

Code	Stakeholder suggesting (Name+Affiliation)	Trayas/Stakeholder Recommendations	Committee Response	Trayas Response	Fact Checks Supporting Trayas Response
IR	Trayas	<p>SOs are applicable to firms employing more than 300 workers. The IR Code under Section 39 assigns powers as follows "The appropriate Government may, by notification, exempt, conditionally or unconditionally, any industrial establishment or class of industrial establishments from all or any of the provisions of this Chapter."</p> <p>In pursuance of Section 39 of the IR Code, we strongly urge the department to issue exemptions via the Rules to all enterprises employing between 300 and 500 workers. In our estimation, this will grant huge relief to small establishments in Punjab and be easy to monitor as registration and licensing information will contain details on size of the establishment. These small establishments are also unlikely to be able to take advantage of the Fixed Term Employment allowance in the short run.</p> <p>In addition, we strongly urge the department to continue the exemption granted to IT/ITes establishments as this is a continuation of current policy.</p>	<p>The Department expressed reservation regarding granting exemptions to all establishments with less than 500 employees. In a letter dated 21 July 2021, DoL wrote that it will deliberate over giving exemption to the IT sector from SO (as has been provided for in Section 39 of the IR Code), via notification, if the ACS agrees to the granting such exemptions, but was not open to the provision of extending the threshold to 500.</p> <p>In a discussion dated 20 July 2021, the Chief Secretary and ACS agreed to granting exemptions to establishments with less than 500 workers.</p>	<p>We reiterate the recommendation for granting exemptions from SOs to establishments with less than 500 employees. Reasons include:</p> <ul style="list-style-type: none"> <li>- The new definition of an industrial establishment significantly increases the coverage of the provisions related to SOs;</li> <li>- The penalties for contravention of provisions have also increased significantly under the IR Code;</li> <li>- The exemption will be a continuation of the previous policy as Punjab granted exemptions to MSMEs via a notification dated 06 August 2021; and</li> <li>- States like MP and Karnataka have also granted exemptions to their establishments to grant flexibility to the industry.</li> </ul>	<p>The law on standing orders was primarily meant to apply to the industrial sectors of India (such as manufacturing and infrastructure) and was designed for working conditions where employees were often placed at a disadvantageous position with lesser benefits and no bargaining power. Most requirements under chapter IV, are not suitable for the small enterprises, particularly services or small non-hazardous manufacturing sector.</p> <p>Rule 23: Manner of forwarding information to certifying officer related to adopting model standing order                      Rule 24: Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer where there is no Trade Union operating                      Rule 25: Manner of authentication of certified standing orders                      Rule 26: Statement of the workers employed in the industrial establishment, the Trade Union to which they belong, and the negotiating union or negotiating council to be accompanied with draft standing orders                      Rule 27: Conditions for submission of draft standing order in similar establishment                      Rule 28: Manner of disposal of appeal by appellate authority                      Rule 29: The language and the manner of maintaining standing order                      Rule 30: Register for final certified copy of standing order                      Rule 31: Application for modification of standing order</p> <p>Section 39. The appropriate Government may, by notification, exempt, conditionally or unconditionally, any industrial establishment or class of industrial establishments from all or any of the provisions of this Chapter.</p>
IR	Sh. Deepak Arora NASSCOM	<p>Appropriate exemptions from the applicability of standing orders for the IT/ITes sector should be given as per the provisions of Chapter IV-Section 39 of IR Code consistent with the with the approach adopted by several of the state governments in India.</p>	<p>Can't be considered</p> <p>In discussion dated 25 June 2021, the Labour Secretary initially said that to avoid compliance from Standing Orders, the employers can hire using Fixed Term contracts. We highlighted that the IT sector requires flexibility in setting working hours because they cater to clients across different geographies. Therefore, this sector should ideally be exempted. The Department responded that the sector can be given exemptions.</p>	<p>We recommend the Department reconsider this suggestion and perhaps expand to retail sector establishments, auto components, bicycle manufacturing, sporting goods, all of which are important industries in Punjab.</p> <p>In discussion dated 25 June 2021, the Labour Secretary initially said that to avoid compliance from Standing Orders, the employers can hire using Fixed Term contracts. We highlighted that the IT sector requires flexibility in setting working hours because they cater to clients across different geographies. Therefore, this sector should ideally be exempted. The Department responded that the sector can be given exemptions.</p> <p>The Rules shared on 08 July 2021 do not incorporate exemptions for important industries including but not limited to IT/ITES/e-commerce establishments. The rules need to be redrafted inserting the following Rule after Rule 31:                      "In exercise of its powers under Section 39 of the Code, the State Government hereby exempts such industrial establishments from the provisions of this Chapter IV that are engaged in the IT/ITes &amp; E-Commerce sector subject to the following conditions:                      1. Constituting ICC committee as per Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013                      Adoption of a structured grievance redressal mechanism to address complaints by workers;                      2. Intimating the Labour Commissioner on disciplinary actions such as suspension, discharge, termination, demotion, and dismissal when sought;                      3. Sharing of information related to the working conditions when sought by the Labour Commissioner; and                      4. Such other conditions for exemption as maybe notified by the State Government."</p>	<p>The law on standing orders was primarily meant to apply to the industrial sectors of India (such as manufacturing and infrastructure) and was designed for working conditions where employees were often placed at a disadvantageous position with lesser benefits and no bargaining power. The IT/ITes sector, works on a global delivery model catering to clients in different geographies. This requires flexibility in terms of work timings and greater synchronisation as per the client requirements.</p> <p>The sector generally employees skilled and educated employees and adopts best HR practices and processes, besides creative forms of workforce engagement. Most of these policies adopted by IT/ITes companies in India are benchmarked with international standards, to attract and retain the best talent.</p> <p>Given this background, most requirements under chapter IV, are not suitable for the IT-ITES sector. Further details on the reasons as to why the standing orders would hamper the business and development of the IT/ITes industry in the country is provided in the Annexure.</p> <p>Rule 23: Manner of forwarding information to certifying officer related to adopting model standing order                      Rule 24: Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer where there is no Trade Union operating                      Rule 25: Manner of authentication of certified standing orders                      Rule 26: Statement of the workers employed in the industrial establishment, the Trade Union to which they belong, and the negotiating union or negotiating council to be accompanied with draft standing orders                      Rule 27: Conditions for submission of draft standing order in similar establishment                      Rule 28: Manner of disposal of appeal by appellate authority                      Rule 29: The language and the manner of maintaining standing order                      Rule 30: Register for final certified copy of standing order                      Rule 31: Application for modification of standing order</p> <p>Section 39. The appropriate Government may, by notification, exempt, conditionally or unconditionally, any industrial establishment or class of industrial establishments from all or any of the provisions of this Chapter.</p>
IR	Sh. Dipankar Das Public Policy, Aakhya India	<p>Insertion of the following Rule after Rule 31:                      "In exercise of its powers under Section 39 of the Code, the State Government hereby exempts such industrial establishments from the provisions of this Chapter IV that are engaged in the IT/ITes &amp; E-Commerce sector subject to the following conditions:                      1. Constituting ICC committee as per Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013                      Adoption of a structured grievance redressal mechanism to address complaints by workers;                      2. Intimating the Labour Commissioner on disciplinary actions such as suspension, discharge, termination, demotion, and dismissal when sought;                      3. Sharing of information related to the working conditions when sought by the Labour Commissioner; and                      4. Such other conditions for exemption as maybe notified by the State Government."</p>	<p>Can't be considered</p> <p>In discussion dated 25 June 2021, the Labour Secretary initially said that to avoid compliance from Standing Orders, the employers can hire using Fixed Term contracts. We highlighted that the IT sector requires flexibility in setting working hours because they cater to clients across different geographies. Therefore, this sector should ideally be exempted. The Department responded that the sector can be given exemptions.</p>	<p>We recommend the Department reconsider this suggestion and perhaps expand to retail sector establishments, auto components, bicycle manufacturing, sporting goods, all of which are important industries in Punjab.</p> <p>In discussion dated 25 June 2021, the Labour Secretary initially said that to avoid compliance from Standing Orders, the employers can hire using Fixed Term contracts. We highlighted that the IT sector requires flexibility in setting working hours because they cater to clients across different geographies. Therefore, this sector should ideally be exempted. The Department responded that the sector can be given exemptions.</p> <p>The Rules shared on 08 July 2021 do not incorporate exemptions for important industries including but not limited to IT/ITES/e-commerce establishments (with strong consideration to retail sector establishments, auto components, bicycle manufacturing, sporting goods). The rules need to be redrafted inserting the following Rule after Rule 31:                      "In exercise of its powers under Section 39 of the Code, the State Government hereby exempts such industrial establishments from the provisions of this Chapter IV that are engaged in the IT/ITes &amp; E-Commerce sector subject to the following conditions:                      1. Constituting ICC committee as per Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013                      Adoption of a structured grievance redressal mechanism to address complaints by workers;                      2. Intimating the Labour Commissioner on disciplinary actions such as suspension, discharge, termination, demotion, and dismissal when sought;                      3. Sharing of information related to the working conditions when sought by the Labour Commissioner; and                      4. Such other conditions for exemption as maybe notified by the State Government."</p> <p>On 16 July 2021, we also recommended that the Department exempt all establishments with less than 500 employees.</p>	<p>Rule 23: Manner of forwarding information to certifying officer                      Rule 24: Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer where there is no Trade Union                      Rule 25: Manner of authentication of certified standing orders                      Rule 26: Statement to be accompanied with draft standing orders                      Rule 27: Conditions for submission of draft standing order in similar establishment                      Rule 28: Manner of disposal of appeal by appellate authority                      Rule 29: The language and the manner of maintaining standing order                      Rule 30: Register for final certified copy of standing order                      Rule 31: Application for modification of standing order</p> <p>Section 39: The appropriate Government may, by notification, exempt, conditionally or unconditionally, any industrial establishment or class of industrial establishments from all or any of the provisions of this Chapter.</p>

IR	Sh. Dipankar Das Public Policy, Aakhya India	<p>Exemption rules – For Constitution of Works Committee Insertion of the following new sub-rule 3(1):</p> <p>(1) Every employer to whom an order made by the Labour Commissioner under sub-section (1) of section 3 relates, shall forthwith proceed to constitute a Works Committee in the manner as specified in Rules, provided</p> <p>“Such notified establishments shall be exempt from the requirement to constitute a Works Committee under Rule 3, provided that such establishment has,</p> <p>(a) a designated team for queries of the workers regarding their employment and any common concerns of the workers; and</p> <p>(b) a structured grievance redressal mechanism whereby the process to resolve issues mutually between the employer and workers is clearly stipulated in writing, and the details of such processes are available to the workers through policies.”</p> <p>Provided that grievance redressal mechanism will adhere to the ‘rule of the law’ and ‘principals of natural justice to resolve such individual grievances.</p>	<p>Can't be considered</p> <p>The Department highlighted that the Code requires the constitution of a Works Committee under section 3 (1). This is applicable for enterprises with 100 or more workers.</p>	<p>We recommend the Department consider a self-certification method or an undertaking method to exempt establishments from the procedural requirements of a Works Committee and Grievance Redressal Committee, if feasible. This method could serve as an alternative to the procedural strictures of setting up and running the committees and would reduce the cost of compliance of establishments.</p>	<p>Rule 4 relates to constitution of Works Committee (industrial establishments with 100 or more workers)</p> <p>Rule 4 (1): (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.</p> <p>Section 3. (1) In the case of any industrial establishment in which one hundred or more workers are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute a Works Committee, in such manner as may be prescribed, consisting of representatives of employer and workers engaged in the establishment:</p> <p>Provided that the number of representatives of workers in such Committee shall not be less than the number of representatives of the employer</p> <p>Section 99 (2) (b) constitution of Works Committee and choosing of representatives of employer and workers engaged in the establishment under section 3.</p>
IR	Sh. Deepak Arora NASSCOM	<p>Insertion of the following new sub-rule after Rule 3(1):</p> <p>“(1) Every employer to whom an order made by the Labour Commissioner under sub-section (1) of section 3 relates, shall forthwith proceed to constitute a Works Committee in the manner as specified in Rules, provided</p> <p>“Such notified establishments shall be exempt from the requirement to constitute a Works Committee under Rule 3, provided that such establishment has,</p> <p>(a) a designated team for queries of the workers regarding their employment and any common concerns of the workers; and</p> <p>(b) a structured grievance redressal mechanism whereby the process to resolve issues mutually between the employer and workers is clearly stipulated in writing, and the details of such processes are available to the workers through policies.”</p>	<p>Can't be considered</p> <p>The Department highlighted that the Code requires the constitution of a Works Committee under section 3 (1). This is applicable for enterprises with 100 or more workers.</p>	<p>We recommend the Department consider a self-certification method or an undertaking method to exempt establishments from the procedural requirements of a Works Committee and Grievance Redressal Committee, if feasible. This method could serve as an alternative to the procedural strictures of setting up and running the committees and would reduce the cost of compliance of establishments.</p>	<p>Rule 4 relates to constitution of Works Committee (industrial establishments with 100 or more workers)</p> <p>Rule 4 (1): (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.</p> <p>Section 3. (1) In the case of any industrial establishment in which one hundred or more workers are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute a Works Committee, in such manner as may be prescribed, consisting of representatives of employer and workers engaged in the establishment:</p> <p>Provided that the number of representatives of workers in such Committee shall not be less than the number of representatives of the employer</p> <p>Section 99 (2) (b) constitution of Works Committee and choosing of representatives of employer and workers engaged in the establishment under section 3.</p>
IR	Sh. Deepak Arora NASSCOM	<p>Suggested change:</p> <p>The notice referred in sub-rule (1) shall be communicated to the worker electronically or otherwise or shall be displayed conspicuously by the employer on the notice board at the main entrance of the industrial establishment <del>and or the office of the concerned Manager of the industrial establishments</del></p> <p>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 electronically or otherwise or each of the Presidents of General Secretaries of such Unions, as the case may be.</p> <p>[Italicized words are struck.]</p>	<p>Can't be considered</p> <p>In discussion dated 11 June, the committee agreed to Trayas recommendation of not limiting the ways in which notice can be conveyed.</p> <p>In discussion dated 19.07.2021, the Department mentioned that workers are illiterate, the notice governs their service conditions, they cannot be given electronic notices. The employer may leave the worker unaware.</p>	<p>We recommend the Department reconsider this suggestion, and additionally consider not limiting the ways in which notice can be conveyed such as electronic notices via mobile applications.</p> <p>The Rules shared on 08 July 2021 limit the ways in which notice for change in conditions of service can be communicated to workers. The draft needs to be modified as follows:</p> <p>“The notice referred in sub-rule (1) shall be communicated to the worker electronically or otherwise or shall be displayed conspicuously by the employer on the notice board at the main entrance of the industrial establishment.”</p>	<p>Rule 32: Manner of giving notice for change in conditions of services</p> <p>(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-X to such worker affected by such change.</p> <p>(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:</p> <p>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.</p> <p>Section 40. No employer, who proposes to effect any change in the conditions of service applicable to any worker in respect of any matter specified in the Third Schedule, shall effect such change,—</p> <p>(i) without giving to the workers likely to be affected by such change a notice in such manner as may be prescribed of the nature of the change proposed to be effected; or</p> <p>(ii) within twenty-one days of giving such notice:</p> <p>Provided that no notice shall be required for effecting any such change.</p> <p>Section 99 (2)(ze) the manner of giving of notice of the nature of the change proposed to be effected under clause (i) of section 40.</p> <p>Latest Draft Rule as shared on 08 July 2021:</p> <p>The manner of giving of notice for change proposed to be effected under clause (i) of section 40.-</p> <p>(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.</p> <p>(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:</p> <p>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.”</p>
IR	Sh. Deepak Arora NASSCOM	<p>The rule mandate employer to deposit within ten days an amount equivalent to fifteen days of wages at the time of retrenchment of workers to the Government towards Workers reskilling fund. The ten-day period should be enhanced to more reasonable period of 30 days and the same period may also be followed by the Government towards remitting the payment back to the workers' account.</p> <p>Suggested change:</p> <p>“Every employer who has retrenched a worker or workers under this Code, shall, within ten thirtydays,at the time of retrenching a worker or workers shall electronically transfer an amountequivalent 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 Resource Department) to be maintained by the State Government. The fund so received shall be transferred by the State Government to each worker or workers' account electronicallywithin <i>forty-five</i> thirty days of receipt of funds from the employer and the worker shall utilize such amount for his re-skilling. The employer shall also submit the list containing the nameof each worker retrenched, the amount equivalent to fifteen days of wages last drawn inrespect of each worker along with their bank account details to enable the StateGovernment to transfer the amount in their respective account.”</p> <p>[Italicized words are struck.]</p>	<p>Can't be considered</p> <p>The Department pointed out that Section 83(2) of the IR Code provides that the remuneration be transferred in the number of days notified by the Central Government. Therefore, the Department cannot change the number of days.</p>	<p>We request the Department to reconsider increasing the number of days for transfer of retrenchment compensation even if only a small change is possible (eg. 15-20 days).</p>	<p>Rule 51: Manner of utilization of fund under sub-section (3) of section 83.-</p> <p>Every employer who has retrenched a worker or workers under this and Code, shall, within ten days, shall electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account to be maintained by the State Government. The fund so received shall be transferred by the State Government to each worker or workers' account electronically within forty-five days of receipt of funds from the employer. The employer shall also submit the list containing the name of each worker retrenched, the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the State Government to transfer the amount in their respective account.</p> <p>Section 83: (1) The appropriate Government shall, by notification, set up a fund to be called the worker re-skilling fund (hereafter in this section referred to as “fund”).</p> <p>(2) The fund shall consist of—</p> <p>(a) the contribution of the employer of an industrial establishment an amount equal to fifteen days wages last drawn by the worker immediately before the retrenchment, or such other number of days as may be notified by the Central Government, for every retrenched worker in case of retrenchment only;</p> <p>(b) the contribution from such other sources as may be prescribed by the appropriate Government.</p> <p>(3) The fund shall be utilised by crediting fifteen days wages last drawn by the worker to his account who is retrenched, within forty-five days of such retrenchment, in such manner as may be prescribed.</p> <p>GOI IR Code Rules, 35. 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 Ministry and Chief Labour Commissioner (Central)) to be maintained by the Central Government.</p>

