dated the day of 20

To,

(The name of the employer).

Dear Sir/ Sirs,

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

Yours faithfully,

Annexure

Statement of the Case.

(Secretary of the Union)

Five representatives of the workers

Duly elected at a meeting held on

..... (date), vide

Resolution attached.)

Copy to:

1. Labour Commissioner.
2. Conciliation Officer of the concerned area.

Form-XXIII

(See sub-rule (1) of Rule 37)

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

Name of employer

Address

Dated the day of 20

In accordance with the provisions of 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.

Designation

1.	Statement of reasons
	Information attached must be verified

- (1) The Secretary to the Registered Union, if any
- (2) Principal Secretary, Govt. of Meghalaya, Department of Labour, Employment & Skill Development.
- (3) Labour Commissioner.
- (4) Conciliation officer

Form-XXIV
(See Rule 38)

(Notice of Intimation of Retrenchment to be given by an employer to the State Government)

[In cases of Part I, the prior notice of intimation should be served thirty days before the commencement of retrenchment]

Name of Industrial Establishment or Undertaking or Employer
..... Registration No./Licence No. Address
Dated (DD/MM/YYYY).

To,
The Principal Secretary/ Secretary to the Government of Meghalaya,
Department of Labour, Employment & Skill Development.

Sir,

Part – I
(Retrenchment)

1. Under clause (a) of Section 70 of the Industrial Relation Code, 2020, I/ whereby inform you that I/ we have decided to retrench (number of workers)
..... workers with effect from
(DD/MM/YYYY) the list of workers and other details of their service and payments are enclose in the **Annexure I** and the reasons for retrenchment explained in the **Annexure II**.
2. The workers concerned have been given on the (DD/MM/YYYY)
one month's notice in writing as required.
or
The worker(s) have been given on the (DD/MM/YYYY) one
month's pay in lieu of notice as required.
3. The total number of workers employed in the industrial establishment/ undertaking
are and the total number of those who are being
retrenched are the list is enclosed.
4. I/ We declare the I/ we have/ shall pay all the dues to the workers before the expiry
of the notice period as per Section 75 / Section 70 of this Code.
5. I/ We declare that there is no case in any Court of Law pending about this matter.
6. I/ We declare that all the information in this notice and annexure and the list are
correct to the best of my/ our knowledge and I/ We shall remain responsible for the
correctness of the information and I/ We have not hidden any facts or evidence in the
matter.

ANNEXURE I

Sr	UAN/CMPFO	Name of the worker	Category Highly Skilled/ Skilled /Semi/ Unskilled	Date of Appointment with Employer	Wages on the date of application	Total payable wages, compensation and other dues (Head wise details)	Date of payment of wages, compensation and other dues (Head wise details)	Remarks

ANNEXURE II

Statement of Reasons for retrenchment

- 1.
- 2.

.....

Copy to:

1. To The Labour Commissioner
2. Conciliation Officer of the concerned area

Form-XXV

(See Rule 40)

(Notice of Intimation of Closure to be given by an employer to the State Government)

[In case of Part II, the prior notice of intimation should be served sixty days before the commencement of closure]

Name of Industrial Establishment or Undertaking or Employer
.....Registration No./ Licence No. Address
.....
.....D
ated(DD/MM/YYYY).

To,
The Principal Secretary/ Secretary to the Government of Meghalaya,
Department of Labour, Employment & Skill Development.

Sir,

Part – II (Closure)

1. Under sub-section (1) of Section 74 of the Industrial Relation Code, 2020, I/ we hereby inform you that I/ we have decided to close down
(name of the industrial establishment or undertaking or employer) with effect from
..... (DD/MM/YYYY). The list of affected workers and other details of their service and payments are enclosed in the **Annexure I** and the reasons for closure explained in the **Annexure II**.

2. The number of workers whose services would come to an end on account of the closure of the industrial establishment or undertaking are (number of workers).
3. Number of workers (Attach the list)
Category and designation of workers, who have been affected due to closure.
I/ We hereby declare that all the worker/ workers concerned has / have been / will be paid compensation due to them under Section 75 of this Code before or on the date of expiry of the notice period as per **Annexure II**.
4. I/ We declare that there is no case in any Court of Law pending about this matter.
5. I/ We declare that all the information in this notice and annexure and the list are correct to the best of my/ our knowledge and I/we shall remain responsible for the correctness of the information and I/ We have not hidden any facts or evidence in the matter.

