

भारत सरकार  
GOVERNMENT OF INDIA



# लद्दाख का राजपत्र

## The Ladakh Gazette

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Part II - Section 3

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केन्द्र-शासित प्रदेश लद्दाख प्रशासन  
ADMINISTRATION OF UNION TERRITORY OF LADAKH

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LABOUR DEPARTMENT  
NOTIFICATION  
Ladakh, the 25<sup>th</sup> of April, 2022

S.O. 64-. The following draft rules, which the **Administration of Union Territory of Ladakh** proposes to make in exercise of the powers conferred by section 99 of the Industrial Relations Code, 2020 (35 of 2020) read with section 24 of the General Clauses Act, 1897 (10 of 1897) and in supersession of the:—

- (i) The Jammu and Kashmir Trade Union Regulations, 1972 ;
- (ii) The Industrial Employment (Standing Orders) Jammu and Kashmir Rules, 1972 ;

(iii) The Industrial Disputes (Jammu and Kashmir State) Rules, 1972.

Except as respects things done or omitted to be done before such supersession, are hereby notified, as required by sub-section (1) of said section 99, for information of all persons likely to be affected thereby and notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of thirty days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to Secretary, Labour and Employment (secy.labemp@gmail.com) and Deputy Secretary, Labour and Employment Department, Civil Secretariat, UT of Ladakh.

Objections and suggestions, which may be received from any person with respect to the said draft notification before expiry of the period specified above, will be considered by the Administration of Union Territory of Ladakh.

## CHAPTER- I PRELIMINARY

**1. Short title, application and commencement.**— (1) These rules may be called the Industrial Relations (Ladakh) Rules, 2022.

(2) These Rules shall extend to whole of the Union territory of Ladakh.

(3) These Rules shall come into force on and with effect from the date of their publication in the Official Gazette.

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

(a) "Administration" means the Administration of Union territory of Ladakh.

(b) "Code" means the Industrial Relations Code, 2020;

(c) "Form" means forms appended to these Rules;

(d) "section" means the section of the Code; and

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

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

## **CHAPTER II BI-PARTITE FORUMS**

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

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

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

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

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

(4) Consultation with Trade Union(s)-(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.

(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/Deputy Labour Commissioner Union territory of Ladakh who shall, after hearing the parties, shall decide the matter and his decision thereon shall be final.

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

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(a) Registered Trade Union may choose their representatives as members for Works Committee in the proportion of their memberships; and

(b) where there is no registered Trade Union, workers may choose amongst themselves representatives for Works Committee.

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

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

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

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

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

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

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

(d) In any election under clause (c), in the event of equality of votes, the matter shall be decided by a draw of lot.

(6) Term of office.-(a) The term of office of the representatives on the Works Committee other than a member chosen to fill a casual vacancy shall be two years;

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

(c) A member who without obtaining leave from the Works Committee, fails to attend three consecutive meetings of the Committee shall cease his membership, provided that such member shall be given an opportunity of being heard.

(7) Vacancies-In the event of worker's representative ceasing to be a member under clause (c) of sub-rule (6) 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.

(8) Power to co-opt. 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. Provided that co-opt member should be appointed after discussion with the representatives of employer and employee unanimously. Such co-opt 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.

(9) Meetings.-

(a) The Works Committee may meet as often as necessary.

(b) The Works Committee shall at its first meeting regulate its own

procedure.(10) Facilities for meeting.-

(a) The employer shall provide accommodation for holding meetings of the Works

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

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

(11) Dissolution of works committee:- The Administration, or where the power under section 3 has been delegated to any officer or authority under Section 100, such officer or authority may, after making such inquiry as it or he may deem fit, dissolve any Works Committee at any time, by an order in writing, if he or it is satisfied that the Committee has not been constituted in accordance with these Rules or that not less than two-thirds of the number of representatives of the workmen have, without any reasonable justification, failed to attend three

consecutive meetings of the Committee or that the Committee has, for any other reason, ceased to function:

Provided that where a Works Committee is dissolved under this Rule the employer may, and if so, required by the Administration or, as the case may be, by such officer or authority, shall take steps to re-constitute the Committee in accordance with these rules.

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

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

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

(3) The representatives of the workers shall be chosen by the registered Trade Union and where a negotiating Council exists, such representatives shall be chosen in the same proportion as the Trade Unions respectively represents in the negotiating Council. In case where there is no registered Trade union or negotiating Council, the member may be chosen by the workers of the establishment:

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

(4) Where any workers of the industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to –

(a) How many of the workers are members of such Trade Union;

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

**6. Application in respect of any dispute to be filed before the Grievance Redressal Committee by any aggrieved worker under sub-section (5) of section 4.—**

Any aggrieved worker may file an application stating his dispute therein before the Grievance Redressal Committee giving his name , designation, employee Code, Department where posted, length of service in years, category of worker, address for correspondence, contact number, details of grievances and relief sought. Such application may be sent electronically. The Grievance may be raised within one year from the date on which the cause of action of such dispute arises.

**7. Manner of filing application for the conciliation of grievance as against the decision of the Grievance Redressal Committee to the Conciliation Officer under sub-section (8) of section 4.—** Any worker who is aggrieved by the decision of the Grievance Redressal Committee or whose grievance is not resolved by the said Committee within thirty days of receipt of the application, may file an application to the Conciliation Officer 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.