IR	Sh. Deepak Arora NASSCOM	<p>Insertion of the following new Rule after Rule 5:</p> <p>“The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed ten...,”</p> <p>“Provided any industrial establishment which has a structured grievance redressal mechanism whereby the process to resolve issues mutually between the employer and worker is clearly stipulated in writing, such redressal mechanism shall be treated as sufficient compliance of this provision. Provided further that the details of such processes are available to the workers through policies and are notified to the appropriate authority as notified”.</p>	<p>Can't be considered</p> <p>The Department responded that a GRC is required under Section 4 (1) of the Code.</p>	<p>We recommend the Department consider a self-certification method or an undertaking method to exempt establishments from the procedural requirements of a Works Committee and Grievance Redressal Committee, if feasible. This method could serve as an alternative to the procedural strictures of setting up and running the committees and would reduce the cost of compliance of establishments.</p>	<p>Rule 5 relates to constitution of Grievance Redressal Committee (industrial establishments with 20 or more workers)</p> <p>Rule 5 (1) The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed ten.</p> <p>Section 96 of the Code provides that a State Government may exempt conditionally or unconditionally any establishment from any provision of the Code, where it is satisfied that adequate provisions exist in such establishment to fulfil the objects of such provision of the Code</p>
IR	Sh. Dipankar Das Public Policy, Aakhya India	<p>Exemption rules – For Constitution of Grievance Committee</p> <p>Insertion of the following new Rule after Rule 6:</p> <p>“The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed ten...,”</p> <p>“Provided any industrial establishment which has a structured grievance redressal mechanism whereby the process to resolve issues mutually between the employer and worker is clearly stipulated in writing, such redressal mechanism shall be treated as sufficient compliance of this provision. Provided further that the details of such processes are available to the workers through policies and are notified to the appropriate authority as notified”</p>	<p>Can't be considered</p> <p>The Department responded that a GRC is required under Section 4 (1) of the Code.</p>	<p>We recommend the Department consider a self-certification method or an undertaking method to exempt establishments from the procedural requirements of a Works Committee and Grievance Redressal Committee, if feasible. This method could serve as an alternative to the procedural strictures of setting up and running the committees and would reduce the cost of compliance of establishments.</p>	<p>Rule 5 relates to constitution of Grievance Redressal Committee (industrial establishments with 20 or more workers)</p> <p>Rule 5 (1) The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed ten.</p> <p>Section 96(1) Where the appropriate Government is satisfied in relation to any industrial establishment or undertaking or any class of industrial establishments or undertakings that adequate provisions exist to fulfil the objects of any provision of this Code, it may, by notification, exempt, conditionally or unconditionally such establishment or undertaking or, class of establishments or undertakings from that provision of this Code.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where the appropriate Government is satisfied in relation to any new industrial establishment or new undertaking or class of new industrial establishments or new undertakings that it is necessary in the public interest so to do, it may, by notification, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Code for such period from the date of establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case may be, as may be specified in the notification:</p> <p>Provided that any notification issued by a State Government under the Industrial Disputes Act, 1947, prior to the commencement of this Code, to achieve the purpose as is specified in this sub-section in the State, shall remain in force after such commencement for its remaining period as if the provisions of this Code have not been brought into force to the extent they defeat any purpose to be achieved by such notification issued by that State Government.</p>
IR	Sh. Vijay Walia Fight for the Rights of Unorganized labour Disable person & fight against injustice Organization Director Center for Social Change & Equity (Regd.) Patron: Ajmer Merwada Contractor Association	<p>The rules under Section 14(2) and 14(7) are not made in these rules which is in relation to negotiating council. These are required for negotiations and welfare of the workers.</p>	<p>Can be considered</p> <p>Provisions with regards to section 14(2) is already mentioned in the code.</p> <p>In discussion dated 29 June, the department responded that they have not discussed how to incorporate, but they will not increase the compliance burden of the establishments</p>	<p>We are not clear about the stakeholder's recommendation or the department's response. Any modifications introduced should not increase the compliance burden of the employer.</p> <p>The Rules shared on 08 July 2021 add compliance burden on the enterprise. The Codes use the term protected worker instead of protected workman. We recommend the Department use the terminology used in the Codes.</p>	<p>Section 14 (2) Where only one Trade Union of workers registered under the provisions of this Chapter is functioning in an industrial establishment, then, the employer of such industrial establishment shall, subject to such criteria as may be prescribed, recognise such Trade Union as sole negotiating union of the workers.</p> <p>Section 14 (7) The facilities to be provided by industrial establishment to a negotiating union or negotiating council shall be such as may be prescribed”</p> <p>Latest Draft Rule as shared on 08 July 2021:</p> <p>“Rule 18 (2) 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 recognise such Trade Union as sole negotiating union of the workers subject to the criteria that such registered Trade Union of workers shall at all times continue to have not less than ten per cent of the workers or one hundred workers, whichever is less, subject to a minimum of seven, engaged or employed in an industrial establishment or industry with which it is connected, as its members.</p> <p>Rule 18 (4) 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 :—</p> <p>i. Office accommodation ;</p> <p>ii. May declare the executive members of the negotiating Trade Union and members of the negotiating council as protected workman.”</p>
IR	Sh. Vijay Walia Fight for the Rights of Unorganized labour Disable person & fight against injustice Organization Director Center for Social Change & Equity (Regd.) Patron: Ajmer Merwada Contractor Association	<p>The rules under Section 15(4) are not made in these rules which will lead to arbitrariness in respect of trade unions.</p>	<p>Can be considered</p> <p>In discussion dated 29 June, the department responded that this rule will not increase compliance burden because it is solely related to TUs</p>	<p>We are not clear about the stakeholder's recommendation or the department's response. Any modifications introduced should not increase the compliance burden of the employer.</p>	<p>Section 15 (4) The subscriptions payable by the members of the Trade Union shall be such as may be prescribed</p> <p>Section 6 of the Trade Union Act: —A Trade Union shall not be entitled to registration under this Act, unless the executive thereof is constituted in accordance with the provisions of this Act, and the rules thereof provide for the following matters, namely:</p> <p>(ee) the payment of a minimum subscription by members of the Trade Union which shall not be less than—</p> <p>(i) one rupee per annum for rural workers;</p> <p>(ii) three rupees per annum for workers in other unorganised sectors; and</p> <p>(iii) twelve rupees per annum for workers in any other case</p> <p>Section 99 (2) of the Trade Union Act: The appropriate Government may, subject to the condition of previous publication, make rules for the purpose of giving effect to the provisions of this Code. In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:</p> <p>(f) the payment of a subscription by members of the Trade Union and donation from such members and others under clause (f) of section 7;</p> <p>The Trade Union Rules on the department website are not opening</p> <p>As per the <a href="#">Punjab Trade Union Regulations, 1927</a>, only members of TUs have to pay subscriptions</p>
IR	Sh. Rajinder Kumar, (rajindersingh33660@gmail.com)	<p>The rules under Section 22(1) is not made in these rules. Since this is related to the application to be made to the tribunal. Again it is an example of arbitrariness in these rules.</p>	<p>Can be considered</p> <p>In discussion dated 29 June, the department responded that this recommendation is matter for civil court/ tribunal. They cannot make rules related to Section 22(1). Since, they are not introducing these rules, it will not increase compliance burden on establishments</p>	<p>We are not clear about the stakeholder's recommendation or the department's response. Any modifications introduced should not increase the compliance burden of the employer.</p>	<p>Section 22 (1) Where a dispute arises between—</p> <p>(a) one Trade Union and another; or</p> <p>(b) one or more workers who are members of the Trade Union and the Trade Union regarding registration, administration or management or election of officebearers of the Trade Union; or</p> <p>(c) one or more workers who are refused admission as members and the Trade Union; or</p> <p>(d) where a dispute is in respect of a Trade Union which is a federation of Trade Unions and office-bearer authorised in this behalf by the Trade Union,</p> <p>an application may be made in such manner as may be prescribed to the Tribunal having jurisdiction over the area where the registered office of the Trade Union or Trade Unions is located for adjudication of such disputes.</p>
IR	Sh. Vijay Walia Fight for the Rights of Unorganized labour Disable person & fight against injustice Organization Director Center for Social Change & Equity (Regd.) Patron: Ajmer Merwada Contractor Association	<p>The rule 56 is made under Section 85 of the IR Code 2020 but this power is vested in the Central Government, the manner of holding enquiry is to be prescribed by Central Government. This is completely over reach on the part of the officers who made these rules and this shows they want powers and are not interested in the welfare of the workers.</p>	<p>Can be considered</p> <p>The department responded that they are not empowered to make this Rule. So, they will be deleting it after the decision of the State Government.</p>	<p>We are not clear about the stakeholder's recommendation or the department's response. Any modifications introduced should not increase the compliance burden of the employer.</p>	<p>Rule 56. Manner of holding an enquiry under sub-section (1) of section 85.- (1) Complaint— On receipt of a complaint of the offence committed under sub-sections (3), (5), (7), (8), (9), (10), (11) and (20) of section 86 and sub-section (7) of section 89, the same shall be enquired by an officer not below the rank of the Labour Commissioner, Punjab or any other Gazetted Officer authorized in this behalf under sub-section (1) of section 85 (hereinafter referred to as the enquiry officer).</p> <p>Section 85 (1) Notwithstanding anything contained in section 84, for the purpose of imposing penalty under sub-sections (3), (5), (7), (8), (9), (10), (11) and (20) of section 86 and sub-section (7) of section 89, the appropriate Government may appoint any officer not below the rank of Under Secretary to the Government of India or an officer of equivalent rank in the State Government, as the case may be, for holding enquiry in such manner, as may be prescribed by the Central Government.</p> <p>Section 84: No employer or worker or a Trade Union, whether registered under this Code, or not, shall commit any unfair labour practice specified in the Second Schedule.</p>

