

Finin2min

[Labour Publication Series](#)

Labour & Manpower Law Publication Series

Industrial Relations Code, 2020 — Chapter XIV - Miscellaneous

Industrial Relations Code, 2020 | Detailed statutory, Rule, compliance, remedy and evidence guide.

Review date: 2026-07-18 Authors: CA Nikhil Gupta & Kajri Singh Sections: 90-104 Central Rules mapped: 5 Local source-hashed Act text + linked Rules and implementation analysis

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Industrial Relations Code, 2020 Miscellaneous four-step compliance flowchart

Finin2min decision flow — identify the law, complete the statutory process and preserve evidence.

Publication-source status: Every mapped section of the parent Code is embedded locally from the retained official India Code PDF and carries the source SHA-256. Linked 2026 Central Rules, forms, notifications and operational analysis remain subject to the official Gazette and subsequent amendments.

Chapter decision flow

Classify establishment & person → Fix event date → Apply section and Rule → Complete form/record → Retain evidence & remedy file

Finin2min Summary - Chapter in 2 Minutes

This chapter turns miscellaneous into an operational control file. It covers Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings, Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings, Power to transfer certain proceedings, Protection of persons; the practical sequence is to

Industrial Relations Code, 2020 — Chapter XIV - Miscellaneous

FININ2MIN LEGAL FLOW

Industrial Relations Code, 2020 — Miscellaneous



Law → trigger → procedure → evidence. Confirm the operative Central/State instrument on the event date.

Use this flow with the chapter provision map, implementation controls, evidence checklist, limitation/forum review and remedy framework. Confirm the operative Central and State instruments on the event date.

Industrial Relations Code, 2020 — Chapter XIV - Miscellaneous

Finin2min implementation explanation

Maintain a controlled implementation file for Industrial Relations Code, 2020 — Chapter XIV - Miscellaneous: coverage and event date, operative Central/State instrument, responsible owner, approval and authority, form/portal step, due date, calculation basis, supporting evidence, exception, escalation and closure proof. Reconcile payroll, HR, finance, contractor and legal records before sign-off.

Practical example

Classify the worker and establishment, identify the operative provision and notified instrument on the event date, compute the entitlement or exposure from source records, obtain approval, complete the filing/payment/action, and retain evidence. Do not use a portal value or payroll label as a substitute for the statutory test.

Calculation / control template

Control calculation: verified population or transaction base $\times$ applicable notified rate/amount $\times$ eligible period, adjusted for statutory inclusions, exclusions, ceilings, interest, compensation and prior payments. Reperform the calculation from retained source data.

Current-law control: verify the operative Central/State instrument, notification, form, portal and binding judgment on the event date. Numerical amounts in examples are illustrative unless expressly sourced.

classify coverage and event date, apply the provision and mapped Rule, complete the form/register, calculate the entitlement or exposure, and retain evidence for inspection, claim or appeal.

Who is covered

Employers, workers, trade unions, negotiating bodies, standing-order establishments and dispute-resolution authorities should classify the industrial establishment and worker population first.

Main obligations and rights

- Section 90: Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings
- Section 91: Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings
- Section 92: Power to transfer certain proceedings
- Section 93: Protection of persons
- Section 94: Representation of parties
- Section 95: Removal of doubts in interpretation of award or settlement

Key thresholds and timelines

- Use only the threshold, rate and limitation period effective on the event date; verify the Central/State instrument before acting.

Forms, registers and evidence

- Applicable form/register, calculation file, approval and acknowledgement evidence
- Retain classification, calculation, approval, communication, acknowledgement and payment/filing proof.

Employer risk snapshot

Highest practical risks: misclassification, missed filing/notice, unsupported calculation, incomplete records and use of the wrong Central/State instrument.

Employee/worker remedy snapshot

Core protection: the substantive protection in this chapter, access to the prescribed authority/forum and a documented remedy within limitation. Confirm the authority, limitation and appeal route stated in this chapter.

Old law / transition

Map the event date and savings position against: Trade Unions Act, 1926; Industrial Employment (Standing Orders) Act, 1946; Industrial Disputes Act, 1947.

Five-point professional checklist

1. Freeze the event date, establishment, location and person/worker classification.
2. Identify the controlling section/paragraph, mapped Rule, notification and appropriate Government.
3. Reperform the calculation or decision test and document every exception or approval.
4. Complete the prescribed form/register/portal step and retain acknowledgement, payment and communication evidence.
5. Record the remedy, forum, limitation, appeal path and State variation before sign-off.

Finin2min takeaway: for miscellaneous, the defensible answer is not a policy label - it is the event-date law, the mapped procedure, the calculation and a complete evidence trail.