### **CHAPTER-III**

#### **TRADE UNION**

**8. Payment of subscription under clause (f) of section 7.—**

- (i) The payment of a subscription shall be from ordinary as well as honorary members of the Trade Union;
- (ii) The ordinary as well as honorary members of the Trade Union along with any of the permanent citizen of India living in any part of the country can donate towards the general fund of the union electronically or through crossed cheque or draft payable to the Union;
- (iii) The admission subscriptions for the members of the Trade Union shall be Rs. 100/- and monthly subscription shall not be less than Rs. 30/- per member but not more than Rs. 50/- per member or as may be prescribed by Administration by notification

**9. Safe Custody of the funds of the Trade Union and Annual audit under clause (j) of section 7.—**

(1) The funds of the registered Trade Union shall be deposited in any scheduled bank in the name of the Union:

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

(2) Auditors.—The annual audit of the accounts of any registered Trade Union shall be conducted by an Auditor authorised to audit the accounts of companies under section

144 (1) of the Indian Companies Act, 1913 or under section 8(2) of the Indian Companies (Amendment) Act.

Exception.—Notwithstanding anything contained in these Rules, no person, who, at any time during the year, was entrusted with any part of the funds or securities belonging to the Trade Union shall be eligible to audit the accounts of the Union.

(3) Audit of funds.—The Auditor or Auditors appointed in accordance with these Rules shall be given access to all the books of the Trade Union and shall verify the annual return with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration appended in (Form-II), indicating separately on that Form under his signature or their signatures a statement showing in what respect he or they find the return to be incorrect, unvouched or not in accordance with the Act/Code. The particulars given in this statement shall indicate :—

(i) every payment which appears to be unauthorised by the Rules of Trade Union or contrary to the provisions of the Act/Code;

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

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

(4) Audit of separate fund to be constituted under sub-section (2) of section 15. The audit of the separate fund of a registered Trade Union shall be carried out with the audit of the general account of the Trade Union by the same Auditor or Auditors.

**10. Declaration to be made by an affidavit under clause (a) of sub-section (1) of section 8.**— Every application under section 8 for registration of a Trade Union shall be accompanied by a declaration to be made by an affidavit in (Form-III) along with fee payable on registration of a Trade Union shall be rupees 100/- (One hundred rupees) or as may be prescribed by Administration by notification.

**11. Assets and Liabilities of the Trade Union under sub-section (2) of section 8.**— Where a Trade Union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar, together with the application, a general statement of assets and liabilities of the Trade Union prepared in (Form-II) annexed to these rules.

**12. Register of Trade Union under sub-section (1) and sub-section (3) of section 9.**— The Register of Trade Unions as referred to above shall be maintained in (Form IV).

**13. Certificate of Registration.**— (1) The Certificate of Registration issued by the Registrar under sub-section (2) of section 9 shall be in (Form-V).



**14. Cancellation/Withdrawal of Registration under sub-section (5) of section 9.—**

(1) The Registrar on receiving an application for the cancellation/withdrawal of registration shall, before granting the approval, satisfy himself that the withdrawals or cancellation of registrations was approved by the general meeting of the Trade Union, or if it was not so approved, that it has the approval of the majority of the members of the Trade Union. For this purpose, he may call for such further particulars, as he may deem necessary and may examine any officer of the Union.

(2) The Registrar can also cancel the registration of Trade Union on receiving the information under sub section 5(ii) of section 9 regarding contravention by the Trade Union of the provisions of this Code.

**15. Appeal under sub-section (1) of section 10. —** Any appeal made under sub- section (1) of section 10 of the code must be filed within sixty days of the date on which the Registrar passed the order against which the appeal is made.

**16. Communications and Notices to a Registered Trade Union under subsection**

**(1) of section 11.—** All the communications and notices to a registered Trade Union shall be sent electronically or through registered post or speed post, or manually under proper receipt.

**17. Change in the particulars as per sub-section (3) of section 11.—** The Trade Union shall inform the Registrar of any change in the particulars given in the application for registration and in its constitution or rules electronically or through registered post or speed post, or manually under proper receipt.

**18. (1). Matters to be negotiated by a negotiating Union or negotiating Counsel in an industrial establishment under sub-section (1) of section 14.—** (1) There shall be a negotiating Union or negotiating Counsel as the case may be in an industrial

establishment having registered Trade Union for negotiating with the employer of the industrial establishment on the following matters :—

1. Classification of workers, whether permanent, temporary, apprentices, probationers, badlis or fixed term employment;
2. Manner of intimating to workers periods and hours of work, holidays, pay-days and wage rates;
3. Shift working;
4. Attendance and late coming;
5. Conditions of, procedure in applying for, and the authority which may grant leave and holidays;
6. Requirement to enter premises by certain gates, and liability to search;
7. Closing and reporting of Sections of the industrial establishment, temporary stoppages of work and the rights and liabilities of the employer and workers arising there-from;
8. Termination of employment, and the notice thereof to be given by employer and workers;
9. Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct;
10. Means of redress for workers against unfair treatment or wrongful exactions by the employer or his agents or servants;
11. Any other matter which may be specified by the appropriate Government by notification.

(1) Criteria to recognize Trade Union as sole negotiating Union of the workers under sub-section (2) of section 14.— Where only one Trade Union of workers registered under the provisions of this Code is functioning in an industrial establishment, then, the employer of such industrial establishment shall recognize such Trade Union as sole negotiating Union of the workers subject to the criteria that Trade Union should have fifty-one per cent or more workers of the total employees of the industrial establishment as its member as verified by a committee consisting of equal number of members from the management of establishment and the members of the registered Trade Unions functioning in that establishment, supporting that Trade Union shall be recognized by the employer of the industrial establishment, as the sole negotiating Union of the workers.