Yours faithfully,

(Name & Designation of the employer/ Authorised Representative)

ANNEXURE I

Sr	UAN/CMPFO	Name of the worker	Category Highly Skilled/ Semi/ Unskilled	Date of Appointme nt with Employer	Wages on the date of application	Total payable wages, compensation and other dues (Head wise details)	Date of payment of wages, compensatio n and other dues (Head wise details)	Remarks

Annexure II

Statement of Reasons for closure with reference to Rule 25 and Rule 27 and Form IX

- 1.
- 2.
-

Copy to:

3. To The Labour Commissioner
4. Conciliation Officer of the concerned area

Form-XXVI
(See Rule 41)

[Form of application for permission of **Lay-off or for continuation of lay-off** in Industrial establishments or Undertaking to which provisions of Chapter X of the Industrial Relations Code, 2020 applies to be presented 15 days prior to lay-off / from the end of last lay-off]

To,
The Principal Secretary/ Secretary to the Government of Meghalaya/
Authorised Officer,
Department of Labour, Employment & Skill Development.

Sir,
Name of Industrial Establishment or Undertaking or Employer
Labour Index No. Address
.....
Dated (DD/MM/YYYY).

1. Under Section 78 of the Industrial Relations Code, 2020, I/we hereby apply for “permission to lay-off workers (indicate number in figures and words) out of total of workers (indicate number in figures and words) employed in my/ our establishment with effect from (DD/MM/YYYY). List and other details of service and payments of laid off workers is attached in the **Annexure I**. The reasons for lay off/ continuation of lay off and other details are set out in the **Annexure II**.

2. The workers concerned have been given*notice in writing as required under Section 79.

or

The worker concerned have not* given notice since the retrenchment is under an agreement (copy of which is enclosed) as provided in the proviso to the said clause.

3. All such workers permitted to be laid-off due to closure shall be paid such compensation, to which they are entitled under Section 67, read with sub-section (10) of Section 78, sub-section (9) of Section 79, or sub-section (8) of Section 80 respectively of this Code as per the details given below in the Annexure.

4. I/ We declare that there is no case in any Court of Law pending about this matter.

5. I/ We declare that all the information in this notice, annexures and the lists are correct to the best of my knowledge and I/ We shall be responsible for the correctness of the information and I/ We have not hidden any facts or evidence in the matter.

Yours faithfully,
(Signature)

(*Strike off which is not applicable)

ANNEXURE I

Sr	UAN/CMPFO	Name of the worker	Category Highly Skilled/ Skilled /Semi/ Unskilled	Date of Appointment with Employer	Wages on the date of application	Total payable wages, compensation and other dues (Head wise details)	Date of payment of wages, compensation and other dues (Head wise details)	Remarks

ANNEXURE II

	Particulars	Remarks, if any
1.	Name of the industrial establishment/ undertaking with complete postal address along with Pin Code, e-mail, telephone number(s)	
2.	Status of undertaking— (i) Whether Central Public sector/ State public sector/ Foreign majority company/ joint sector company, etc., (In case of foreign holding company then indicate the extent of foreign holding)	Indicate the status of the company
	(ii) Whether a private limited company/ partnership firm or proprietorship firm	
3.	(a) MCA number	
	(b) GSTN number	
	(c) Registration number of the Labour Department	
4.	(i) Annual production, item wise for pre-ceding three years- (ii) Production figures, month-wise, for the preceding twelve months.	Attach details Attach details
5.	Balance sheets, profit and loss accounts and audit reports for the last three years.	
6.	Names of the inter-connected companies or companies under the same management.	Attach details
7.	Details of lay-off/ Retrenchment resorted to in the last three years (other than the lay-off/ Retrenchment for which permission is sought), including the periods of such lay-offs/ the number of workmen involved in each such lay-off/ continuation lay off	Attach details
8.	Any other relevant details which have bearing on lay-off	Attach details
9.	Statement of reasons for lay-off with documentary evidence	Attach details

A copy of this form shall be submitted to the Labour Commissioner and the concerned Conciliation Office of the area.

Form-XXVII
(See Rule 44)

[Form of application for permission of **Retrenchment** in Industrial Establishments or Undertaking to which provisions of Chapter X of the Industrial Relations Code, 2020 applies to be submitted sixty days before the retrenchment]

To,
The Principal Secretary/ Secretary to the Government of Meghalaya,
Department of Labour, Employment & Skill Development.

Sir,

1. Under sub-section (2) of Section 79 of the Industrial Relation Code 2020, I/ We hereby apply for permission for proposed retrenchment of workers (indicate number in figures and words) with effect from (DD/MM/YYYY). List and other details of service and Payments of retrenched workers is attached in the **Annexure I**. The reasons for retrenchment and other details are set out in the **Annexure II**.

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

3. All such workers permitted to be retrenched shall be paid such compensation to which they are entitled under Section 79 of this Code and all other dues, as per the details given below in the **Annexure I**.