IR	Sh. Vijay Walia Fight for the Rights of Unorganized labour Disable person & fight against injustice Organization Director Center for Social Change & Equity (Regd.) Patron: Ajmer Merwada Contractor Association	The Rules under Section 7(f) and 70) as per the powers given under Section 99) and 99 (e) of the code are not made in these rules.	Can be considered  In discussion dated 29 June, the department responded that this rule will not increase compliance burden because it is solely related to TUs	We are not clear about the stakeholder's recommendation or the department's response. Any modifications introduced should not increase the compliance burden of the employer.	Section 7 (f) the payment of a subscription by members of the Trade Union from such members and others, as may be prescribed. Section 99 (e) 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. Section 4 (8): The worker who is aggrieved by the decision of the Grievance Redressal Committee or whose grievance is not resolved in the said Committee within the period specified in sub-section (6), may, within a period of sixty days from the date of the decision of the Grievance Redressal Committee or from the date on which the period specified in sub-section (6) expires, as the case may be, file an application for the conciliation of such grievance to the conciliation officer through the Trade Union, of which he is a member, in such manner as may be prescribed.
IR	Sh. Vijay Walia Fight for the Rights of Unorganized labour Disable person & fight against injustice Organization Director Center for Social Change & Equity (Regd.) Patron: Ajmer Merwada Contractor Association	The rules under Section 22(1) is not made in these rules. Since this is related to the application to be made to the tribunal. Again it is an example of arbitrariness in these rules.	Can be considered  In discussion dated 29 June, the department responded that this recommendation is matter for civil court/ tribunal. They cannot make rules related to Section 22(1). Since, they are not introducing these rules, it will not increase compliance burden on establishments	We are not clear about the stakeholder's recommendation or the department's response. Any modifications introduced should not increase the compliance burden of the employer.	Section 22 (1) Where a dispute arises between— (a) one Trade Union and another; or (b) one or more workers who are members of the Trade Union and the Trade Union regarding registration, administration or management or election of officebearers of the Trade Union; or (c) one or more workers who are refused admission as members and the Trade Union; or (d) where a dispute is in respect of a Trade Union which is a federation of Trade Unions and office-bearer authorised in this behalf by the Trade Union, an application may be made in such manner as may be prescribed to the Tribunal having jurisdiction over the area where the registered office of the Trade Union or Trade Unions is located for adjudication of such disputes.
IR	Sh. Rajinder Kumar, (rajindersingh33660@gmail.com)	The rules under Section 14(2) and 14(7) are not made in these rules which is in relation to negotiating council. These are required for negotiations and welfare of the workers.	Can be considered Provisions with regards to section 14(2) is already mentioned in the code.  In discussion dated 29 June, the department responded that they have not discussed how to incorporate, but they will not increase the compliance burden of the establishments  In discussion dated XX, The department mentioned that the conditions imposed by Punjab Rules is much lesser than Central Rules.	We are not clear about the stakeholder's recommendation or the department's response. Any modifications introduced should not increase the compliance burden of the employer.  The Rules shared on 08 July 2021 add compliance burden on the enterprise. The Codes use the term protected worker instead of protected workman. We recommend the Department use the terminology used in the Codes.	Section 14 (2) Where only one Trade Union of workers registered under the provisions of this Chapter is functioning in an industrial establishment, then, the employer of such industrial establishment shall, subject to such criteria as may be prescribed, recognise such Trade Union as sole negotiating union of the workers. Section 14 (7) The facilities to be provided by industrial establishment to a negotiating union or negotiating council shall be such as may be prescribed".  Latest Draft Rules as shared on 08 July 2021: "Rule 18 (2) 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 recognise such Trade Union as sole negotiating union of the workers subject to the criteria that such registered Trade Union of workers shall at all times continue to have not less than ten per cent of the workers or one hundred workers, whichever is less, subject to a minimum of seven, engaged or employed in an industrial establishment or industry with which it is connected, as its members. Rule 18 (4) 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 ; ii. May declare the executive members of the negotiating Trade Union and members of the negotiating council as protected workman."
IR	Sh. Rajinder Kumar, (rajindersingh33660@gmail.com)	The rules under Section 15(4) are not made in these rules which will lead to arbitrariness in respect of trade unions.	Can be considered  In discussion dated 29 June, the department responded that this rule will not increase compliance burden because it is solely related to TUs	We are not clear about the stakeholder's recommendation or the department's response. Any modifications introduced should not increase the compliance burden of the employer.	Section 15 (4) The subscriptions payable by the members of the Trade Union shall be such as may be prescribed Section 6 of the Trade Union Act: —A Trade Union shall not be entitled to registration under this Act, unless the executive thereof is constituted in accordance with the provisions of this Act, and the rules thereof provide for the following matters, namely: (e) the payment of a minimum subscription by members of the Trade Union which shall not be less than— (i) one rupee per annum for rural workers; (ii) three rupees per annum for workers in other unorganised sectors; and (iii) twelve rupees per annum for workers in any other case Section 99 (2) of the Trade Union Act: The appropriate Government may, subject to the condition of previous publication, make rules for the purpose of giving effect to the provisions of this Code. In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: (f) the payment of a subscription by members of the Trade Union and donation from such members and others under clause (f) of section 7; The Trade Union Rules on the department website are not opening As per the <a href="#">Punjab Trade Union Regulations, 1927</a> , only members of TUs have to pay subscriptions
IR	Sh. Rajinder Kumar, (rajindersingh33660@gmail.com)	There is no power to make rule Section 25(1) given in the code yet rule 14 is made, which is wrong. Hence it should be removed.	Can be amended  In discussion dated 29 June, the department responded that this rule will not increase compliance burden because it is solely related to TUs, but they will delete this rule because they are not empowered to make it.	We are not clear about the stakeholder's recommendation or the department's response. We do not have a take on it.	Section 25 (1) When a registered Trade Union is dissolved, notice of the dissolution signed by seven members and by the secretary of the Trade Union shall, within fourteen days of the dissolution, be sent to the Registrar, and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the Trade Union, and the dissolution shall have effect from the date of such registration. Rule 14 Dissolution of Registered Trade Union under section 25.- When a registered trade union is dissolved, Notice of dissolution shall be sent to the Registrar in Form- VII.
IR	Sh. Rajinder Kumar, (rajindersingh33660@gmail.com)	The Rules under Section 7(f) and 70) as per the powers given under Section 99) and 99 (e) of the code are not made in these rules.	Can be considered  In discussion dated 29 June, the department responded that this rule will not increase compliance burden because it is solely related to TUs	We are not clear about the stakeholder's recommendation or the department's response. Any modifications introduced should not increase the compliance burden of the employer.	Section 7 (f) the payment of a subscription by members of the Trade Union from such members and others, as may be prescribed. Section 99 (e) 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. Section 4 (8): The worker who is aggrieved by the decision of the Grievance Redressal Committee or whose grievance is not resolved in the said Committee within the period specified in sub-section (6), may, within a period of sixty days from the date of the decision of the Grievance Redressal Committee or from the date on which the period specified in sub-section (6) expires, as the case may be, file an application for the conciliation of such grievance to the conciliation officer through the Trade Union, of which he is a member, in such manner as may be prescribed.
IR	Sh. Rajinder Kumar, (rajindersingh33660@gmail.com)	The rule 56 is made under Section 85 of the IR Code 2020 but this power is vested in the Central Government, the manner of holding enquiry is to be prescribed by Central Government. This is completely over reach on the part of the officers who made these rules and this shows they want powers and are not interested in the welfare of the workers.	Can be considered  The department responded that they are not empowered to make this Rule. So, they will be deleting it after the decision of the State Government.	We are not clear about the stakeholder's recommendation or the department's response. Any modifications introduced should not increase the compliance burden of the employer.	Rule 56. Manner of holding an enquiry under sub-section (1) of section 85.- (I) Complaint— On receipt of a complaint of the offence committed under sub-sections (3), (5), (7), (8), (9), (10), (II) and (20) of section 86 and sub-section (7) of section 89, the same shall be enquired by an officer not below the rank of the Labour Commissioner, Punjab or any other Gazetted Officer authorized in this behalf under sub-section (1) of section 85 (hereinafter referred to as the enquiry officer).  Section 85 (1) Notwithstanding anything contained in section 84, for the purpose of imposing penalty under sub-sections (3), (5), (7), (8), (9), (10), (11) and (20) of section 86 and sub-section (7) of section 89, the appropriate Government may appoint any officer not below the rank of Under Secretary to the Government of India or an officer of equivalent rank in the State Government, as the case may be, for holding enquiry in such manner, as may be prescribed by the Central Government.

IR	Sh. Deepak Arora NASSCOM	<p>The said rule requires parties of a conciliation proceedings to submit the copy of the agreement in Form 1 to the conciliation officer. It is important to clarify that requirement of sharing settlement details will not be mandatory where workers and employer mutually agreed to choose any other dispute resolution mechanism other than conciliation proceedings. Proposed addition to Rule 3: "It is clarified nothing in this Rule shall prohibit a worker and employer to choose any other dispute resolution mechanism on mutually agreed terms".</p>	<p>Can't be considered</p> <p>In discussion dated 29 June, the department responded that this Recommendation cannot be introduced because written agreement is not a substitute of dispute resolution mechanism.</p>	<p>We agree with the stakeholder's recommendation. Not clear why the government cannot consider this.</p>	<p>Rule 3: Written Agreement for the settlement before the Conciliation Officer under clause (zi) of section 2: The Agreement under clause (zi) of section 2 for written agreement between the employer and the worker shall be specified in Form 1 and shall be signed by the parties in the agreement and a copy thereof shall be sent to the Conciliation officer. Section 2 (zi) "settlement" means a settlement arrived at in the course of conciliation proceeding and includes a written agreement between the employer and worker arrived at otherwise than in the course of conciliation proceeding where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to an officer authorised in this behalf by the appropriate Government and to the conciliation officer. Section 99 (2) (a) written agreement between the employer and worker arrived at otherwise than in the course of conciliation proceeding to arrive at a settlement under clause (zi) of section 2. Section 2 (i) "conciliation officer" means a conciliation officer appointed under section 43; (j) "conciliation proceeding" means any proceeding held by a conciliation officer under this Code; Section 43. (1) The appropriate Government may, by notification, appoint such number of persons, as it thinks fit to be conciliation officers, charged with the duty of mediating in and promoting the settlement of industrial disputes. (2) A conciliation officer may be appointed for a specified area or for specified industries in a specified area or for one or more specified industries and either permanently or for a limited period</p>
IR	Sh. Deepak Arora NASSCOM	<p>We therefore suggest the following aspects should be explicitly be clarified in the rules for the better functioning of the Works Committee: i) Minimum eligibility of 2 years of service may be provided workers for contesting in election. ii) Workers should have put in service for minimum of 1 year to be eligible to vote. iii) Employer should be vested with responsibility to conduct the election and frame the election procedure on matters like determining election date, receiving nomination paper, and scrutinizing the same and declaring election results. iv) Any meeting convened by Works Committee may take place by representatives being present physically or virtually through online mode. v) The minimum quorum for a meeting of Works Committee shall be 1/3rd of the total representatives or 4representatives, whichever is higher.</p>	<p>Can't be considered</p>	<p>The rules are related to selection of workers' representatives. We do not have a take on it</p>	<p>The Rules mandate establishments to form a works committee on being directed by the Government. However, the rules are silent on many aspects that are critical for smooth operations of the works committee as highlighted below: i) Eligibility to contest in election as a representative. It is crucial for any representative to be familiar with the working culture of an industrial establishment to bring about positive measures for persevering good relations. So, it is essential to specify the minimum year of service the worker should have put in the establishment for contesting in election. ii) Eligibility of workers to vote. Workers should be able to make an informed decision before choosing their representatives which can be done only after being in service for a reasonable period. iii) Authority to frame election procedure and conduct election. In the absence of definitive procedure for conducting election and without giving authority to employer to conduct election, disputes will arise between workers themselves or between workers and employers. iv) Recognize conducting meeting of Works Committee through online/virtual medium. With the advancement of technology and with the growing culture of remote working, industries should be permitted to use online meeting platform for conducting its proceedings. v) Minimum quorum required to convene a meeting of Works Committee and decide on matters of common interest. Without specifying the minimum quorum, there exists ambiguity on the validity of meeting convened with lesser representatives. Rule 4. Constitution of Works Committee under section 3.- (1) Every and 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. (b) 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 Section 99 (2)(b) constitution of Works Committee and choosing of representatives of employer and workers engaged in the establishment under section 3. Section 3. (1) In the case of any industrial establishment in which one hundred or more workers are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute a Works Committee, in such manner as may be prescribed, consisting of representatives of employer and workers engaged in the establishment: Provided that the number of representatives of workers in such Committee shall not be less than the number of representatives of the employer. (2) The representatives of the workers shall be chosen, in such manner as may be prescribed, from among the workers engaged in the establishment and in consultation with their Trade Union, if any, registered in accordance with the provisions of section 9. (3) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and workers and, to that end, to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters.</p>
IR	Sh. Deepak Arora NASSCOM	<p>We therefore suggest the following aspects should be explicitly be clarified in the rules for the better functioning of the GRC:  (i) Employers shall depending on the nature of industry frame procedure for electing representatives to Grievance Redressal Committee and decide on matters incidental thereto.  ii) Based on number of workers in an establishment, rules may prescribe minimum number of representatives required for setting up Grievance Redressal Committee. For e.g. In case an industry has 20-500 workers, Grievance Redressal Committee shall have minimum of 6 representatives. For establishment having workforce between 501-1000, Grievance Redressal Committee shall have a minimum of 8 representatives.  iii) The minimum quorum for a meeting of Works Committee shall be 1/3rd of the total representatives.  iv) Grievance Redressal Committee may at their discretion adopt videoconferencing for hearing the parties and shall deliver its decision electronically.  v) A clarity in this respect will help employers in complying with this requirement.</p>	<p>Can't be considered</p>	<p>The rules are related to selection of workers' representatives. We do not have a take on it</p>	<p>The Rules lays down the process of forming the Grievance Redressal Committee (GRC) comprising of equal number of employers and workers representative. However, the rules are silent on many aspects that are critical for smooth operations of the GRC as highlighted below: i. Procedure for conducting election or vest authority to employer to determine the appropriate procedure and decide on rules for contesting in election, voting etc. The rule does not vest authority to either employer or worker's representative to frame procedure relating to conducting election, eligibility to contest, vote etc. This could lead to disputes between employer and workers. ii. Minimum number of representatives required to set-up Grievance Redressal Committee is not specified. Stipulating the minimum representatives required to set-up Grievance Redressal Committee will address unnecessary litigation/proceeding questioning the validity of the Grievance Redressal Committee and the decision passed by it. iii. Minimum quorum required to hear and dispose of application filed before it is not specified. Specifying the minimum quorum required for making a decision will ensure that decision is not challenged on the basis of lack of quorum. iv. Mode through which Grievance Redressal Committee can hear the parties to the dispute and pass orders. Grievance Redressal Committee should be given the liberty to adopt suitable mode (physical hearing/virtual hearing) for hearing the dispute and pass orders. v. Single or multiple GRCs: Clarity is required whether Employer having different establishments with one State of multiple States is required to have Single GRC or multiple GRCs. Rule 5. Manner of choosing members from the employers and the workers for sections Grievance Redressal Committee under sub-section (2) of section 4.- 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. 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 — how many of the workers are members of such Trade Union; 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, Punjab who shall, after hearing the parties, shall decide the matter and his decision thereon shall be final. Section 99 (2)(c) manner of choosing members from the employer and the workers for Grievance Redressal Committee under sub-section (2) of section 4. Section 4 (2) The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers to be chosen in such manner as may be prescribed.</p>