(2) Verification of a Trade Union by the employer of the industrial establishment under sub-section (3) and sub-section (4) of section 14.— (a). If more than one Trade Union of workers registered under this Code are functioning in an industrial establishment, then, the Trade Union having fifty-one per cent or more workers on the muster roll of that industrial establishment, after duly verified by a committee consisting of equal number of members from the management of establishment and the members of the registered Trade Unions functioning in that establishment, supporting that Trade Union shall be recognized by the employer of the industrial establishment, as the sole negotiating union of the workers;

(b). If after verification as mentioned in clause (a), it is established that no such Trade Union has fifty-one per cent or more of workers on the muster roll of that industrial establishment, then, there shall be constituted by the employer of the industrial establishment, a negotiating Council for negotiation on the matters referred to in sub-rule (1) consisting of the representatives of such registered Trade Unions which have the support of not less than twenty per cent of the total workers on the muster roll of that industrial establishment so verified and such representation shall be of one representative for each twenty per cent and for the remainder after calculating the membership on each twenty per cent.

Provided that an employee can be a member to only one Trade Union at a particular time.

(3) Facilities to be provided by the Industrial Establishment under sub section 7 of section 14.— The industrial establishment shall provide following facilities to a negotiating union or negotiating council :—

- (i) Office accommodation either inside or outside the company premises;
- (ii) May declare the executive members of the negotiating Trade Union and members of the negotiating Council as protected workers.

**19. Utilization of the general funds of a Trade Union under sub-section (1) of section 15.**— The general funds of a registered Trade Union shall not be spent on any objects other than specified below—

- (a) the payment of salaries, allowances and expenses to office bearers of the Trade Union;
- (b) the payment of expenses for the Administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;

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

**20. Constitution of a separate fund under sub-section (2) of section 15.**— (1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made to that fund, from which 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 sub-rule (2).

(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 selection of a candidate for any legislative body constituted under the Constitution or for any local authority; or
- (e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

(3) No member shall be compelled to contribute to the fund constituted under subrule (1) and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund and contribution to the said fund shall not be made a condition for admission to the Trade Union.

**21. Subscriptions payable by the members of the Trade Union under sub-section (4) of section 15.**— The admission subscriptions for the members of the Trade Union shall be Rs. 100/- and monthly subscription shall not be less than Rs. 30/- per member but not more than Rs. 50/- per member.

**22. Application for adjudication before Industrial Tribunal under sub-section (1) of section 22.**— A registered Trade Union shall apply in writing for adjudication before Industrial Tribunal with regard to any trade dispute for its determination under the provisions of this code in person or through authorized representatives of the Trade Union within a period of sixty days from occurrence of such dispute.

**23. Manner of Amalgamation of Trade Unions under subsection (2) of section 24.**— (1) Any two or more registered Trade Unions may become amalgamated together as one Trade Union with or without dissolution or division of the funds of such Trade Unions or either or any of them, provided that the votes of at least one half of the members of each or every such Trade Union entitled to vote are recorded, and that at least sixty per cent of the votes recorded are in favour of the proposal.

2. Notice of change of name or amalgamation.—(1) Notice in writing of every change of name and of every amalgamation, signed, in the case of a change of name, by the Secretary and by seven members of the Trade Union changing its name, and, in the case of an amalgamation, by the Secretary and by seven members of each and every Trade Union which is a party thereto, shall be sent to the Registrar electronically or otherwise, and where the head office of the amalgamated Trade Union is situated in a different State, to the Registrar of such State.

(2) The Registrar of the State in which the head office of the amalgamated Trade Union is situated shall, if he is satisfied that the provisions of this Act in respect of amalgamation have been complied with and that the Trade Union formed thereby is entitled to registration under section 6, register the Trade Union in the manner provided in section 6, and the amalgamation shall have effect from the date of such registration.

(3) Effects of change of name and of amalgamation.— (1) The change in the name of a registered Trade Union shall not affect any rights or obligations of the Trade Union or render defective any legal proceeding by or against the Trade Union, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

(2) An amalgamation of two or more registered Trade Unions shall not prejudice any right of any of such Trade Unions or any right of a creditor of any of them.

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

**25. Annual returns under clause (a) sub-section (1) of section 26.—** The annual return to be furnished under section 26 shall be submitted to the Registrar by the 15th day of February in each year and shall be in (Form-II).

#### **CHAPTER IV STANDING ORDERS**

**26. 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, the specific date from which the provisions of the model standing order which are relevant to his establishment have been adopted.

(2) On receipt of information in sub-rule (1) the certifying officer within period of 30 days from such receipt may give his observation that the employer is required to include certain provisions which are relevant to his establishment and indicate those relevant provisions of the model standing orders which have not been adopted shall also direct the employer to amend the standing order so adopted, by way of addition, deletion or modification within a period of 30 days from the date of the receipt of such direction and ask for compliance report only and respect of provisions which the certifying officer seeks to get so amended and such report shall be sent electronically by the employer.

(3) If no observation is made by certifying officer within period of 30 days of the receipt of the information as specified in sub-rule (1) and (2), then, the standing order shall be deemed to have adopted by the employer.

**27. Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer whereas 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 (i) of said sub-section (5), then, the certifying officer shall call a meeting of the workers to choose three representatives, to whom he shall, upon their being chosen, forward a copy of the standing order requiring objections, if any, which the workers may desire to make to the draft standing order to be submitted within fifteen days from the receipt of the notice.