4. I/ We declare that there is no case in any Court of Law pending about this matter.

5. I/ We declare that all the information in this notice, annexures and the lists are correct to the best of my knowledge and I/ We shall be responsible for the correctness of the information and I/ We have not hidden any facts or evidence in the matter.

Permission is solicited for the retrenchment of the workers of the said establishment.

Yours faithfully,
(Signature)

(*Strike off which is not applicable)

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

ANNEXURE I

Sr	UAN/CMPFO	Name of the worker	Category Highly Skilled/ Skilled /Semi/ Unskilled	Date of Appointment with Employer	Wages on the date of intimation	Total payable wages, compensation and other dues (Head wise details)	Proposed Date of payment of wages, compensation and other dues (Head wise details)	Remarks

ANNEXURE II

	Particulars	Remarks, if any
1.	Name of the industrial establishment/ undertaking with complete postal address along with Pin Code, e-mail, telephone number(s)	
2.	Status of undertaking— (i) Whether Central Public sector/ State public sector/ Foreign majority company/ Joint sector company, etc., (In case of foreign holding company then indicate the extent of foreign holding)	Indicate the status of the company
	(ii) Whether a private limited company/ partnership firm or proprietorship firm	
3.	(a) MCA number	Attach details
	(b) GSTN number	
	(c) Registration number of the Labour Department	
4.	(i) Annual production, item wise for pre-ceding three years- (ii) Production figures, month-wise, for the preceding twelve months.	
5.	Balance sheets, profit and loss accounts and audit reports for the last three years.	Attach details
6.	Names of the inter-connected companies or companies under the same management.	Attach details
7.	Details of Retrenchment resorted to in the last three years (other than the Retrenchment for which permission is sought), including the periods of such Retrenchment the number of workmen involved in each such Retrenchment	Attach details
8.	Any other relevant details which have bearing Retrenchment	Attach details
9.	Statement of reasons Retrenchment with documentary evidence	Attach details

A copy of this form shall be submitted to the Labour Commissioner and the concerned Conciliation Office of the area.

Form-XXVIII
(See Rule 46)

[Form of application for permission of **Closure** in Industrial Establishments or Undertaking to which provisions of Chapter X of the Industrial Relations Code, 2020 applies]

To,
The Principal Secretary/ Secretary to the Government of Meghalaya,
Department of Labour, Employment & Skill Development.

Sir,

1. Under Section 80 (1) of the Industrial Relation Code 2020, I/ We hereby inform you that I/ we propose to close down the undertaking specified below of (name of the industrial establishment) with effect from (DD/MM/YYYY). List and other details of service and Payments of affected workers due to closure is attached in the **Annexure I**. The reasons for closure and other details are set out in the **Annexure II**.
2. The workers concerned have been given notice in writing as required under clause (a) of sub-section (1) of Section 79.
3. All such workers affected by closure shall be paid such compensation, to which they are entitled under Section 79 of this Code and all other dues, as per the details given below in the **Annexure I**.
4. I/ We declare that there is no case in any Court of Law pending about this matter.
5. I/ We declare that all the information in this notice, annexures and the lists are correct to the best of my knowledge and I/ We shall be responsible for the correctness of the information and I/ We have not hidden any facts or evidence in the matter.

Permission is solicited for the closure of the said establishment.

Yours faithfully,
(Signature)

(*Strike off which is not applicable)

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

ANNEXURE I

Sr	UAN/CMPFO	Name of the worker	Category Highly Skilled/ Skilled /Semi/ Unskilled	Date of Appointment with Employer	Wages on the date of intimation	Total payable wages, compensation and other dues (Head wise details)	Proposed Date of payment of wages, compensation and other dues (Head wise details)	Remarks

ANNEXURE II

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

A copy of this form shall be submitted to the Labour Commissioner and the concerned Conciliation Office of the area.

Form-XXIX

(See Rule 49)

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

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

PART – I

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

PART – II

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

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

(Signature of the Compounding Officer)

Date:

Place:

PART – III

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

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

Dated:

Place:

Applicant
(Name and signature)

Form-XXX

(See Rule 51)

**(Complaint under Section 91 of the Industrial Relations Code, 2020
Before the Conciliation Officer/ Arbitrator/ Tribunal or, National Tribunal)**

In the matter of Reference No

A Complainants(s); Address:

Versus

B Opposite Party(ies); Address:

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

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

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

The number of copies of the complaint and its annexure required under Section 91 of the Industrial 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 on day of 20

Signature
or Thumb impression of the person verifying

Form-XXXI

(See Rule 52)

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

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

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

Signature and name and address of the applicant

Form-XXXII

(See Rule 53)

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

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

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

Details of the Matter:-

Signature and name and address of the applicant

By Order

(Shri. C. Songate, IRS),
Principal Secretary to the Govt. of Meghalaya,
Department of Labour, Employment & Skill Development.