IR	Sh. Deepak Arora NASSCOM	Suggested change: "The Grievance may be raised within <del>one year</del> three months from the date on which the cause of action of such disputes arises."	Can't be considered	We agree with the stakeholder's recommendation but also agree with the department's response because the Section 4(5) specifies the time period of 1 year to raise grievance.	Rule 6: Application in respect of any dispute to be filed before the Grievance sections Redressal Committee by any aggrieved worker under sub-section (5) of 4(5) and 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. Section 4(5): An application in respect of any dispute referred to in sub-section (1) may be filed before the Grievance Redressal Committee by any aggrieved worker in such manner as may be prescribed within one year from the date on which the cause of action of such dispute arises. Section 99 (2)(d) 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.
IR	Sh. Vijay Walia Fight for the Rights of Unorganized labour Disable person & fight against injustice Organization Director Center for Social Change & Equity (Regd.) Patron: Ajmer Merwada Contractor Association	There is no power to make rule Section 25(1) given in the code yet rule 14 is made, which is wrong. Hence it should be removed.	Can be amended  In discussion dated 29 June, the department responded that this rule will not increase compliance burden because it is solely related to TUs, but they will delete this rule because they are not empowered to make it.	We are not clear about the stakeholder's recommendation or the department's response. Any modifications introduced should not increase the compliance burden of the employer.	Section 25 (1) When a registered Trade Union is dissolved, notice of the dissolution signed by seven members and by the secretary of the Trade Union shall, within fourteen days of the dissolution, be sent to the Registrar, and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the Trade Union, and the dissolution shall have effect from the date of such registration. Rule 14 Dissolution of Registered Trade Union under section 25.- When a registered trade union is dissolved, Notice of dissolution shall be sent to the Registrar in Form- VII.
IR	Sh. Rajinder Kumar, (rajindersingh33660@gmail.com)	In rule 4, the representatives of workers in the works committee should be chosen via elections only and the term for their appointment shall be 2 years only.	Partly considerable 'by way of election' can be added.	We agree with the department's response.  The Rules shared on 08 July 2021 incorporate the required change.	Rule 4 (5) relates to composition of the Works Committee Rule 4(5)(a) provides that the Registered Trade Union can choose their representatives as members for works committee Rule 4(5)(b) provides that if there no trade union then the workers can choose the representatives amongst themselves Section 3. (1) In the case of any industrial establishment in which one hundred or more workers are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute a Works Committee, in such manner as may be prescribed, consisting of representatives of employer and workers engaged in the establishment: Provided that the number of representatives of workers in such Committee shall not be less than the number of representatives of the employer. Section 99 (2)(b) constitution of Works Committee and choosing of representatives of employer and workers engaged in the establishment under section 3.  Latest Draft Rules as shared on 08 July 2021: "Rule 4 (5) (a): Registered Trade Union may choose their representatives as members for works committee in the proportion of their memberships; and Rule 4 (5) (a): Where there is no registered Trade Union, workers may choose amongst themselves representatives for works committee, by way of election."
IR	Sh. Vijay Walia Fight for the Rights of Unorganized labour Disable person & fight against injustice Organization Director Center for Social Change & Equity (Regd.) Patron: Ajmer Merwada Contractor Association	In rule 4, the representatives of workers in the works committee should be chosen via elections only and the term for their appointment shall be 2 years only.	Can be considered 'by way of election' can be added.	We agree with the department's response.  The Rules shared on 08 July 2021 incorporate the required change.	Rule 4 (5) relates to composition of the Works Committee Rule 4(5)(a) provides that the Registered Trade Union can choose their representatives as members for works committee Rule 4(5)(b) provides that if there no trade union then the workers can choose the representatives amongst themselves Section 99 (2) (b) constitution of Works Committee and choosing of representatives of employer and workers engaged in the establishment under section 3. Section 3. (1) In the case of any industrial establishment in which one hundred or more workers are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute a Works Committee, in such manner as may be prescribed, consisting of representatives of employer and workers engaged in the establishment: Provided that the number of representatives of workers in such Committee shall not be less than the number of representatives of the employer.  Latest Draft Rule as shared on 08 July 2021: Rule 4 (5) (a): Registered Trade Union may choose their representatives as members for works committee in the proportion of their memberships; and Rule 4 (5) (a): Where there is no registered Trade Union, workers may choose amongst themselves representatives for works committee, by way of election."
IR	Sh. Dipankar Das Public Policy, Aakhya India	Insertion of the following clarification after Rule 6: "It is hereby clarified that a dispute arising out of individual grievances of a worker shall be referred to the Grievance Redressal Committee or the established redressal mechanism under Rule 4 as the case may be and all other matters related to workers, including those of common interest or concern, which do not constitute a dispute shall be referred to the Works Committee."	Can't be considered	We agree with the stakeholder's recommendation but also agree with the department's response. According to the Code, the works committee is supposed to promote measures for securing good relations between the employers and workers. The Grievance redressal committee is supposed to address individual grievance applications. The Codes already clarify. Issuing additional clarification along the lines suggested by the stakeholder does not hurt.	Rule 6: Application in respect of any dispute to be filed before the Grievance sections Redressal Committee by any aggrieved worker under sub-section (5) of 4(5) and 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. Section 3: (3) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and workers and, to that end, to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters. Section 4(5): An application in respect of any dispute referred to in sub-section (1) may be filed before the Grievance Redressal Committee by any aggrieved worker in such manner as may be prescribed within one year from the date on which the cause of action of such dispute arises Section 99 (2)(d): 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.

IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	Provisions used in these clause amounts to interference in the internal matter of trade union / workers and it will infringe / discourage the right of collective bargaining, so in this regard previous practice should be continued.	Can't be considered Already previous provisions are there and no changes are required.	We agree with the department's response.	Rule 17. Annual Audit.- (1) The annual audit of the accounts of any and 99(2)(u) registered trade union shall be conducted by an auditor authorised to audit the accounts of companies under section 144 of the Companies Act, 2013 Rule 18: Eligibility of person to audit: Notwithstanding any thing contained in rule 17 no person, who at any time during the year for which the accounts are to be audited was entrusted with any part of the funds or securities belonging to the trade union shall be eligible to audit the accounts of that Union. Rule 19. Access to books of trade union.- The auditor or auditors appointed sections 26 and 99(2)(u) 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 to Form-VIII, 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 Code. Rule 20 Audit of Political Fund.- The audit of the political fund of a sections 26 and registered Trade Union shall be carried out along with the audit of the general account of the Trade Union and by the same auditor or auditors. Section 26(1) Every registered Trade Union shall— (a) forward annually to the Registrar, on or before such date, in such form, audited in such manner and by such person, as may be prescribed, a general statement containing particulars of all receipts and expenditure of such registered Trade Union during the year ending on the 31st day of December next preceding such prescribed date, and of the assets and liabilities of the Trade Union existing on such 31st day of December; (b) along with the general statement referred to in clause (a), forward to the Registrar a statement showing changes of office-bearers made by the Trade Union during the year to which such general statement refers, together also with a copy of the rules of the Trade Union corrected up to the date of dispatch thereof to the Registrar. (2) A copy of every alteration made in the rules of a registered Trade Union shall be sent to the Registrar within fifteen days of the making of the alteration. (3) For the purpose of examining the documents referred to in clauses (a) and (b) of sub-section (1), and sub-section (2), the Registrar or any officer authorised by him, by general or special order, may at all reasonable times inspect the certificate of registration, account books, registers and other documents, relating to a Trade Union, at its registered office or may require their production at such place as he may specify in this behalf, but no such place shall be at a distance of more than fifteen kilometres from the registered office of such Trade Union. Section 99 (2) (u) the date before which a general statement shall be forwarded annually to the Registrar, the particulars to be contained in general statement and its form, the person by whom and the manner in which such general statement shall be audited under clause (a) of sub-section (1) of section 26.
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	Fee for inspection of documents in the possession of registrar should be nominal or free of cost. In section 21(1) Word's "by any" should be deleted and insert words "member of the union"	Can't be considered	We agree with the department's response.	Rule 21(1) requires that a register maintained by the Trade union be open to inspection by any person on payment of a fee of fifty rupees for each document inspected. Section 99 (2) (u) the date before which a general statement shall be forwarded annually to the Registrar, the particulars to be contained in general statement and its form, the person by whom and the manner in which such general statement shall be audited under clause (a) of sub-section (1) of section 26; Section 26(1) Every registered Trade Union shall— (a) forward annually to the Registrar, on or before such date, in such form, audited in such manner and by such person, as may be prescribed, a general statement containing particulars of all receipts and expenditure of such registered Trade Union during the year ending on the 31st day of December next preceding such prescribed date, and of the assets and liabilities of the Trade Union existing on such 31st day of December; (b) along with the general statement referred to in clause (a), forward to the Registrar a statement showing changes of office-bearers made by the Trade Union during the year to which such general statement refers, together also with a copy of the rules of the Trade Union corrected up to the date of dispatch thereof to the Registrar. (2) A copy of every alteration made in the rules of a registered Trade Union shall be sent to the Registrar within fifteen days of the making of the alteration. (3) For the purpose of examining the documents referred to in clauses (a) and (b) of sub-section (1), and sub-section (2), the Registrar or any officer authorised by him, by general or special order, may at all reasonable times inspect the certificate of registration, account books, registers and other documents, relating to a Trade Union, at its registered office or may require their production at such place as he may specify in this behalf, but no such place shall be at a distance of more than fifteen kilometres from the registered office of such Trade Union.
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	Provisions used in these clause amounts to interference in the internal matter of trade union. Previous practice should be continuous.	Can't be considered	We agree with the department's response.	Rules 22. Maintenance of books by Trade Union.- Every registered trade union shall maintain the following books and registers to facilitate the audit of its accounts namely : Register of membership and subscriptions in Form- IX. Register or receipts and disbursements of the General Fund Account. Minutes book to record the proceedings of all meetings. Register of Stock and Plant to show the furniture, fittings and valuable documents relating to the immovable property of the union. Machine numbered subscription receipt book. Register of receipts and disbursements for the Political Fund (if there is a Political Fund). A file of vouchers. Section 26. (1) Every registered Trade Union shall— (a) forward annually to the Registrar, on or before such date, in such form, audited in such manner and by such person, as may be prescribed, a general statement containing particulars of all receipts and expenditure of such registered Trade Union during the year ending on the 31st day of December next preceding such prescribed date, and of the assets and liabilities of the Trade Union existing on such 31st day of December; (b) along with the general statement referred to in clause (a), forward to the Registrar a statement showing changes of office-bearers made by the Trade Union during the year to which such general statement refers, together also with a copy of the rules of the Trade Union corrected up to the date of dispatch thereof to the Registrar. (2) A copy of every alteration made in the rules of a registered Trade Union shall be sent to the Registrar within fifteen days of the making of the alteration. (3) For the purpose of examining the documents referred to in clauses (a) and (b) of sub-section (1), and sub-section (2), the Registrar or any officer authorised by him, by general or special order, may at all reasonable times inspect the certificate of registration, account books, registers and other documents, relating to a Trade Union, at its registered office or may require their production at such place as he may specify in this behalf, but no such place shall be at a distance of more than fifteen kilometres from the registered office of such Trade Union.
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	both these clauses are objectionable as employer shall have no right to interfere in the internal matter of trade union	Can't be considered	We agree with the department's response. We disagree with the stakeholder's recommendation.	Rule 4 relates to constitution of Works Committee (industrial establishments with 100 or more workers) Rule 4 (4) a: requires that where any workers of an industrial establishment are members of a registered Trade Union, the employer ask the Trade Union to provide information about the number of workers that are members of the trade union. Rule 4 (4) b: If employer has a reason to suspect that the information furnished in clause is false, he may refer the matter to the labour commissioner
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	1. Works committee shall be constituted in unanimously discussion / consultation with workers / trade union along with concerned labour officer. 2. The Election of chairman and secretary of works committee shall be compulsorily elected from the representative of workmen / trade union.	Can't be considered	We agree with the department's response. We disagree with the stakeholder's recommendation.	Rule 4 (5) relates to composition of the Works Committee Rule 4(5)(a) provides that the Registered Trade Union can choose their representatives as members for works committee Rule 4(5)(b) provides that if there no trade union then the workers can choose the representatives amongst themselves Rule 4(5)(b)(ii) requires that the chairman be nominated by the employer from amongst the employer's representatives Rule 4(5)(b)(iii) requires the Vice-Chairman shall be elected by the worker's representatives Rule 4(5)(c) requires the committee to elect the Secretary and the Joint Secretary. Where the Secretary is elected from the employer's representatives, the Joint Secretary be elected from the worker's representatives and vice versa

IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	In place of word “without obtaining leave”, the word “without assigning sufficient cause or reasons” be substituted.	Partly considerable Provided that such a member shall be given an opportunity of being heard.	We agree with the department’s response.  The Rules shared on 08 July 2021 incorporate the required change.	Rule 4 (6) (c) mandates the Works Committee to cease the membership of a member who fails to attend three consecutive meetings of the Committee without obtaining leave Section 3. (1) In the case of any industrial establishment in which one hundred or more workers are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute a Works Committee, in such manner as may be prescribed, consisting of representatives of employer and workers engaged in the establishment: Provided that the number of representatives of workers in such Committee shall not be less than the number of representatives of the employer. (2) The representatives of the workers shall be chosen, in such manner as may be prescribed, from among the workers engaged in the establishment and in consultation with their Trade Union, if any, registered in accordance with the provisions of section 9. (3) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and workers and, to that end, to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters Section 99 (2) (b) constitution of Works Committee and choosing of representatives of employer and workers engaged in the establishment under section 3.  Latest Draft Rules as shared on 08 July 2021: Rule 4(6)(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.
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	It should be provided that co-opt member should be appointed after discussion with representative of employer and employee unanimously.	Can be considered	We agree with the department’s response. We do not have a take on it.	Rule 4 (8) requires that the Works Committee have the right to co-opt in a consultative capacity, persons employed in the industrial establishment having special knowledge of a matter under discussion. Such co-opted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Works Committee. Section 3. (1) In the case of any industrial establishment in which one hundred or more workers are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute a Works Committee, in such manner as may be prescribed, consisting of representatives of employer and workers engaged in the establishment: Provided that the number of representatives of workers in such Committee shall not be less than the number of representatives of the employer. (2) The representatives of the workers shall be chosen, in such manner as may be prescribed, from among the workers engaged in the establishment and in consultation with their Trade Union, if any, registered in accordance with the provisions of section 9. (3) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and workers and, to that end, to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	Only model standing order of the state government should be adopted by the all the industrial establishment, companies as such and should be binding in all respect. Suggestion: Penalty be imposed on the industrial establishment if it not adopt the model standing order made by the state government. Moreover model standing order regarding transfer of workmen should be treated as transferred of that workman only in that establishment situated at the place where the workman is working.	Provisions are already in code made by the Govt. Hence, no action can be taken at this stage.	We agree with the department’s response. Section 30 of the IR Code provide for adoption of draft standing orders by employers. We also disagree with the stakeholder’s recommendation.	Rule 23: Manner of forwarding information to certifying officer related to adopting model standing order Rule 24: Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer where there is no Trade Union operating Rule 25: Manner of authentication of certified standing orders Rule 26: Statement of the workers employed in the industrial establishment, the Trade Union to which they belong, and the negotiating union or negotiating council to be accompanied with draft standing orders Rule 27: Conditions for submission of draft standing order in similar establishment Rule 28: Manner of disposal of appeal by appellate authority Rule 29: The language and the manner of maintaining standing order Rule 30: Register for final certified copy of standing order Rule 31: Application for modification of standing order Section 30. (1) The employer shall prepare draft standing orders, within a period of six months from the date of commencement of this Code, based on the model standing orders referred to in section 29 in respect of the matters specified in the First Schedule and on any other matter considered necessary by him for incorporation of necessary provisions in such standing orders for his industrial establishment or undertaking, considering the nature of activity in his industrial establishment or undertaking, provided such provision is not inconsistent with any of the provision of this Code and covers every matters set out in the First Schedule. Section 39. The appropriate Government may, by notification, exempt, conditionally or unconditionally, any industrial establishment or class of industrial establishments from all or any of the provisions of this Chapter.
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	As it is direct interference in the matters of trade union. Hence these clause should be deleted Moreover there are ample provisions to keep check on the trade union matters.	Can’t be considered	We agree with the department’s response.	Rule 5 (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 — how many of the workers are members of such Trade Union; 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, Punjab who shall, after hearing the parties, shall decide the matter and his decision thereon shall be final. Section 99 (2)(c) manner of choosing members from the employer and the workers for Grievance Redressal Committee under sub-section (2) of section 4 Section 4 (2) The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers to be chosen in such manner as may be prescribed.
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	There should be no time limit for raising the grievance because workmen are usually illiterate or not legally aware towards their rights. Kindly add following proviso in this clause:- “provided that filing of an application to grievance redressal committee shall be optional to aggrieved person and aggrieved person directly approach to the concerned state authority”	Can’t be considered Provision is already in code made by the Govt. Hence, no action can be taken at this stage.	We agree with the department’s response. We disagree with the stakeholder’s recommendation.	Rule 6 Application in respect of any dispute to be filed before the Grievance sections Redressal Committee by any aggrieved worker under sub-section (5) 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. Section 4 (5) An application in respect of any dispute referred to in sub-section (1) may be filed before the Grievance Redressal Committee by any aggrieved worker in such manner as may be prescribed within one year from the date on which the cause of action of such dispute arises. Section 99 (2)(d) 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.

IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	There should be no time limit for raising the grievance because workmen are usually illiterate or not legally aware towards their rights	Can't be considered Provision is already in code made by the Govt. Hence, no action can be taken at this stage.	We agree with the department's response. We disagree with the stakeholder's recommendation.	Rule 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. Section 99 (2)(e) 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; Section 4(8) The worker who is aggrieved by the decision of the Grievance Redressal Committee or whose grievance is not resolved in the said Committee within the period specified in sub-section (6), may, within a period of sixty days from the date of the decision of the Grievance Redressal Committee or from the date on which the period specified in sub-section (6) expires, as the case may be, file an application for the conciliation of such grievance to the conciliation officer through the Trade Union, of which he is a member, in such manner as may be prescribed
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	At least three months notice after receiving the said notice be given by the employer to an employee for the change of conditions of services applicable to any workers. Change of conditions of service should be subject to consent of the worker or workers.	Can't be considered Provision is already in code made by the Govt. Hence, no action can be taken at this stage.	We agree with the department's response. We disagree with the stakeholder's recommendation.	Rule 32 The manner of giving of notice for change proposed to be effected and 99(2)(ze) 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-X 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. Section 99 (2) (ze) the manner of giving of notice of the nature of the change proposed to be effected under clause (i) of section 40 Section 40. No employer, who proposes to effect any change in the conditions of service applicable to any worker in respect of any matter specified in the Third Schedule, shall effect such change,— (i) without giving to the workers likely to be affected by such change a notice in such manner as may be prescribed of the nature of the change proposed to be effected; or (ii) within twenty-one days of giving such notice: Provided that no notice shall be required for effecting any such change— (a) where the change is effected in pursuance of any settlement or award; (b) where the workers likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Services Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply;
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	In this clause provision should be added that:- only retired judge of Hon'ble High Court be appointed as arbitrator.	Can't be considered It only mentions form of arbitration agreement and not appointment of arbitrator.	We agree with the department's response.	Rule 33 Form of arbitration agreement and the manner thereof under sub-sections 42(3) and section (3) of section 42. - (1) Where the employer and workers agree to refer the dispute to arbitration, the Arbitration Agreement shall be in Form-XI 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 in sub-rule (1) shall be signed.-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; 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; 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; In this rule, 'officer' means any of the following officers, namely:-the President; the Vice-President; the Secretary (including the General Secretary); a Joint Secretary; and any other officer of the trade union authorized in this behalf, by the President and Secretary of the union. Section 99 (2)(zf) form of arbitration agreement and the manner to be signed by the parties thereto under sub-section (3) of section 42 Section 42(3) An arbitration agreement referred to in sub-section (1) shall be in such form and shall be signed by the parties thereto in such manner as may be prescribed.
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	Proviso clause be added: Proviso "a judicial member shall be appointed atleast two months before expiry of period of Present Presiding Judicial Member."	Can't be considered	We agree with the department's response.	Rule 39: Manner of filling up of the vacancy under sub-section (9) of sections 44(9), 46(6) section 44 and procedure for selection, salaries and allowances and 99(2)(zj) other terms and condition of Judicial Member of the Industrial Tribunal under sub-section (6) of section 46.- (1) The qualification for appointment of the Judicial Member of the Industrial Tribunal (here in after in this chapter referred to as the judicial Member) shall be such as provided in sub-section (4) of section 44. Rule 44 (9) If, for any reason, a vacancy (other than a temporary absence) occurs in a National Industrial Tribunal or a Tribunal, then, such vacancy shall be filled up in such manner as may be prescribed, without prejudice to the provisions of sub-section (4) or sub-section (5), as the case may be, and the proceeding shall be continued before such National Industrial Tribunal or Tribunal, as the case may be, from the stage at which the vacancy is filled. Rule 46(6) The procedure of selection of Judicial Member and Administrative Member of the National Industrial Tribunal, their salaries, allowances and other terms and conditions of service shall be such as may be prescribed Section 99 (2) (zj) manner of filling up the vacancy under sub-section (9) of section 44; (zj) the procedure for selection, salaries and allowances and other terms and conditions of Judicial and Administrative Members of the National Industrial Tribunal under sub-section (6) of section 46;
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	Both members in the tribunal should be judicial because it will fast track the system of tribunal and it will reduce the pendency of cases, Moreover aggrieved person will get speedy justice.	Can't be considered Provisions of the code don't empower us to change this.	We agree with the department's response because Section 55 of the Code requires a tribunal to be delivered by a bench consisting of one judicial and/or one administrative member.	Rule 37 lays down the manner of filling up of the vacancy and procedure for selection, salaries and allowances and other terms and condition of Administrative Member of the Industrial Tribunal Section 46 (6) of the Code requires that the procedure of selection of Judicial Member and Administrative Member of the National Industrial Tribunal, their salaries, allowances and other terms and conditions of service shall be prescribed. Section 55 of the Code requires a Tribunal delivered by a bench consisting of a Judicial Member and an Administrative Member or a single Judicial Member or a single Administrative Member Section 46(6) The procedure of selection of Judicial Member and Administrative Member of the National Industrial Tribunal, their salaries, allowances and other terms and conditions of service shall be such as may be prescribed. Section 44 (9) If, for any reason, a vacancy (other than a temporary absence) occurs in a National Industrial Tribunal or a Tribunal, then, such vacancy shall be filled up in such manner as may be prescribed, without prejudice to the provisions of sub-section (4) or sub-section (5), as the case may be, and the proceeding shall be continued before such National Industrial Tribunal or Tribunal, as the case may be, from the stage at which the vacancy is filled. Section 99 (2) (zj) manner of filling up the vacancy under sub-section (9) of section 44; Section 99 (2) (zj) the procedure for selection, salaries and allowances and other terms and conditions of Judicial and Administrative Members of the National Industrial Tribunal under sub-section (6) of section 46

IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	Time limit for submission of report should be fifteen days. Suggestion that: explanation in clause 4 be added as under: Explanation be added to clause 4: "Explanation: Conciliation Officer has no power to adjudicate any matter on merits"	Can't be considered	We agree with the department's response. We do not have a take on it.	Rule 38 lays down the manner of holding conciliation proceedings Rule 38 (2) requires that if no settlement is arrived, a report of the conciliation proceedings be submitted by the conciliation officer within 7 days from the conclusion of conciliation proceedings Rule 38 (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 Section 53(1)Where any industrial dispute exists or is apprehended or a notice under section 62 has been given, the conciliation officer shall, hold conciliation proceedings insuch manner as may be prescribed: Provided that the conciliation officer shall not hold any such proceedings relating to the industrial dispute after two years from the date on which such industrial dispute arose. Section 53 (4) If no such settlement is arrived at, the conciliation officer shall, as soon as practicable, after the close of the investigation, send to the concerned parties and to the appropriate Government a full report, in the electronic or other form as may be prescribed, setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at. Section 53 (6) Any concerned party may make application in the prescribed form to the Tribunal in the matters not settled by the conciliation officer under this section within ninety days from the date on which the report under sub-section (4) is received to the concerned party and the Tribunal shall decide such application in the prescribed manner. Section 99 (zl) manner of holding conciliation proceedings under sub-section (1), form of full report under sub-section (4), and the form of application and the manner of deciding such application under sub-section (6), of section 53;
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	Tribunal can set-aside the order upto sixty days from the date of publication / notification of award / order.	Can't be considered No remarks	We agree with the department's response. We disagree with the stakeholder's recommendation.	Rule 38 (12) requires that if a party fails to appear, the tribunal can proceed with the case ex-parte, and decide. Provided, Tribunal may, on application, revoke the order that the case 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. Section 99 (zl) manner of holding conciliation proceedings under sub-section (1), form of full report under sub-section (4), and the form of application and the manner of deciding such application under sub-section (6), of section 53; Section 53(1)Where any industrial dispute exists or is apprehended or a notice under section 62 has been given, the conciliation officer shall, hold conciliation proceedings insuch manner as may be prescribed: Provided that the conciliation officer shall not hold any such proceedings relating to the industrial dispute after two years from the date on which such industrial dispute arose. Section 4 (6) The Grievance Redressal Committee may complete its proceedings within thirty days of receipt of the application under sub-section (5)
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	Fee for obtaining a copy of award or other documents i.e. Rupees ten per page is highly excessive and the Previous practice should be continuous.	Can't be considered No remarks	We do not have a take on it.	Rule 38: Manner of holding conciliation proceedings of any industrial dispute and manner of application to the Tribunal in case the dispute is not resolved in the conciliation proceedings Rule 38 (16): A party in award, who wants to obtain a copy of the award or any other document, may obtain a copy of the award or any other document after depositing the fee electronically in the tribunal in the following manner, namely:- (a) fee for obtaining a copy of an award or the document filed in any proceedings of Tribunal be charged at the rate of Rs. 10 per page. Industrial Disputes Rules: Rule 26: Fees for copies of on awards or other documents of labour court, or tribunal. -- (1) Fees for making a copy of an award of a Labour Court or Tribunal or any document filed in any proceedings before a Labour Court or Tribunal be charges as follows: -- (a) for the first 200 words or less, 75 naye paise; (b) for every additional 100 words or fraction thereof, 37 naye paise; Provided that where an award or a document exceeds five pages, the approximate number of words per page shall be taken as the basis for calculating the total number of words to the nearest hundred for the purpose of assessing the copying fee. (2) For certifying a copy of any such award or a document, fee of Re. 1 shall be payable. (2-A) Fees for supply of unattested copies of depositions shall be changed as follows: - (i) where application is made before hand - (i)for the first four pages or less ---- 25 Naye Paise; (ii)for every additional page or part thereof ---- 6 Naye Paise; (b) when application is not made before hand - (i) for the first four pages or less ---- 50 Naye Paise; (ii) for every additional page or part thereof ---- 6 Naye Paise; Section 99 (zl) manner of holding conciliation proceedings under sub-section (1), form of full report under sub-section (4), and the form of application and the manner of deciding such application under sub-section (6), of section 53; Section 53(1)Where any industrial dispute exists or is apprehended or a notice under section 62 has been given, the conciliation officer shall, hold conciliation proceedings insuch manner as may be prescribed: Provided that the conciliation officer shall not hold any such proceedings relating to the industrial dispute after two years from the date on which such industrial dispute arose. Section 4 (6) The Grievance Redressal Committee may complete its proceedings within thirty days of receipt of the application under sub-section (5)
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	Notice of strike shall be signed by only President or General Secretary, there should be no requirement of five elected representative of the registered trade union. This requirement should be applicable only when President or General Secretary of the union are not available.	Can't be considered No remarks	We agree with the department's response. We disagree with the stakeholder's recommendation.	Rule 39. Number of persons by whom the notice of strike shall be given, the and 99(2)(zm) 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 (l) of section 62 shall be given to the employer of an industrial establishment in Form- XV 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 concerned conciliation officer, the Labour Commissioner, Punjab and the State Government. Rule 62(4) The notice of strike referred to in sub-section (1) shall be given by such number of persons to such person or persons and in such manner, as may be prescribed. Rule 99 (2) (zm) the 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;
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	In place of word "who has been in continuous service for not less than one years", the word "who has been in continuous service for not less than six months" should be substituted.	Can't be considered Provision is already in code made by the Govt. Hence, no action can be taken.	We agree with the department's response. We also disagree with the recommendation made by the stakeholder.	Rule 41 lays down the form of notice to be served to the worker (in continuous service for not less than an year) being retrenched Rule 41: Manner of serving notice before retrenchment of the worker undersections 70(c) and 99(2)(zo) clause (c) of section 70.- If any employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year under him, then, such employer shall give notice of such retrenchment in Form-XVII to the State Government, the Labour Commissioner, Punjab and the concerned officer of the area jurisdiction, through e-mail or, by registered or speed post. Section 70 (c) notice in such manner as may be prescribed is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification. Section 99 (2) (zo) manner of serving notice before retrenchment of a worker employed in the industry who has been in continuous service for not less than one year by an employer on the appropriate Government or such authority as may be specified by the appropriate Government by notification under clause (c) of section 70;

IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	Fee of Rs. 1000/- highly excessive. Only fee of Rs.50/- should be there "it shall cause undue burden on the workmen as well as on the trade union"	Partly considerable Fee of Rs. 100/- can be applicable, as this existed earlier.	We agree with the department's response.  The Rules shared on 08 July 2021 incorporate the required change.	<p>Rule 9 Fee for Registration.- The fee payable on registration of a Trade Union shall be rupees 1000 (One thousand rupees).</p> <p>8. (1) Every application for registration of a Trade Union shall be made to the Registrar electronically or otherwise and be accompanied by—</p> <p>(a) a declaration to be made by an affidavit in such form and manner as may be prescribed;</p> <p>(b) copy of the rules of the Trade Union together with a copy of the resolution by the members of the Trade Union adopting such rules;</p> <p>(c) a copy of the resolution adopted by the members of the Trade Union authorising the applicants to make an application for registration; and</p> <p>(d) in the case of a Trade Union, being a federation or a central organisation of Trade Unions, a copy of the resolution adopted by the members of each of the member Trade Unions, meeting separately, agreeing to constitute a federation or a central organisation of Trade Unions.</p> <p>(2) 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 the assets and liabilities of the Trade Union prepared in such form and containing such particulars, as may be prescribed.</p> <p>(3) The Registrar may call for further information for the purpose of satisfying himself that the application complies with the provisions of this Code and the Trade Union is entitled for registration under this Code, and may refuse to register the Trade Union until such information is furnished.</p> <p>(4) If the name under which the Trade Union is proposed to be registered is identical with that of an existing registered Trade Union or in the opinion of the Registrar so nearly resembles the name of an existing Trade Union that such name is likely to deceive the public or the members of either Trade Union, the Registrar shall require the persons applying for altering the name of the Trade Union and shall refuse to register the Trade Union until such alteration has been made</p> <p>Latest Draft Rule as shared on 08 July 2021: "Rule 8 Payment of subscription under clause (f) of section 7.—</p> <p>(i) The payment of a subscription shall be from ordinary as well as honorary members of the trade union;</p> <p>(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 ;</p> <p>(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."</p>
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	In place of word "which such order is made", the word "which such order is received" should be substituted.	Can't be considered No remarks	We agree with the department's response.	<p>Rule 50: The State Government may review its order granting or refusing to grant permission to close an establishment within a period of thirty days from the date on which such order is made</p> <p>Rule 50. Time-limit for review under sub-section (5) of section 80.- The Statesections 80(5) and 99(2)(zx) Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (2) of section 80 within a period of thirty days from the date on which such order is made.</p> <p>Rule 99 (2) (zx) time-limit for review under sub-section (5) of section 80</p> <p>Rule 80 (5) The appropriate Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (2) within the prescribed time from the date on which such order is made or refer the matter to a Tribunal for adjudication: Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.</p>
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	In this section in place of word "fifteen days" the word "Ninety days per year of service rendered by the workmen" should be substituted.	Can't be considered Provision is already in code made by the Govt. Hence, no action can be taken at this stage.	We agree with the department's response. We also disagree with the recommendation made by the stakeholder.	<p>Rule 51 requires employers retrenching workers to transfer fifteen days of last drawn wages to the Worker re-skilling fund</p> <p>Rule 51. Manner of utilization of fund under sub-section (3) of section 83.-Every employer who has retrenched a worker or workers under thisand 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 Department of Labour, Government of Punjab and the Labour Commissioner, Punjab) to be maintained by the State Government. The fund so received shall be transferred by the State Government to each worker or workers' account electronically within forty-five days of receipt of funds from the employer. The employer shall also submit the list containing the name of each worker retrenched, the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the State Government to transfer the amount in their respective account.</p> <p>Section 83(3) The fund shall be utilised by crediting fifteen days wages last drawn by the worker to his account who is retrenched, within forty-five days of such retrenchment, in such manner as may be prescribed.</p> <p>Section 99 (2)(zz) manner of utilisation of fund under sub-section (3) of section 83</p>
IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	There may be chances of misuse of this provision as delinquent person can take advantage.	Can be considered This rule should be deleted as the State Government is not empowered to make such a rule under section 85 (1).	We agree with the department's response.	<p>Rule 56. Manner of holding an enquiry for imposing penalties</p> <p>(9) Refusal to entertain complaint-</p> <p>(ii) the enquiry officer may refuse to entertain complaint which is otherwise incomplete. He may ask complainant to rectify the defects and if the enquiry officer thinks that the complaint cannot be rectified, he may return the complaint indicating the defects and, if he, so refuses shall return it at once indicating the defects. If the complaint is presented again, after the defects have been rectified, the date of representation shall be deemed to be the date of presentation.</p> <p>Section 85. (1) Notwithstanding anything contained in section 84, for the purpose of imposing penalty under sub-sections (3), (5), (7), (8), (9), (10), (11) and (20) of section 86 and sub-section (7) of section 89, the appropriate Government may appoint any officer not below the rank of Under Secretary to the Government of India or an officer of equivalent rank in the State Government, as the case may be, for holding enquiry in such manner, as may be prescribed by the Central Government.</p> <p>(2) While holding the enquiry, the officer referred to in sub-section (1) shall have the power to summon and enforce attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of such officer, may be useful for or relevant to the subject matter of the enquiry and if, on such enquiry, he is satisfied that the person has committed any offence under the provisions referred to in sub-section (1), he may impose such penalty as he thinks fit in accordance with such provisions.</p> <p>(3) Where a person fails to pay the penalty referred to in sub-section (2) within a period of ninety days from the date of receipt of the copy of the order, he shall be punishable with fine which shall not be less than fifty thousand rupees but may extend up to two lakh rupees</p>

IR	Sh. Nirmal Singh Dhaliwal General Secretary, All India Trade Union Congress (AITUC) Punjab	Procedure for registration should be time bound and procedure should be simplified. Clause 4 highly objected: it amounts to discourage the right of collective bargaining.	Can't be considered	We agree with the first part of the stakeholder's recommendations in principle. However, the stakeholder has not made his recommendation clear. We disagree with the last part of the stakeholder's recommendation.	<p>Rule 10. Registration and Cancellation of Trade Union under section 9.- (1) The Register of Trade Union referred to in section 9 shall be maintained in Form- III.</p> <p>(2) The certificate of Registration issued by the Registrar under section 9 shall be in Form IV.</p> <p>(3) The Registrar on receiving an application under sub-section 5(i) of section 9 for the cancellation of registration shall, before granting the application, satisfy himself that the withdrawal or cancellation of registration was approved by the general meeting of the Trade Union, or if it was not so approved, that it has the approval of the majority of the members of the Trade Union. For this purpose, he may call for such further particulars as he may deem necessary and may examine any office bearer of the Union, the Registrar shall record the reasons and communicate the same to the Trade Union regarding cancellation of the certificate.</p> <p>(4) 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.</p> <p>Section 9: (1) The Registrar shall, on being satisfied that the Trade Union has complied with all the requirements of the provisions of this Chapter in regard to registration, register the Trade Union by entering in a register, to be maintained in such form as may be prescribed, the particulars relating to the Trade Union contained in the statement accompanying the application for registration.</p> <p>(2) Where the Registrar makes an order for registration of a Trade Union, he shall issue a certificate of registration to the applicant Trade Union, in such form as may be prescribed, which shall be the conclusive evidence that the Trade Union has been registered under this Code.</p> <p>(3) If the Registrar has issued a certificate of registration to a Trade Union, he shall enter the name and other particulars of the Trade Union in a register maintained in this behalf in such form as may be prescribed.</p>
IR	Sh. Deepak Arora NASSCOM	<p>"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: -</p> <p>(a) registered Trade Union may choose their representatives as members for works committee in the proportion of their membership.</p> <p>(b) such workers those who are not members of <del>where there is no</del> registered Trade union, workers may choose amongst themselves representatives for works committee." [italicized words are striked]</p> <p>Stakeholder says that the said Rule limits the ability of non-members of TUs to represent in the works committee</p> <ul style="list-style-type: none"> <li>• Where is a TU, only members represent the works committee</li> <li>• Where there is no TU and any worker can be chosen as representative</li> <li>• However, where there is a TU, some workers who are not a part of TUs may not get a chance to represent in the Works Committee</li> </ul>	Can't be considered	We are not clear about the department's response. Per the stakeholder's recommendation, there may be instances where workers are not in the TU but would like representation on the Works Committee. We do not have a take on it.	<p>Rule 4 (5) relates to composition of the Works Committee</p> <p>Rule 4(5)(a) provides that the Registered Trade Union can choose their representatives as members for works committee</p> <p>Rule 4(5)(b) provides that if there no trade union then the workers can choose the representatives amongst themselves</p> <p>Rule 4(5)(b)(ii) requires that the chairman be nominated by the employer from amongst the employer's representatives</p> <p>Rule 4(5)(b)(iii) requires the Vice-Chairman shall be elected by the worker's representatives</p> <p>Rule 4(5)(c) requires the committee to elect the Secretary and the Joint Secretary. Where the Secretary is elected from the employer's representatives, the Joint Secretary be elected from the worker's representatives and vice versa</p> <p>Section 3. (1) In the case of any industrial establishment in which one hundred or more workers are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute a Works Committee, in such manner as may be prescribed, consisting of representatives of employer and workers engaged in the establishment. Provided that the number of representatives of workers in such Committee shall not be less than the number of representatives of the employer.</p> <p>(2) The representatives of the workers shall be chosen, in such manner as may be prescribed, from among the workers engaged in the establishment and in consultation with their Trade Union, if any, registered in accordance with the provisions of section 9.</p> <p>(3) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and workers and, to that end, to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters.</p> <p>Section 99 (2)(b) constitution of Works Committee and choosing of representatives of employer and workers engaged in the establishment under section 3</p>
IR	Sh. Deepak Arora NASSCOM	<p>Insertion of the following clarification after Rule 6:</p> <p>"It is hereby clarified that a dispute arising out of individual grievances of a worker shall be referred to the Grievance Redressal Committee or the established redressal mechanism under Rule 5 as the case me and all other matters related to workers, including those of common interest or concern, which do not constitute a dispute shall be referred to the Works Committee."</p>	Can't be considered	We agree with the stakeholder's recommendation but also agree with the department's response. According to the Code, the works committee is supposed to promote measures for securing good relations between the employers and workers. The Grievance redressal committee is supposed to address individual grievance applications. The Codes already clarify. Issuing additional clarification along the lines suggested by the stakeholder does not hurt.	<p>The Code and the draft Rules do not provide any clarity on which matters fall within the ambit of the Works Committee and which matters will be dealt with by the Grievance Redressal Committee. This may lead to overlap and duplication of issues between the matters that are being raised to such committees.</p> <p>Accordingly, it is suggested to add a new rule as a part of Chapter II of the Rules (dealing with Works Committee and Grievance Redressal Committee) which clarifies the type of matters that will be referred to the Works Committee and the type of matters that will be referred to the Grievance Redressal Committee.</p> <p>Rule 6: Application in respect of any dispute to be filed before the Grievance sections Redressal Committee by any aggrieved worker under sub-section (5) of 4(5) and 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.</p> <p>Section 3: (3) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and workers and, to that end, to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters.</p> <p>Section 4(5) An application in respect of any dispute referred to in sub-section (1) may be filed before the Grievance Redressal Committee by any aggrieved worker in such manner as may be prescribed within one year from the date on which the cause of action of such dispute arises</p> <p>Section 99 (2)(d) 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.</p>

<p>IR</p>	<p>Governance Fellows, Department of Governance Reforms, Punjab</p>	<p>The following addition may be made in the Rule - 'The Works Committee may meet as often as necessary but not less often than once in three months.'</p> <p>It is important to set a minimum time frame within which the Works Committee shall necessarily meet, since the rule is otherwise arbitrary. The timeframe is mentioned in the Central draft Rules and the other states compared in this study as well.</p>	<p>Not considered as suggested by GAME Team.</p>	<p>We do not agree with the stakeholder's recommendation. The Department should leave it to the committee members to decide when they want to meet, not force the committee members to meet without any agenda. Prescribing a time frame within which a Works Committee meets will lead to State interference in the operations of an enterprise. It will also generate unnecessary paperwork for enterprises.</p>	<p><b>Rule 4. Constitution of Works Committee under section 3.</b>-(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. Rule 4 (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. <b>Section 3.</b> (1) In the case of any industrial establishment in which one hundred or more workers are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute a Works Committee, in such manner as may be prescribed, consisting of representatives of employer and workers engaged in the establishment: Provided that the number of representatives of workers in such Committee shall not be less than the number of representatives of the employer. (2) The representatives of the workers shall be chosen, in such manner as may be prescribed, from among the workers engaged in the establishment and in consultation with their Trade Union, if any, registered in accordance with the provisions of section 9. (3) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and workers and, to that end, to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters. <b>Karnataka Draft Rules:</b> The Works Committee may meet as often as necessary but not less often than once in three months. Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Labour Commissioner or any other officer nominated by him, not below the rank of Deputy Labour Commissioner, in writing, who shall, after hearing the parties, shall decide the matter and his decision thereon shall be final. <b>Jammu and Kashmir Draft Rules:</b> The Works Committee may meet as often as necessary but not less often than once in three months. 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 Assistant Labour Commissioner having jurisdiction, who shall, after hearing the parties, decide the matter and his decision shall be final. <b>Bihar Draft Rules:</b> The Works Committee may meet as often as necessary but not less often than once in three months. 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 authority to be notified by Government of Bihar, who shall, after hearing the parties, shall decide the matter and his decision shall be final.</p>
<p>IR</p>	<p>Governance Fellows, Department of Governance Reforms, Punjab</p>	<p>The following additions may be made in the Rule - 'Provided further that the tenure of the members of the Grievance Redressal Committee shall be co-terminus with the tenure of the members of the registered Trade Union. Provided further that in the absence of a registered Trade Union, the tenure of members of Grievance Redressal Committee shall be for a period of two years from the date of the constitution of the Grievance Redressal Committee.' '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 by two following groups, namely:- (a) registered Trade Union may choose their representatives as members for Grievance Redressal Committee in the proportion of their membership. (b) such workers those who are not member of registered Trade Union, may choose amongst themselves representatives for the Grievance Redressal Committee.'</p> <p>The rule may clearly specify the tenure of the members of the Grievance Redressal Committee as well as mention the process of selection of worker's representatives on the Grievance Redressal Committee. This will make the rule more comprehensive and these provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	<p>Partly considered as discussed in the meeting. However, discussion with GAME team to be conducted to finalise.</p>	<p>We do not agree with the stakeholder's recommendation. The Department should leave it to the representatives of employees and the employer to mutually decide the tenure of the GRC.</p> <p>Adding provisos to limit the tenure of GRC committees will lead to interruptions to the operations of the workers as well as employers as every two years employers and employees will have to renominate. It is also impractical to make the GRC's tenure co-terminus with the tenure of members of registered Trade Unions, because the tenure of each of the five representatives of a GRC would have to be taken into account to decide the GRC's tenure. Adding a proviso on limiting the tenure of a GRC to 2 years will also generate impracticalities for businesses as employees and employers will have to nominate different representatives every 2 years.</p>	<p><b>Rule 5.</b> Manner of choosing members from the employers and the workers for Grievance Redressal Committee under sub-section (2) of section 4.- 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, Punjab who shall, after hearing the parties, shall decide the matter and his decision thereon shall be final. <b>Section 4.</b> (1) Every industrial establishment employing twenty or more workers shall have one or more Grievance Redressal Committees for resolution of disputes arising out of individual grievances. (2) The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers to be chosen in such manner as may be prescribed. <b>Karnataka Draft Rules:</b> 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 the member may be chosen by the workers of the industrial establishment. Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Labour Commissioner or any other officer nominated by him, not below the rank of Deputy Labour Commissioner, who shall, after hearing the parties, shall decide the matter and his decision shall be final. On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of workers' representative on the Committee by two following groups, namely :— (a) registered Trade Union may choose their representatives as members for Grievance Redressal Committee in the proportion of their membership. (b) such workers those who are not member of registered Trade Union, may choose amongst themselves representatives for the Grievance Redressal Committee. <b>Jammu and Kashmir Draft Rules:</b> The representatives of the workers shall be chosen by the registered Trade Union. In case where there is no registered Trade union the member may be chosen by the workers of the industrial establishment. Provided further that the tenure of the members of the Grievance Redressal Committee shall be co-terminus with the tenure of the members of the registered Trade Union: Provided further that in the absence of registered Trade Union, the tenure of members of Grievance Redressal Committee shall be for a period of two years from the date of the constitution of the Grievance Redressal Committee. <b>Bihar Draft Rules:</b> The representatives of the workers shall be chosen by the registered Trade Union. In case where there is no registered Trade union the member may be chosen by the workers of the industrial establishment. Provided further that the tenure of the members of the Grievance Redressal Committee shall be co-terminus with the tenure of the members of the registered Trade Union: Provided further that in the absence of registered Trade Union, the tenure of members of Grievance Redressal Committee shall be for a period of two years from the date of the constitution of the Grievance Redressal Committee.</p>

IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>The following addition may be made in the Rule - 'Such application may be sent electronically or otherwise.'</p> <p>The current Punjab draft mentions that aggrieved workers can file applications only electronically. This may be amended to include offline applications as well to be more inclusive and considerate of workers who will not have access to internet/online portals. Also, the electronic mechanism may be mentioned in the rules (if there is one in place currently). These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Agreed and Incorporated in rules.	We agree with the stakeholder's recommendations.	<p><b>Rule 6.</b> 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.</p> <p><b>Section 4 (5)</b> An application in respect of any dispute referred to in sub-section (1) may be filed before the Grievance Redressal Committee by any aggrieved worker in such manner as may be prescribed within one year from the date on which the cause of action of such dispute arises.</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>The following additions may be made in the Rule - 'file an application to the Conciliation Officer electronically or by registered post or speed post' 'Provided that in case of manual receipt of such application through registered post or speed post, the conciliation officer shall get the same digitized and enter the particulars of the application in the online mechanism under intimation to the concerned worker.'</p> <p>The method of filing for the application may also be clearly stated in the rule to make it more comprehensive. Also, the electronic mechanism may be mentioned in the rules (if there is one in place currently). These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Partly considerable.	We agree with the stakeholder's recommendations.	<p><b>Rule 7.</b> 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.</p> <p><b>Section 4 (8)</b> The worker who is aggrieved by the decision of the Grievance Redressal Committee or whose grievance is not resolved in the said Committee within the period specified in sub-section (6), may, within a period of sixty days from the date of the decision of the Grievance Redressal Committee or from the date on which the period specified in sub-section (6) expires, as the case may be, file an application for the conciliation of such grievance to the conciliation officer through the Trade Union, of which he is a member, in such manner as may be prescribed</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>The payment of a subscription by members of the Trade Union and donation from such members and others under clause (f) of section 7. A Rule may be added on this point and it may cover the following points -</p> <p>The pecuniary limit of the minimum subscription for</p> <p>(i) rural workers;</p> <p>(ii) workers in other unorganised sectors; and</p> <p>(iii) workers in any other cases.</p> <p>Currently, the Punjab rules do not mention anything on this aspect. This may be added to ensure that the rules are comprehensive. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Already Incorporated in the recent draft rules submitted on 19.08.2021.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 8. Payment of subscription under clause (f) of section 7.—</b></p> <p>(i) The payment of a subscription shall be from ordinary as well as honorary members of the trade union ;</p> <p>(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 ;</p> <p>(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 State Government by notification.</p> <p><b>Section 7:</b> Provisions to be contained in constitution or rules of Trade Union(f) the payment of a subscription by members of the Trade Union from such members and others, as may be prescribed;</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Manner of annual audit under clause (j) of section 7:</p> <p>A Rule may be added on this point and Annexure I may be referred to understand the practice proposed by few other states.</p> <p>Currently, the Punjab rules do not mention anything on this aspect. This may be added to ensure that the rules are comprehensive.</p>	Already Incorporated in the recent draft rules submitted on 19.08.2021.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 9.</b> Safe Custody of the funds of the Trade Union and Annual audit under clause (j) of section 7.—</p> <p>(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. The particulars given in this statement shall indicate :—</p> <p>(i) every payment which appears to be unauthorised by the rules of Trade Union or contrary to the provisions of the Act ;</p> <p>(ii) the amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of any person ;</p> <p>(iii) the amount of any sum which ought to have been but is not brought to account by any person.</p> <p><b>Section 7 (j):</b> the safe custody of the funds of the Trade Union, an annual audit, in such manner as may be prescribed, of the accounts thereof, and adequate facilities for inspection of the account books by the office-bearers and members of the Trade Union;</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>General statement of the assets and liabilities of the Trade Union prepared in such form and containing such particulars under sub-section (2) of section 8:</p> <p>A Rule may be added on this point and Annexure I may be referred to understand the practice proposed by few other states.</p> <p>Currently, the Punjab rules do not mention anything on this aspect. This may be added to ensure that the rules are comprehensive. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Already Incorporated in the recent draft rules submitted on 19.08.2021.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 11.</b> 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.</p> <p><b>Section 8 (Application for registration, alteration of name and procedure thereof): (2)</b> 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 the assets and liabilities of the Trade Union prepared in such form and containing such particulars, as may be prescribed.</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>The form of application for registration under sub-section (1), and the form of issuing certificate of registration to be issued by the Registrar to the applicant Trade Union under sub-section (2) of section 9</p> <p>A Rule may be added on this point and Annexure I may be referred to understand the practice proposed by few other states.</p> <p>Currently, the Punjab rules do not mention anything on this aspect. This may be added to ensure that the rules are comprehensive. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Already Incorporated in the recent draft rules submitted on 19.08.2021.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 13.</b> Certificate of Registration— (1) The Certificate of Registration issued by the Registrar under sub-section (2) of section 9 shall be in (Form-V).</p> <p><b>Section 9. (1)</b> The Registrar shall, on being satisfied that the Trade Union has complied with all the requirements of the provisions of this Chapter in regard to registration, register the Trade Union by entering in a register, to be maintained in such form as may be prescribed, the particulars relating to the Trade Union contained in the statement accompanying the application for registration.</p> <p>(2) Where the Registrar makes an order for registration of a Trade Union, he shall issue a certificate of registration to the applicant Trade Union, in such form as may be prescribed, which shall be the conclusive evidence that the Trade Union has been registered under this Code</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>The form of entering the name and other particulars of Trade Union in a register maintained by the Registrar in this behalf under sub-section (3) of section 9</p> <p>A Rule may be added on this point and Annexure I may be referred to understand the practice proposed by few other states.</p> <p>Currently, the Punjab rules do not mention anything on this aspect. This may be added to ensure that the rules are comprehensive. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Already Incorporated in the recent draft rules submitted on 19.08.2021.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 12.</b> 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).</p> <p><b>Section 9 (3)</b> If the Registrar has issued a certificate of registration to a Trade Union, he shall enter the name and other particulars of the Trade Union in a register maintained in this behalf in such form as may be prescribed.</p>

IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Verification of application of the Trade Union under sub-section (5) of section 9</p> <p>A Rule may be added on this point and Annexure1 may be referred to understand the practice proposed by few other states.</p> <p>Currently, the Punjab rules do not mention anything on this aspect. This may be added to ensure that the rules are comprehensive. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Already Incorporated in the recent draft rules submitted on 19.08.2021.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 14.</b> 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 And 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.</p> <p>(2) The Registrar can also cancel the registration of the 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.</p> <p><b>Section 9 (5)</b> The certificate of registration of a Trade Union may be withdrawn or cancelled by the Registrar,—</p> <p>(i) on the application of the Trade Union verified in such manner as may be prescribed; or</p> <p>(ii) on the information received by him regarding the contravention by the Trade Union of the provisions of this Code or the rules made thereunder or its constitution or rules; or</p> <p>(iii) if he is satisfied that the members in a Trade Union falls below ten per cent. of total workers or one hundred workers, whichever is less:</p> <p>Provided that not less than sixty days previous notice in writing specifying the grounds on which it is proposed to cancel the certificate of registration of a Trade Union shall be given by the Registrar to the Trade Union before the certificate of registration is cancelled otherwise than on the application of the Trade Union.</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Rule 12: Alteration of rules The following additions may be made in the 'All communication and notices to a registered trade union shall be sent electronically or otherwise by the Registrar.</p> <p>All communication and notices by a registered trade union with respect to any change in any particulars of trade unions or its rules or membership shall be sent electronically or otherwise to the Registrar within __ days from such date of such change prevent.</p> <p>'The fee payable for such communication or alteration of rules shall be paid electronically or otherwise.'</p> <p>'The notice of any change in the name of the Trade Union shall be sent electronically or otherwise to the Registrar in Form __.'</p> <p>'When the Registrar registers a change in name or any other particulars, he shall certify under his signature at the foot of the certificate issued that the new name and the change in particulars has been registered and communicate the same electronically or otherwise.'</p> <p>The method of communication may be clearly stated in the rule to make it more comprehensive. Also, the electronic mechanism may be mentioned in the rules (if there is one in place currently). These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Already Incorporated in the recent draft rules submitted on 19.08.2021.	We agree with the Stakeholder's recommendation and the Department's response.	
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Matters on which negotiating union or negotiating council, as the case may be, in an industrial establishment may negotiate with the employer of the industrial establishment under sub- section (1) and the criteria to be followed by the employer of industrial establishment under sub-section (2) of section 14</p> <p>A Rule may be added on this point and Annexure 1 may be referred to understand the practice proposed by few other states.</p> <p>Currently, the Punjab rules do not mention anything on this aspect. This may be added to ensure that the rules are comprehensive. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Already Incorporated in the recent draft rules submitted on 19.08.2021.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 18. (1).</b> 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 :</p> <ol style="list-style-type: none"> <li>1. Classification of workers, whether permanent, temporary, apprentices, probationers, badlis or fixed term employment;</li> <li>2. Manner of intimating to workers periods and hours of work, holidays, pay-days and wage rates ;</li> <li>3. Shift working ;</li> <li>4. Attendance and late coming ;</li> <li>5. Conditions of, procedure in applying for, and the authority which may grant leave and holidays ;</li> <li>6. Requirement to enter premises by certain gates, and liability to search ;</li> <li>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 ;</li> <li>8. Termination of employment, and the notice thereof to be given by employer and workers ;</li> <li>9. Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct ;</li> <li>10. Means of redress for workers against unfair treatment or wrongful exactions by the employer or his agents or servants ;</li> <li>11. Any other matter which may be specified by the appropriate Government by notification.</li> </ol> <p><b>Section 14. (1)</b> There shall be a negotiating union or a negotiating council, as the case may be, in an industrial establishment having registered Trade Union for negotiating with the employer of the industrial establishment, on such matters as may be prescribed.</p> <p>(2) Where only one Trade Union of workers registered under the provisions of this Chapter is functioning in an industrial establishment, then, the employer of such industrial establishment shall, subject to such criteria as may be prescribed, recognise such Trade Union as sole negotiating union of the workers.</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Manner of verification of workers on the muster roll of the industrial establishment, under sub-sections (3) and (4) and the facilities to be provided by industrial establishment to a negotiating union or negotiating council under sub-section (7) of section 14.</p> <p>A Rule may be added on this point and Annexure1 may be referred to understand the practice proposed by few other states.</p> <p>Currently, the Punjab rules do not mention anything on this aspect. This may be added to ensure that the rules are comprehensive. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Already Incorporated in the recent draft rules submitted on 19.08.2021.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 18 (3)</b> Verification of a Trade Union by the employer of the industrial establishment under sub-section (3) and sub-section (4) of section 14.—</p> <p>(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 recognised by the employer of the industrial establishment, as the sole negotiating union of the workers;</p> <p><b>Section 14 (3)</b> 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, verified in such manner as may be prescribed, supporting that Trade Union shall be recognised by the employer of the industrial establishment, as the sole negotiating union of the workers.</p> <p>Section 14 (4) If more than one Trade Union of workers registered under this Code are functioning in an industrial establishment, and no such Trade Union has fifty-one per cent. or more of workers on the muster roll of that industrial establishment, verified in such manner as may be prescribed, supporting that Trade union, then, there shall be constituted by the employer of the industrial establishment, a negotiating council for negotiation on the matters referred to in sub-section (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</p> <p>Section 14 (7) The facilities to be provided by the industrial establishment to a negotiating union or negotiating council shall be such as may be prescribed.</p>

IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>The objects under sub-section (1) and sub-section (2) and the subscription payable under sub-section (4) of section 15</p> <p>A Rule may be added on this point and Annexure 1 may be referred to understand the practice proposed by few other states.</p> <p>Currently, the Punjab rules do not mention anything on this aspect. This may be added to ensure that the rules are comprehensive. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Already Incorporated in the recent draft rules submitted on 19.08.2021.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 19.</b> 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—</p> <p>(a) the payment of salaries, allowances and expenses to office bearers of the Trade Union ;</p> <p>(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 ;</p> <p>(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 ;</p> <p>(d) the conduct of trade disputes on behalf of the Trade Union or any member thereof;</p> <p>(e) the compensation of members for loss arising out of trade disputes ;</p> <p>(f) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members ;</p> <p>(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 ;</p> <p>(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 ;</p> <p>(i) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such ; and</p> <p>(j) the payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent,</p> <p><b>Section 15 (1)</b> The general funds of a registered Trade Union shall not be spent on any objects other than such objects as may be prescribed.</p> <p>(2) 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 such objects as may be prescribed</p> <p>(4) The subscriptions payable by the members of the Trade Union shall be such as may be prescribed.</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Manner of making application for adjudication before the Tribunal under sub-section (1) of section 22</p> <p>A Rule may be added on this point and Annexure 1 may be referred to understand the practice proposed by few other states.</p> <p>Currently, the Punjab rules do not mention anything on this aspect. This may be added to ensure that the rules are comprehensive. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Already Incorporated in the recent draft rules submitted on 19.08.2021.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 22 :</b> 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.</p> <p><b>Section 22. (1)</b> Where a dispute arises between—</p> <p>(a) one Trade Union and another; or</p> <p>(b) one or more workers who are members of the Trade Union and the Trade Union regarding registration, administration or management or election of office bearers of the Trade Union; or</p> <p>(c) one or more workers who are refused admission as members and the Trade Union; or</p> <p>(d) where a dispute is in respect of a Trade Union which is a federation of Trade Unions and office-bearer authorised in this behalf by the Trade Union, an application may be made in such manner as may be prescribed to the Tribunal having jurisdiction over the area where the registered office of the Trade Union or Trade Unions is located for adjudication of such disputes.</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Rule 13: Manner of amalgamation under sub-section (2), and the manner of sending signed amalgamation to the Registrar of a different State under sub-section (3) of section 24</p> <p>The following addition may be made in the Rule - 'The notice of every change shall be sent electronically or otherwise...'</p> <p>The method of communication may be clearly stated in the rule to make it more comprehensive.</p> <p>Also, the electronic mechanism may be mentioned in the rules (if there is one in place currently). These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Already Incorporated in the recent draft rules submitted on 19.08.2021.	We agree with the Stakeholder's recommendation and the Department's response.	
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Rule 15: Distribution of funds of the Trade Union on dissolution by Registrar under sub-section (2) of section 25</p> <p>The following addition may be made in the Rule - 'In the event of the death of a member of a trade union subsequent to the date of its dissolution but prior to the distribution of funds, the Registrar shall pay the sum payable to such member to his legal dependents.'</p> <p>This may be clearly stated to avoid ambiguity. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Not required to consider as discussed in the meeting.	We do not have a take on it.	<p><b>Rule 24. Funds of a dissolved Trade Union under sub-section (2) of section 25.</b>—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.</p> <p><b>Section 25 (2)</b> Where the dissolution of a registered Trade Union has been registered and the rules of the Trade Union do not provide for the distribution of funds of the Trade Union on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Manner and purpose of recognition of a Trade Union or a federation of Trade Unions by the State Government as a State Trade Union at the State level and the authority and the manner of deciding dispute by it under sub-section (2) of section 27</p> <p>A Rule may be added on this point and Annexure 1 may be referred to understand the practice proposed by few other states.</p> <p>Currently, the Punjab rules do not mention anything on this aspect. This may be added to ensure that the rules are comprehensive. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Not required to consider as discussed in the meeting.	We do not have a take on it.	

IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Rule 27: Conditions for submission of draft standing orders by group of employers in similar establishment under sub-section (10) of section 30</p> <p>The following addition may be made in the Rule - 'Provided that the joint draft standing orders, in cases of group of employers engaged in similar industrial establishments, will be drafted and submitted to the Labour Commissioner, who shall, in consultation with the concerned certifying officers, certify or refuse to certify the said joint draft standing order, after recording reasons therefor.'</p> <p>This will add as a check on the joint standing order adopted by said employers. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Not required to consider as discussed in the meeting.	We do not agree with the stakeholder's recommendation. In our opinion, Rule 30 as it stands, is appropriately drafted.	<p><b>Rule 30.</b> 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.</p> <p><b>Section 30 (10)</b> Subject to such conditions as may be prescribed, a group of employers in similar establishments may submit a joint draft of standing orders under this section and for the purposes of proceedings specified in sub-sections (1), (5), (6), (8) and (9), the expressions "employer", "Trade Union" and "negotiating union or negotiating council" shall respectively include all the employers, Trade Unions and negotiating unions or negotiating council of such similar establishments, as the case may be.</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Rule 28: Manner of disposal of appeal by the appellate authority under section 32</p> <p>The following addition may be made in the Rule - 'Appeal... shall be filed electronically or otherwise...'</p> <p>May be amended to include offline applications as well to make the process more inclusive. Also, the electronic mechanism may be mentioned in the rules (if there is one in place currently). These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Agreed and Incorporated in draft rules.	We agreed with the stakeholder's recommendation and the Department's response.	<p><b>Rule 31.</b> 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.</p> <p><b>Section 32.</b> An employer or Trade Union or the negotiating union or negotiating council, or where there is no negotiating union or negotiating council in an industrial establishment or undertaking, any union or such representative body of the workers of the industrial establishment or undertaking, if not satisfied with the order of the certifying officer given under sub-section (5) of section 30, may file an appeal within sixty days of receipt of the order of the certifying officer to the appellate authority appointed by the appropriate Government, by notification, and such authority shall dispose of the appeal in such manner as may be prescribed.</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Rule 30: Form of register for filing finally certified standing orders by the certifying officer and fee for furnishing certified copy of such orders under section 34</p> <p>The following addition may be made in the Rule - 'The payment for such purpose can also be made through electronic mode.'</p> <p>May be amended to include that the Certifying Officer can furnish a copy to any person applying for mentioned payment through electronic means as well. Also, the electronic mechanism may be mentioned in the rules (if there is one in place currently). These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Not required to consider as discussed in the meeting.	We agree with the stakeholder's recommendation.	<p><b>Rule 33.</b> Register for final certified copy of standing order under section 34.- (1) The certifying officer shall maintain electronically, a register of all standing orders certified or deemed to have been certified or adopted model standing orders of all the concerned industrial establishments, inter-alia, containing the details of –</p> <ul style="list-style-type: none"> <li>(i) the unique number assigned to each standing order;</li> <li>(ii) name of industrial establishment;</li> <li>(iii) nature of industrial establishment;</li> <li>(iv) date of certification or deemed certification or date of adoption of model standing order by each establishment or undertaking;</li> <li>(v) the areas of the operation of the industrial establishment; and</li> <li>(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.</li> </ul> <p>(2) The certifying officer shall furnish a copy thereof to any person applying there for on payment of ten rupees per page of the certified standing orders or deemed certified standing orders, as the case may be.</p> <p><b>Section 34.</b> A copy of all standing orders as finally certified under this Code shall be filed by the certifying officer in a register maintained for the purpose or uploaded in electronic form or such other form as may be prescribed, and the certifying officer shall furnish a copy thereof to any person applying therefor on payment of such fee as may be prescribed</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Rule 38: Manner of holding conciliation proceedings under sub-section (1), form of full report under sub-section (4), and the form of application and the manner of deciding such application under sub-section (6), of section 53</p> <p>The following additions may be made in the Rule - 'the conciliation officer shall submit a report electronically or otherwise'</p> <p>The Rule mentions the procedure for holding conciliation proceedings shall be specifically mentioned on the website of the Department of Labour. It is suggested that the website may be specifically mentioned here. Secondly, the Rule may include an offline method for submitting reports as well to make the process more inclusive. Also, the electronic mechanism may be mentioned in the rules (if there is one in place currently). These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Agreed and Incorporated in draft rules.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 41(2)</b> 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.</p> <p><b>Section 53.</b> (1) Where any industrial dispute exists or is apprehended or a notice under section 62 has been given, the conciliation officer shall, hold conciliation proceedings in such manner as may be prescribed: Provided that the conciliation officer shall not hold any such proceedings relating to the industrial dispute after two years from the date on which such industrial dispute arose.</p> <p>(2) The conciliation officer shall, for the purpose of bringing about a settlement of the dispute, without delay, investigate the dispute and all matters affecting the merits and right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.</p> <p>(3) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings, the conciliation officer shall send a report thereof to the appropriate Government or an officer authorised in this behalf by the appropriate Government together with a memorandum of the settlement signed by the parties to the dispute.</p> <p>(4) If no such settlement is arrived at, the conciliation officer shall, as soon as practicable, after the close of the investigation, send to the concerned parties and to the appropriate Government a full report, in the electronic or other form as may be prescribed, setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at.</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Rule 39: The 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</p> <p>The following additions may be made in the Rule - 'electronically or otherwise'</p> <p>The Rule may include an offline method as well to make the process more inclusive. Also, the electronic mechanism may be mentioned in the rules (if there is one in place currently). These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Agreed and Incorporated in draft rules.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 42.</b> 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 concerned conciliation officer, the Labour Commissioner, Punjab and the State Government.</p> <p><b>Section 62 (4)</b> The notice of strike referred to in sub-section (1) shall be given by such number of persons to such person or persons and in such manner, as may be prescribed.</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Rule 40: Manner of giving notice of lock-out under sub-section (5) and the authority under sub-section (6) of Section 62</p> <p>The following additions may be made in the Rule - 'electronically or otherwise'</p> <p>The Rule may include an offline method as well to make the process more inclusive. Also, the electronic mechanism may be mentioned in the rules (if there is one in place currently).</p>	Agreed and Incorporated in draft rules.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 43.</b> Manner of giving notice of lock-out under sub-section (5) and authority under sub-section (6) of section 62. – (1) The notice of lock-out referred to in sub-section (2) of section 62 shall be given by the employer of an industrial establishment in Form-XII to the President or General Secretary of every registered trade union relating to such industrial establishment endorsing a copy thereof to the concerned conciliation officer, the Labour Commissioner, Punjab and the State Government electronically. 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.</p> <p><b>Section 62(5)</b> The notice of lock-out referred to in sub-section (2) shall be given in such manner as may be prescribed.</p> <p>(6) If on any day an employer receives from any person employed by him any such notices as are referred to in sub-section (1) or gives to any person employed by him any such notices as are referred to in sub-section (2), he shall within five days thereof report to the appropriate Government or to such authority as that Government may prescribe and to the conciliation officer, the number of such notices received or given on that day</p>

IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Contribution from such other sources to be made to the worker re-skilling fund under clause (b) of sub-section (2) of section 83</p> <p>A Rule may be added on this point and Annexure1 may be referred to understand the practice proposed by few other states. This may include the following points:                      (1) Contribution from the State Government or any body or authority of the State Government.                      (2) Contribution through Corporate Social Responsibility.                      (3) Contribution through individuals.                      (4) Contribution from other sources as specified by the State Government by general or special order.</p> <p>Currently, the Punjab rules do not mention anything on this aspect. This may be added to ensure that the rules are comprehensive. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Not required to consider as discussed in the meeting.	<p>We strongly disagree with the Stakeholder's recommendation. Section 83(2)(a) of the Code requires the fund to consist of the contribution of employers who retrench workers. The Section also requires the State Government to transfer these funds to the worker's account. If the Rules require the Fund to include contributions from State Government, CSR, individuals etc., then Rules will also have to specify the contributions from each. Section 83(2)(b) is merely an enabling provision, not a mandatory one.</p> <p>In a fiscally strained State, it is not advisable to add fiscal burdens such as contributions to the reskilling fund. In addition, requiring establishments to contribute through CSR to the reskilling fund is an infringement of the Companies Act and micro-manages social investments. In addition, it is not clear from the stakeholder's comment what 'individuals' refers to.</p>	<p><b>Rule 54. Manner of utilization of fund under sub-section (3) of section 83.-</b> Every employer who has retrenched a worker or workers under this Code, shall, within fifteen 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 to be maintained by the State Government. The fund so received shall be transferred by the State Government to each worker or workers' account electronically within forty-five days of receipt of funds from the employer.</p> <p><b>Section 83:</b> (1) The appropriate Government shall, by notification, set up a fund to be called the worker re-skilling fund (hereafter in this section referred to as "fund").                      (2) The fund shall consist of—                      (a) the contribution of the employer of an industrial establishment an amount equal to fifteen days wages last drawn by the worker immediately before the retrenchment, or such other number of days as may be notified by the Central Government, for every retrenched worker in case of retrenchment only;                      (b) the contribution from such other sources as may be prescribed by the appropriate Government.</p> <p><b>Section 99:</b> Power of appropriate government to make rules: (2) (zy) contribution from such other sources to be made to the worker re-skilling fund under clause (b) of sub-section (2) of section 83;</p> <p><b>Karnataka Draft Rules:</b> In addition to the contribution of the employer under clause (a) of sub-section (2) of section 83, the fund shall consist of -                      (a) the contribution from the Central Government or any body or authority of the Central Government;                      (b) the contribution from State Government or any body or authority of the State Government; and                      (c) the contribution from such other sources as specified by State Government by general or special order.</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Rule 52: Manner of composition of offence by a Gazetted Officer specified under sub-section (1) of section 89 and Manner of making application for the compounding of an offence specified under sub-section (4) of section 89</p> <p>The following additions may be made in the Rule -                      'Send a notice electronically or by registered post or speed post or manually to the accused.'                      'The accused to whom the notice 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.'</p> <p>The Rule may include an offline method as well to make the process more inclusive. Also, the electronic mechanism may be mentioned in the rules (if there is one in place currently). These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Agreed and Incorporated in draft rules.	We agree with the Stakeholder's recommendation and the Department's response.	<p><b>Rule 56.</b> Manner of composition of offence by a Gazetted Officer specified under sub-section (1) of section 89 and the manner of making application for the compounding of an offence specified under sub-section (4) of section 89.- (1) The officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of section 89 (hereinafter referred to as the compounding officer), shall in the offences in which prosecution is not instituted, if the compounding officer is of the opinion that any offence under the Code for which the compounding is permissible under section 89, he shall send a notice electronically 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.</p> <p><b>Section 89.</b> (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Code, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by a Gazetted Officer, as the appropriate Government may, by notification, specify, for a sum of fifty per cent. of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five per cent. provided for such offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed:</p>
IR	Governance Fellows, Department of Governance Reforms, Punjab	<p>Protected workers under sub-section (3) and (4) of section 90</p> <p>A Rule may be added on this point and Annexure1 may be referred to understand the practice proposed by few other states.</p> <p>Currently, the Punjab rules do not mention anything on this aspect. This may be added to ensure that the rules are comprehensive. These provisions can also be observed in the Central draft Rules and the other states compared in this study.</p>	Not required to consider as discussed in the meeting.	We do not agree with the Stakeholder's recommendation. The Department has already added Rules on protected workers in Rule 18(4).	<p><b>Rule 18 (4)</b> 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.</p>