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

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

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

(ii) draft modification in the existing standing orders, shall contain the particulars of such standing orders which are proposed to be modified along with tabular statement containing details of each of the relevant provision of standing order in force and proposed modification therein and reasons thereof and such statement shall be signed by a person authorized by the industrial establishment or undertaking.

**30. Conditions for submission of draft standing order in similar establishment under sub-section (10) of section 30.—** In cases of group of employer engaged in similar industrial establishment may submit a joint draft standing order under section 30 and for the purpose of proceedings specified in sub-sections (1), (5), (6), (8) and (9) thereof after consultation with the concerned Trade Union, negotiating Union or negotiating Council, if any.

**31. Manner of disposal of appeal by appellate authority under section 32.—** (1) An employer or Trade Union or negotiating Union desirous of preferring an appeal against the order of the certifying officer given under sub-section (5) of section 30 shall within sixty days of the receipt of such order shall draw up a memorandum of appeal in tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added and reasons thereof and shall be filed electronically to the appellate authority.

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

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

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

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

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

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

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

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

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

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

**33. Register for final certified copy of standing order under section 34-(i)**The certifying officer shall maintain electronically, a register of 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 –

(i) the unique number assigned to each standing order;

(ii) name of industrial establishment;

(iii) nature of industrial establishment;

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

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

vi) 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 therefor on payment of ten rupees per page of the certified standing orders or deemed certified standing orders, as the case may be.

**34. Application for modification of standing order under sub-section (2) of section 35.-** The application for modification of an existing standing order under sub-section

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

**35. Establishments exempt from this chapter under section 39:-** The provisions of this chapter shall not apply to establishments wherein less than 500 workers are employed or were employed on any day of the proceeding twelve months.

## **CHAPTER V NOTICE OF CHANGE**

**36. The manner of giving of notice for change proposed to be effected under clause (i) of section 40.-** (1) Any employer intending to effect any change in the conditions of service applicable to any worker in respect of any matter specified in the Third Schedule to the Code, shall give notice in Form-VI to such worker affected by such change.

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

Provided that where there is a registered Trade Union or registered Trade Unions relating to the industrial establishment, a copy of such notice shall also be served on

the President or General Secretary of such Trade Union or each of the Presidents or General Secretaries of such unions, as the case may be.

## **CHAPTER VI**

### **VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION**

37. Form of arbitration agreement and the manner thereof under sub-sections (3) of section 42.- (1) Where the employer and workers agree to refer the dispute to arbitration, the Arbitration Agreement shall be in Form-VII and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent in writing or electronically of Arbitrator or Arbitrators.

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

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

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

(iii) in the case of an individual worker, an individual worker by the worker himself or by an officer of registered trade union of which the worker is a member -

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

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

(a) the President;

(b) the Vice -President;

(c) the Secretary (including the General Secretary);

(d) a Joint Secretary; and

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

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

39. 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-VIII 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**

40. Terms and conditions of service of the office of the Judicial Member of the Tribunal constituted by the Administration and Sub-section (1) of section 44.—

(1) The Judicial member shall be appointed by the Administration and the person so appointed shall not be qualified for such appointment unless—

(a) he is, or has been, a Judge of High Court; or

(b) he has for a period of not less than three years, been a district Judge or an additional Judge;

(c) Every person appointed as Judicial Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the (Form-IX) annexed to these rules.

(2) The salaries and allowances, resignation, removal and other terms and conditions of the Judicial Member so appointed shall be the same as are applicable to them in their respective Cadres of service.

(3) The Administration shall fill vacancy under sub-section (9) of section 44 in Industrial Tribunal arising out of retirement, transfer, dismissal or any other reason in accordance with these rules.

41. Terms and conditions of service of the office of the Administrative Member of the Tribunal constituted by the Administration and Sub-section (1) of section 44 — (1) The Administrative Member of the Tribunal shall be appointed by the Administration from the persons who having held the post not below the rank of Joint Secretary or an equivalent rank in the Administration of Union territory of Ladakh.

(a) Every person appointed as Administrative Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the (Form-IX) annexed to these rules.

(2) The salaries and allowances, resignation, removal and other terms and conditions of the Administrative Member so appointed shall be the same as are applicable to them in their respective Cadres of service.

(3) The Administration shall fill vacancy under sub-section (9) of section 44 in Industrial Tribunal arising out of retirement, transfer, dismissal or any other reason in accordance with these rules.

42. Manner of holding conciliation proceedings under sub-section (1), full report under sub-section (4), and application and the manner of deciding such application under sub-section (6) of section 53.—(1) Where the Conciliation Officer receives any information about an existing or apprehended industrial dispute and he considers it necessary to intervene in the dispute, he shall give formal intimation to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be specified therein.

(a) The party representing workmen involved in an industrial dispute shall forward a statement of its demands along with a copy of the notice to the Conciliation Officer concerned. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.

(b) The party representing workmen, or in the case of an individual workman, the workman, himself involved in a dispute shall forward a statement of its demands to the Conciliation Officer concerned before such date as may be specified by him for commencing conciliation proceedings. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.

The conciliation Officer shall send to the opposite party concerned a copy of the statement received, as the case may be, who shall file its rejoinder with the Conciliation Officer within a period of one week of its receipt: Provided that the Conciliation Officer may when he considers necessary extend the time limit for the filing of the rejoinder by any party.

(c) The statement of demands submitted by the party representing the workmen, or in the case of individual workman by the workman himself along with a copy of the



rejoinder shall be transmitted to the Administration by the Conciliation Officer concerned with his report.

(d) Where an employer, or the party representing the workmen, or in the case of individual workman, the workman himself applies to the Administration for reference of an industrial dispute to a Labour Court or Tribunal, such application shall be accompanied by a statement of the demands or matters in dispute with as many sparecopies thereof as there are opposite parties.