[Download one-page Finin2min cheat sheet](#)

Section-by-section provision map

Provision	Subject	Implementation focus
Section 90	Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings	Trigger, linked Rule/form, evidence, consequence and remedy
Section 91	Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings	Trigger, linked Rule/form, evidence, consequence and remedy
Section 92	Power to transfer certain proceedings	Trigger, linked Rule/form, evidence, consequence and remedy
Section 93	Protection of persons	Trigger, linked Rule/form, evidence, consequence and remedy
Section 94	Representation of parties	Trigger, linked Rule/form, evidence, consequence and remedy
Section 95		

Provision Subject**Implementation focus**

	Removal of doubts in interpretation of award or settlement	Trigger, linked Rule/form, evidence, consequence and remedy
Section 96	Power to exempt	Trigger, linked Rule/form, evidence, consequence and remedy
Section 97	Jurisdiction of civil courts barred	Trigger, linked Rule/form, evidence, consequence and remedy
Section 98	Protection of action taken in good faith	Trigger, linked Rule/form, evidence, consequence and remedy
Section 99	Power of appropriate Government to make rules	Trigger, linked Rule/form, evidence, consequence and remedy
Section 100	Delegation of powers	Trigger, linked Rule/form, evidence, consequence and remedy
Section 101	Power to amend Schedules	Trigger, linked Rule/form, evidence, consequence and remedy
Section 102	Amendment of Act 7 of 2017	Trigger, linked Rule/form, evidence, consequence and remedy
Section 103	Power to remove difficulties	Trigger, linked Rule/form, evidence, consequence and remedy
Section 104	Repeal and savings	Trigger, linked Rule/form, evidence, consequence and remedy

Section 90: Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings

Current statutory text

90. Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings.—(1) Where an industrial dispute pertaining to an undertaking is already pending before a conciliation officer or an Arbitrator,

Industrial Tribunal, as the case may be, with regard to matters not covered by section 40, no employer shall—

(a) in regard to any matter connected with such dispute, alter to the prejudice of such worker, the conditions of service applicable to them or the conditions of service applicable to them at the commencement of such proceedings; or

(b) for any misconduct connected with the dispute, discharge or punish, or otherwise any worker concerned in such dispute,

save with the express permission in writing of the authority before which the proceedings are brought.

(2) During the pendency of any such proceeding in respect of an industrial dispute, section (1), the employer may, in accordance with standing orders applicable to such dispute or, where there are no such standing orders, in accordance with standing orders, whether express or implied, between him and the worker—

(a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that worker immediately before the commencement of such proceedings; or

(b) for any misconduct not connected with the dispute, discharge or punish, or otherwise, that worker:

Provided that no such worker shall be discharged or dismissed, unless he has been employed for one month and an application has been made by the employer to the authority concerned in the proceeding is pending for approval of the action taken by the employer.

(3) Notwithstanding anything contained in sub-section (2), no employer shall, in the course of any proceeding in respect of an industrial dispute, take any action against a worker concerned in such dispute—

(a) by altering, to the prejudice of such protected worker, the conditions of service applicable to him immediately before the commencement of such proceeding; or

(b) by discharging or punishing, whether by dismissal or otherwise, such worker,

save with the express permission in writing of the authority before which the proceedings are brought.

Explanation.—For the purposes of this sub-section, a "protected worker" in an establishment, means a worker who, being a member of the executive or other office-bearer of a registered Trade Union connected with the establishment, is recognised as representing the workers in that behalf.

(4) In every establishment, the number of workers to be recognised as protected workers for the purposes of sub-section (3) shall be one per cent. of the total number of workers employed in the establishment subject to a minimum number of five protected workers and a maximum number of twenty protected workers and for the aforesaid purpose, the appropriate Government may, by order, provide for the distribution of such protected workers among various Trade Unions, the number of protected workers in the establishment and the manner in which the workers may be chosen and recognised.

(5) Where an employer makes an application to conciliation officer, arbitrator or to the Industrial Tribunal, as the case may be, under the proviso to sub-section (1), the authority concerned shall, without delay, hear such application.

period of three months from the date of receipt of such application, such deems fit:

Provided that where any such authority considers it necessary or expedient for reasons to be recorded in writing, extend such period by such further period as it may deem fit:

Provided further that no proceedings before any such authority shall lapse if any period specified in this sub-section had expired without such proceedings being initiated.

Finin2min clause-by-clause decode

1. Test 1
2. During pending proceedings, the employer must not prejudicially alter connected service conditions or punish protected workers except through the statutory permission/approval route.
3. Implementation control
4. Trigger
5. Document the fact pattern that activates section 90: conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings.
6. Coverage and jurisdiction
7. Record worker/employee status, establishment, appropriate Government, threshold and territorial authority.
8. Decision owner
9. Assign HR/ER, legal, payroll/finance and authorised signatory roles; no action should depend on an undocumented oral decision.
10. Evidence pack

