

The Industrial Relations Code, 2020

Section 99 - Power of appropriate Government to make rules

- (1) 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:
Provided that the appropriate Government may, if it is satisfied that circumstances exist which render it necessary or expedient in the public interest so to do, dispense with the condition of previous publication or reduce the required time period for inviting objections or suggestions on such previous publication to the extent as it may deem fit.
- (2) 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:---
- (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;
 - (b) constitution of Works Committee and choosing of representatives of employer and workers engaged in the establishment under section 3;
 - (c) manner of choosing members from the employer and the workers for Grievance Redressal Committee under sub-section (2) of section 4;
 - (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;
 - (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;
 - (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;
 - (g) manner of annual audit under clause (j) of section 7;
 - (h) form of declaration to be made by an affidavit and the manner of making the same under clause (a) of sub-section (1) of section 8;
 - (i) 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;
 - (j) 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;
 - (k) 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;
 - (l) verification of application of the Trade Union under sub-section (5) of section 9;
 - (m) period within which appeal is to be preferred by Trade Union to Tribunal under sub-section (1) of section 10;
 - (n) sending of communication and notices under sub-section (1) and the manner to inform the Registrar under sub-section (3) of section 11;
 - (o) 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) 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;
 - (q) the objects under sub-section (1) and sub-section (2) and the subscription payable under sub-section (4) of section 15;
 - (r) manner of making application for adjudication before the Tribunal under sub-section (1) of section 22;
 - (s) 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;

(t) distribution of funds of the Trade Union on dissolution by Registrar under sub-section (2) of section 25;

(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;

(v) 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;

(w) the manner of forwarding information to the certifying officer under sub-section (3) of section 30 and the period within which the amendment of standing order is to be done as observed by the certifying officer under the proviso thereof;

(x) manner of choosing representatives of the workers of the industrial establishment or undertaking for issuing notice by certifying officer, where there is no Trade Union operating, under sub-section (5) and the manner of authentication of certified standing orders under sub-section (8) of section 30;

(y) statement to be accompanied with draft standing orders under sub-section (9) of section 30;

(z) conditions for submission of draft standing orders by group of employers in similar establishment under sub-section (10) of section 30;

(za) manner of disposal of appeal by the appellate authority under section 32;

(zb) the manner of sending copies of the order of the appellate authority under sub-section (1) and the language and the manner of maintaining standing order under sub-section (2) of section 33;

(zc) 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;

(zd) application for modification of standing orders to be made before certifying officer under sub-section (2) of section 35;

(ze) the manner of giving of notice of the nature of the change proposed to be effected under clause (i) of section 40;

(zf) form of arbitration agreement and the manner to be signed by the parties thereto under subsection (3) of section 42;

(zg) manner of issuance of notification where an industrial dispute has been referred to arbitration under sub-section (5) of section 42;

(zh) manner of choosing representatives of the workers where there is no Trade Union under the proviso to sub-section (5) of section 42;

(zi) 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;

(zk) such other matters in respect of which a conciliation officer, Tribunal and National Industrial Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 under sub-section (3) of section 49;

(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 subsection (6), of section 53;

(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;

(zn) manner of giving notice of lock-out under sub-section (5) and the authority under sub-section (6) of section 62;

(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;

(zp) manner in which the employer shall give an opportunity to the retrenched workers who are citizens of India to offer themselves for re-employment under section 72;

(zq) manner in which the employer shall serve notice on the appropriate Government stating clearly the reasons for the intended closure of the undertaking under sub-section (1) of section 74;

(zr) manner of making application by the employer stating clearly the reasons for the intended lay-off and the manner of serving copy of such application to workers under sub-section (2) of section 78;

(zs) manner of applying to the appropriate Government for permission to continue the lay-off by the employer under sub-section (3) of section 78;

(zt) time-limit for review under sub-section (7) of section 78;

(zu) manner of making application by the employer stating clearly the reasons for the intended retrenchment and the manner of serving copy of such application to workers under sub-section (2) of section 79;

(zv) time-limit for review under sub-section (6) of section 79;

(zw) manner of making application by the employer stating clearly the reasons for the intended closing down of an undertaking of an industrial establishment and the manner of serving copy of such application to the representatives of workers under sub-section (1) of section 80;

(zx) time-limit for review under sub-section (5) of section 80;

(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;

(zz) manner of utilisation of fund under sub-section (3) of section 83;

(zza) manner of composition of offence by a Gazetted Officer specified under sub-section (1) of section 89;

(zzb) manner of making application for the compounding of an offence specified under sub-section (4) of section 89;

(zzc) manner of making complaint by an aggrieved employee under section 91;

(zzd) manner of authorisation of worker for representing in any proceeding under sub-section (1) of section 94;

(zze) manner of authorisation of employer for representing in any proceeding under sub-section (2) of section 94;

(zzf) any other matter which is required to be, or may be, prescribed under the provisions of this Code.

(3) The Central Government shall make rules for the---

(a) manner of recognition of a Trade Union or federation of Trade Unions by the Central Government as a Central Trade Union at the Central level and the authority and the manner of deciding dispute by it under sub-section (1) of section 27; and

(b) manner of holding an enquiry under sub-section (1) of section 85.

(4) All rules made under this section by the State Government shall, as soon as possible after they are made, be laid before the State Legislature.

(5) Every rule made under this section and notification issued under clause (p) of section 2, by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification, or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.