(e) The statement and every copy thereof required under the said sub-rules to accompany the said statement shall be duly signed, on behalf of the party, by the personmaking it.

(2) If no such settlement is arrived at in the conciliation proceeding referred to in sub-rule (1), the conciliation officer shall submit a report electronically within seven days from the date on which the conciliation proceedings are concluded.

(3) The report referred to in sub-rule (2) shall be communicated electronically or otherwise to the parties concerned.

(4) The report referred to in sub-rule (2) shall contain inter-alia the submissions of the employer, worker or Trade Union, as the case may be, and it shall also contain the efforts made by the conciliation officer to bring the parties to the amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion of the Conciliation Officer.

(5) Any dispute which is not settled during the conciliation proceedings, then, either of the concerned party may make an application in Form-X, before the Tribunal electronically within ninety days from the date of the report under sub-rule (2).

(6) In case of an industrial dispute which has not been settled during the conciliation proceedings, an application may be made before the Tribunal by either of the parties concerned for adjudication. The Tribunal shall direct the party raising the dispute to file a statement of claim with complete details along with relevant documents, list of supporting documents and witnesses within thirty days from the date on which application is filed. A copy of such statement may be sent electronically for service on each of the opposite parties in the dispute.

(7) The Tribunal after ascertaining that the copies of statement of claim and other related documents are furnished to the other side by the party raising the dispute, the Tribunal shall fix the first hearing as soon as possible and within a period of one month from the date of receipt of the application. The opposite party or parties shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party or parties for service.

(8) Where the Tribunal finds that the party raising the dispute, despite its directions, did not forward the copy of the statement of claim and other documents to the opposite party or parties, it shall give directions to the concerned party to furnish the copy of the statement to the opposite party or parties, granting extension of fifteen days for filing the statement, if the Tribunal finds sufficient cause for not filing the statement of claim and other documents within time.

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

(10) On completion of evidence, arguments may be heard immediately or a date may be fixed for arguments, which shall not be beyond a period of fifteen days from the closure of evidence.

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

parties to the dispute, shall be granted.

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

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

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

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

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

(a) fee for obtaining a copy of an award or the document filed in any proceedings of Tribunal be charged at the rate of rupees Two per page.

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

(c) Copying and certifying fees shall be payable electronically.

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

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

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

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

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

## **CHAPTER VIII STRIKES AND LOCK-OUTS**

43. Number of persons by whom the notice of strike shall be given, the person or persons to whom such notice shall be given and the manner of giving such notice under sub-section (4) of section 62. - The notice of strike referred to in sub-section (1) of section 62 shall be given to the employer of an industrial establishment in Form-XI which shall be duly signed by the President or General Secretary and five elected representatives of the registered Trade Union relating to such industrial establishment endorsing the copy thereof electronically to the Assistant Labour Commissioner-cum- Conciliation Officer, Labour Commissioner/Deputy Labour Commissioner Union territory of Ladakh and the Administration.

44. Manner of giving notice of lock-out under sub-section 5 and authority under sub-section 6 of 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 XII to the President or General Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof electronically to the Assistant Labour Commissioner-cum-Conciliation Officer, Labour Commissioner/Deputy Labour Commissioner Union territory of Ladakh and the Administration. 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 receive from any person employed by him any notice of strike as referred to in sub-section (1) of section 62, then he shall within five days from the date of receiving of such notice, intimate the same electronically or otherwise to the Assistant Labour Commissioner-cum-Conciliation Officer, Labour Commissioner/Deputy Labour Commissioner Union territory of Ladakh.

(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 Assistant Labour Commissioner-cum-Conciliation Officer, Labour Commissioner/ Deputy Labour Commissioner Union territory of Ladakh.

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

45. Manner of serving notice before retrenchment of the worker under clause (c) of section 70.- If any employer desires to retrench any worker and 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-XIII to the Administration, Labour Commissioner/ Deputy Labour Commissioner Union territory of Ladakh and Assistant Labour Commissioner-cum-Conciliation Officer, Union territory of Ladakh through e- mail or, by registered or speed post.

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

47. Manner of serving notice by the employer for intended closure under sub-section

(1) of section 74.- If an employer intends to close down industrial establishment, he shall give notice of such closure in Form XIII to the Administration, Labour Commissioner/ Deputy Labour Commissioner Union territory of Ladakh and the Assistant Labour Commissioner- cum- Conciliation Officer, Union territory of Ladakh, by e-mail or registered post or speed post.

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

48. Manner of making application to Administration by the employer for the intended lay-off and the manner of serving copy of such application to workers under sub-section

(2) of section 78.- An application for permission under sub-section

(1) of section 78 shall be made by the employer in Form XIV stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to the worker concerned electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.

49. Manner for applying for permission from Administration 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 Badliworkers 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 Administration electronically and by registered or speed post with a copy to the Labour Commissioner/ Deputy Labour Commissioner Union territory of Ladakh and the Assistant Labour Commissioner-cum-Conciliation Officer, Union territory of Ladakh 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.

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

51. Manner of making application to Administration by the employer for the intended retrenchment and manner of serving copy of such application to workers under sub-section (2) of section 79.- An application for permission referred to in sub-section (1) of section 79 shall be made by the employer in Form XIV stating clearly therein the reasons for the intended retrenchment electronically and a copy of such application shall also be sent to workers electronically and by registered post or speed post. 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.

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

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

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

## **CHAPTER XI WORKER RE-SKILLING FUND**

55. Manner of utilization of fund under sub-section (3) of section 83.- Every employer who has retrenched a worker or workers under this Code, shall, within ten days, at the time of retrenching a worker or workers shall electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account (name of the account shall be displayed on the website of the Labour Department, Union territory of Ladakh to be maintained by the Administration of Union territory of Ladakh. The fund so received shall be transferred by Administration of Union territory of Ladakh to each worker or workers' account electronically within forty-five days of receipt of funds

from the employer. The employer shall also submit the list containing the name of each worker retrenched, the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the Administration of Union territory of Ladakh to transfer the amount in their respective account.

## **CHAPTER XII**

### **OFFENCES AND PENALTIES**

56. Officer for holding enquiry— For the purpose of Section 85 (1), the appropriate Administration may, by notification, appoint any officer not below the rank of Joint Secretary or an officer of equivalent rank in the Administration of Union territory of Ladakh, as the officer appointed for holding enquiry within his jurisdiction.

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

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

(3) Where the prosecution has already been instituted against the accused in the competent Court, he may make an application to the Court to compound the offence against him and the court, after considering the application, may allowed composition of the offence by the Compounding Officer in accordance with provisions of Section 89.

4. If the accused complies with the requirement of sub-rule (2), the compounding officer shall compound the offence for the amount of money deposited by the accused and-

(a) if the offence is compounded before the prosecution, then no complaint for prosecution shall be instituted against the accused; and

(b) if the offence is compounded after institution of prosecution under sub -rule (3) with the permission of the Court, then, the compounding officer shall treat the case as closed as if no prosecution had been launched and will proceed in accordance with composition under clause (a) and intimate the composition of offence to the competent Court in which the prosecution is pending and after receiving such intimation, the Court shall discharge the accused and close the prosecution.

(5) The compounding officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the Administration.

**CHAPTER XIII**  
**MISCELLNEOUS**

**58.** Manner of making complaint by an aggrieved worker under section 91.- (1) Every complaint under section 91 shall be made electronically and by registered post or speed post in Form XVI 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, and the Industrial Tribunal, as the case may be, to be acquainted with the facts of the case.

**59.** 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 VIII.

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

**61.** Collection of Statistics:-The employer shall submit the details of strike, lockout, lay-off, retrenchment and closures, statistics required under these rules electronically in Form and manner time to time to the Administration as well as the Office of Director General, Labour Bureau.

**FORM I**

**(See rule 3)**

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

Names of Parties:

..... Representing employer(s);

..... Representing workers;

Short recital of the case

\_\_\_\_\_

Terms of the settlement

\_\_\_\_\_

Signature of the parties

Witnesses:

(1)

(2)

\*Signature of Conciliation  
Officer

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

FORM II

(See rule 9(2), Rule 11 and Rule 25)

(Form for Trade Union)

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

PART A

1. Name of the Union
2. Address of the Union
3. Registered Head Office
4. Number and date of certificate of registration
5. Classification of Industry (to be shown as per Schedule of Industries attached)
6. Classification of Sector [Please state to which of the following four categories the union belongs] - (a) Public Sector - Central Sphere; (b) Public Sector - State Sphere; (c) Public Sector - General Sphere; and (d) Public Sector - State Sphere]
7. Name of the All India Body/Federation to which affiliated
8. Affiliation number
9. Affiliation fee paid during the year
10. Number and date of receipt for payment of affiliation fee
11. Membership fee per month
12. No. of members on books at the beginning of the year
13. No. of members admitted during the year
14. No. of members who left during the year
15. No. of the members on books at the end of the year (i.e. on 31st March, 20 )  
Male Female Total
16. No. of members contributing to political fund
17. No. of members who paid their subscription for the whole year
18. A copy of the rules of the trade union corrected upto the date of dispatch of this return is appended
19. Part B of the return over-leaf has been duly completed.

Date the

President or General Secretary

Note. (1) If the Federation falls under more than one category, the membership claim in each category may be shown, separately.

Note. - (2) Name of Unions should be given in separate statements marked 'A', 'B', 'C' & 'D'.



Part B

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

Liabilities	Rs. Ps.	Assets	Rs. Ps.
Amount of general fund		Cash -	
Amount of political fund		In hands of Treasurer	

Loans From		In hands of Secretary In hands of	
		In the Bank	
		In the Bank	
		Securities as per list Below	
		Un-paid subscription due for -	
		* (a) the year	
		* (b) previous year	
		Loans to-	
		(a) Officers	
		(b) members	
Debts due to-		(c) others	
Other liabilities (to be specified)		Immovable property	
		Goods and Furniture	
		Other assets (to be specified)	
Total liabilities		Total liabilities	

List of Securities

Particulars	Face Value	Cost Price	Market price at date on which accounts have been made up	In hands of
<b>GENERAL FUND ACCOUNT</b>				
Income			Expenditure	Treasure
	Rs Ps.			Rs. Ps.
Balance at the beginning of the year			Salaries, allowance and expenses of Officers Travelling	
Subscription from the members ( including unpaid subscription due for the year)			allowance, salaries, allowances and expenses of establishment	
			Auditors fees	
a) Subscriptions received			Legal expenses	
(b) Subscription in arrears for three months or less			Expenses in conducting trade dispute	
c) Subscription in arrears for more than three months			Compensation paid to members for loss arising out of trade disputes	
			Funeral, old age, sickness, unemployment benefits etc.	
Donations			Educational, Social and religious	
Sale of periodicals, books, rules, etc.			benefits Cost of publishing	
Interest on investments Income from			Periodicals	
Miscellaneous sources (to be specified)			Rents, rates and taxes, Stationery, Printing and postage Expenses incurred under section 15 of the the Industrial Relations Code, 2020 (to be specified)	
Total			Other expenses (to be specified)	
			Balance at the end of year	
			Total at	

**Political Fund Account**

	Rs.	Ps.		Rs.	Ps.
Balance at the beginning of year			Payments made on objects specified in section 15 of the Industrial Relations Code, 2020 (to be specified)		
Contribution from members at per member			Expenses of management (to be fully specified) Balance at end of the year		

Treasurer

**Auditors Declaration**

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

The following changes of [office bearers] have been made during the year.

[officer bearers] Relinquishing Office

Name of [Office bearer]	Date of relinquishing office

[Office Bearers] Appointed

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

**Elections**

Date of last election  
of officer bearers

Date of next election of  
office bearers

President or General Secretary

FORM III  
(See rule 10)

Application for Registration of Trade Union

Dated      day of      20

---

1. We hereby apply for the registration of a trade union under the name of
2. The address of the head office of the union is
3. The union came into existence on the \_ day of
4. The union is union of employers/workers engaged in the industry or (profession).
5. The particulars required by section 8 (1) of Industrial Relations Code, 2020 are given in Schedule I.
6. The particulars given in Schedule II show the provision made in the rules for the matters detailed in section 8 (1)(b) of Industrial Relations Code, 2020.
7. To be struck out in the case of unions which have not been in existence for one year before the date of application. The particulars required by section 8 (2) of the Industrial Relations Code, 2020 are given in Schedule III.
8. We have been duly authorised to make this application by\*

Serial No.	Signature	Occupation	Address
1.			
2.			
3.			
4.			
5.			
6.			
7.			

\*State whether the authority was given by a resolution of a general meeting of the Union if not in what other way it as given.

To

The Registrar,  
Trade Unions, Union territory of Ladakh.

Schedule I  
List of  
Officers

Serial No.	Title	Name	Age	Address	Occupation
------------	-------	------	-----	---------	------------

Note. - Enter in this schedule the name of all members of the executive of the Union, showing in column 1 the names of any posts held by them (e.g. President, Secretary including the General Secretary, Treasurer, etc.) in addition to their [office bearers] a members of the executive.

## Schedule II

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

1.

Serial No.	Matter	Number of rules
1.	Name of union	
2.	The whole of the subjects 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 [office bearers] 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 reminded	
11.	The manner in which the members of the executive and the other[Office bearers] of the union shall be appointed and removed	
12.	The safe custody of the funds	
13.	The annual audit of the accounts	
14.	The facilities for the inspection of the account books by officers and members	
15.	The manner in which the union may be dissolved	
16.	The procedure for declaring a strike	

Schedule III

This Need Not Be Filled In If The Unions Came Into Existence Less Than One Year Before

The Date of Application For Registration Statement of Liabilities and Assets on the day of

20 Liabilities

Assets

Rs. A.P.

Rs. A.P.

Amount of  
general Fund

Cash :-

Amount of  
political fund

In hands of Treasurer

Loan from-

In hands of Secretary

In hands of

In the Bank

In the

Bank

Securities as per list below

Debts due to-

Unpaid subscriptions

due Loans to-

Other Liabilities (to  
be specified)

Immovable property,  
Goods and furniture Other assets  
(to be specified)

Total Liabilities

Total Assets

#### List of Securities

Particulars	Nominal value	Market value	In hands of
1	2	3	4
1.			
2.			

FORM IV  
( See rule 12 )

Register of Trade Unions

Serial No.	Officer						
Name of Union	Year of entering office	Name	Age on entry	Addresses	Occupation	Year of relinquishing office	Other Offices held In addition to membership of Executive with dates
Address of Head Office							
Date of Registration							
Number of application form							
List of members applying for registration							
1.							
2.							
3.							
4.							
5.							
6.							
7.							

FORM V  
{See rule 13}

Certificate of Registration of Trade Union

No.

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

Registrar of Trade Unions

'Seal'



FORM VI  
(See rule 36)

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

Name of employer.....

Address.....

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

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

Signature.....

Designation.....

ANNEXURE

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

Copy forwarded to:

1. The President or General Secretary of registered Trade Union, if any.
2. Concerned Conciliation Officer of the area.

Signature.....

Designation.....

FORM VII

(See rule 37)

(Agreement for voluntary arbitration)

BETWEEN

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

And

.....Representing worker

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

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

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

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

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

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

Witnesses

- 1. ....
- 2. ....

Copy to:

- (i) The Conciliation Officer, Union territory of Ladakh.
- (ii) The Secretary Labour, Administration of Union territory of Ladakh.
- (iii) The Labour Commissioner, Union territory of Ladakh.

FORM VIII

(See rule 39, rule 58 and rule 59)

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

Before the Authority

(Here mention the authority concerned)

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

.....workers

Versus .....Employer

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

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

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

FORM IX

(See clause (c) of sub - rule 1 of rule 40 and clause (a) sub- rule 1 of rule 41)

Form of Oath of Office for Judicial Member or Administrative Member whichever is applicable) of Industrial Tribunal

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

(Signature)

Place

Date

FORM X

(See Sub - rule 5 of rule 42)

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

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

In the matter of:

.....Applicant

Address.....

Versus

..... Opposite party (ies)

Address.....

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

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

Date .....

Place .....

Form XI

(See rule43)

(Notice of Strike to be given by Union(Name of Union)/ Group of Workers) Name of five elected representatives of workers.....

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

To

(The name of the

employer). Dear Sir/Sirs,

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

Yours faithfully,

(President or General Secretary of the Union)

Five representatives of the workers duly elected at a meeting

held

on.....(date) , vide resolution attached.]

ANNEXURE

Statement of the case

Copy to;

1) Conciliation Officer, Union territory of Ladakh.

2) Labour Commissioner/Deputy Labour Commissioner, Union territory of Ladakh.

FORM XII  
(See rule 44)

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

Name of employer.....

Address.....

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

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

Signature.....

Designation.....

ANNEXURE

<b>1. Statement of reasons</b>
--------------------------------

Copy forwarded to:

- (1) The President or General Secretary of the Registered Union, if any
- (2) Conciliation officer ..... [Here enter office address of Conciliation Officer of the concerned area.]
- (3) Labour Commissioner/Deputy Labour Commissioner Union territory of Ladakh
- (4) The Secretary Labour, Administration of Union territory of Ladakh.

Form XIII

(See sub-section (c) of section 70, rule 45 and rule 47)

(Notice of Intimation of Retrenchment/Closure to be given by an employer to the Administration of Union territory of Ladakh)

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

Name of Industrial Establishment or Undertaking

or Employer.....

Address.....

Dated .....(DD/MM/YYYY).

To,

The Secretary

Labour, Administration of  
Union territory Ladakh

Department of Labour,  
Union territory of  
Ladakh.

Sir,

Part I  
(Retrenchment)

1. Under clause (a) of section 70 of the Industrial Relation Code, 2020, I/we here by inform you that I/we have decided to retrench (number of workers) ..... workers with effect from.....(DD/MM/YYYY) for the reasons explained in the Annexure I.
2. The workers concerned have been given on the.....(DD/MM/YYYY) one months' 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.....

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) for the reasons explained in the Annexure I.
2. The number of workers whose services would come to an end on account of the closure of the industrial establishment or undertaking are..... (number of workers).

Number of workers .....

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

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

Yours faithfully,

(Name & Designation of the Employer/ authorized representative

#### ANNEXURE I

Statement of Reasons for retrenchment/closure (strike whichever is not applicable)  
with reference to Rule 25 and Rule 27 and Form VIII.

Copy to:

1. To the office of Labour Commissioner/ Deputy Labour Commissioner Union territory of Ladakh  
(Only for statistical purpose)
2. Conciliation Officer, Union territory of Ladakh

#### FORM XIV

(See rule 48, rule 51 and rule 53)

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

To,

The Secretary Labour,  
Department of Labour  
Administration of Union territory of Ladakh.

Sir,

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

\*2. Under sub-section (2) of section 79 of the Industrial 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)for the reasons set out in the Annexure-I.

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

\*4. Under section 80(1) of the Industrial 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).(Give details as in Annexure II) with effect from(DD/MM/YYYY)



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

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

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

Yours faithfully,

(Signature)

(\*Strike off which is not

applicable)

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

#### ANNEXURE I

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

#### 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 State 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)  (ii) Whether a private limited company/ partnership/ firm or proprietorship firm	Indicate the status of the company
3.	(a) MCA number (b) GSTN number (c) Registration number of the labour department	
4.	(a) *Names and identification number of the affected workers proposed to be laid-off/retrenched/ to be affected by closure.	The identification number UAN of EPFO under SS Code.
5.	(i) Annual production, item wise for pre-ceding three years-	
	(ii) Production figures, month-wise, for the preceding twelve months,	

6.	Balance sheets, profit and loss accounts and audit reports for the last three years.	To be annexed
7.	Net worth of the company	
8.	Names of the inter-connected companies or companies under the same management.	
9.	Details of lay-off/ Retrenchment resorted to in the last three years (other than the lay-off/ Retrenchment for which permission is sought), including the periods of such lay-offs/ Retrenchment the number of workmen involved in each such lay-off/ Retrenchment / continuation of lay off	
10.	Any other relevant details which have bearing on lay-off or retrenchment or Closure.	

A copy of this form is also to be submitted to the office of Labour Commissioner, Administration of Union territory of Ladakh.

FORM XV

{See rule 57 (1)}

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

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

PART -I

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

PART – II

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

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

(Signature of the Compounding Officer)

Date:  
Place:

PART –III

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

1. Name of applicant (name of the employer who committed the offence under the Industrial Relation Code 2020 to be mentioned.....

2. Address of the applicant.....

3. Particulars of the offence

.....  
.....

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

.....

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

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

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

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

8. Any other information which the applicant desires to provide

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

Applicant

(Name and signature)

Dated:  
Place:

FORMXVI  
{See rule 58 (1)}

(Complaint under Section 91 of the Industrial Relation Code,  
2020) Before the Conciliation officer/Arbitrator/Industrial  
Tribunal.....

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

A.....

Complainant(s);

Versus

B.....  
(ies).

Opposite Party

Address:

The petitioner(s) begs/beg to complain that the Opposite  
Party(ies) has/have been guilty of a contravention of the  
provisions of section 90 of the Industrial Relation code, as  
shown below:  
(Here set out briefly the particulars showing the manner in  
which the alleged contravention has taken place and the  
grounds on which the order or act of the management is  
challenged.)

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

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

Dated this.....day of.....20.....Signature of the

## Complainant(s) Verification

I do solemnly declare that what is stated in paragraph.....above is true  
to my Knowledge and that what is stated in paragraphs     above is  
stated

upon information received and believed by me to be true. This  
verification

is signed by me at ..... day

of.....20.....

Signature or Thumb impression of the person verifying

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