Applicable Central Rules immediately below the provision

Central Rule 39: Rule 39 — Protected workers

extracted from the official English notification 39. Protected workers.- (1) Every registered Trade Union connected with an industrial establishment, to which the provisions of the Code apply, shall communicate to the employer before the 30th April of every year, the names and addresses of such of the officers of such Trade Union who are employed in that establishment and who, in the opinion of such Trade Union shall be recognised as protected workers. (2) Any change in the incumbency of any officer of the Trade Union referred to in sub-rule (1), shall be communicated to the employer by such Trade Union within fifteen days of such change. (3) The employer shall, within fifteen days of the receipt of the names and addresses from the Trade Union under sub- rule (1) and subject to the provisions of sub-section (3) and (4) of section 90 of the Code recognise such workers as protected workers for the purposes of the said section and communicate to such Trade Union in writing, the list of workers recognised as protected workers for a

period of twelve months from the date of such communication. (4) Where the total number of names received by the employer under sub-rule (1), exceeds the maximum number of protected workers admissible for the industrial establishment under sub-section (4) of section 90, the employer shall recognise such maximum number of workers as protected workers: Provided that where there is more than one registered Trade Union in the industrial establishment, the maximum number shall be so distributed by the employer among the Trade Unions that the numbers of recognised protected workers in individual Trade Unions bear practicably the same proportion to one another as the membership figures of the Trade Unions; and the employer shall in that case inform in writing to the President or the Secretary of each of the concerned Trade Union, the number of protected workers allotted to it: Provided further that where the number of protected workers allotted to such a Trade Union under this sub-rule falls short of the number of officers of such Trade Union seeking protection, then that Trade Union shall be entitled to select the officers to be recognised as protected workers and such selection shall be made by that Trade Union and communicated to the employer within five days of the receipt of written intimation of the employer in this regard. (5) Where a dispute arises between an employer and any registered Trade Union in any matter connected with the recognition of protected workers under this rule, such dispute shall be referred to the Deputy Chief Labour Commissioner (Central) or Regional Labour Commissioner (Central) or Assistant Labour Commissioner (Central) concerned, whose decision thereon shall be final. Code concordance Primary operative section Section 90 Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings Forms and records No form heading is directly assigned to this rule. Keep the application, notice, order, electronic acknowledgment and register required by the text. Implementation owner HR/employee relations with legal review and the authorised signatory specified by the rule. System control Create a workflow that blocks completion until every mandatory field, attachment, service method and timeline is satisfied. Evidence Preserve the exact filed form, annexures, electronic receipt, delivery proof, hearing material and final order. Failure consequence The underlying Code section may create invalidity, compensation, appeal, recovery, unfair-practice or penalty exposure. ← Previous Next →

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: Rule 39 | Official source: [section 90](#).

Section 91: Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings

Current statutory text

91. Special provision for adjudication as to whether conditions of service pendency of proceedings.—Where an employer contravenes the provisions of s pendency of proceedings before conciliation officer, arbitrator, Tribunal as the case may be, any employee aggrieved by such contravention, may make in such manner as may be prescribed—

(a) to such conciliation officer, and the conciliation officer shall in mediating in, and promoting the settlement of, such industrial dispu

(b) to such arbitrator, Tribunal or National Industrial Tribunal and the arbitrator, Tribunal or National Industrial Tribunal, as the case m complaint as if it were a dispute referred to or pending before it, in of this Code and shall submit his or its award to the appropriate Gover this Code shall apply accordingly.

Finin2min clause-by-clause decode

1. Test 1
2. A complaint alleging contravention of section 90 is made to the pending conciliation/arbitration/Tribunal forum in Form XVI under Rule 40.
3. Implementation control

4. Trigger
5. Document the fact pattern that activates section 91: special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.
6. Coverage and jurisdiction
7. Record worker/employee status, establishment, appropriate Government, threshold and territorial authority.
8. Decision owner
9. Assign HR/ER, legal, payroll/finance and authorised signatory roles; no action should depend on an undocumented oral decision.
10. Evidence pack

Applicable Central Rules immediately below the provision

Central Rule 40: Rule 40 — Complaint by aggrieved employee

extracted from the official English notification 40. Complaint by aggrieved employee.– (1) Every complaint of an aggrieved employee under section 91 of the Code shall be made in Form-XVI electronically, or by speed post and shall be accompanied by as many copies thereof for each of the opposite parties mentioned in such complaint. (2) Every complaint under sub-rule (1) shall be verified by the aggrieved employee making the complaint or by the authorised representative of such employee to the satisfaction of the conciliation officer, arbitrator, Tribunal or the National Industrial Tribunal, as the case may be, acquainted with the facts of the case. Code concordance Primary operative section Section 91 Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings Forms and records Form XVI See Rule 40 Implementation owner HR/employee relations with legal review and the authorised signatory specified by the rule. System control Create a workflow that blocks completion until every mandatory field, attachment, service method and timeline is satisfied. Evidence Preserve the exact filed form, annexures, electronic receipt, delivery proof, hearing material and final order. Failure consequence The underlying Code section may create invalidity, compensation, appeal, recovery, unfair-practice or penalty exposure. ← Previous Next →

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: Rule 40 | Official source: [section 91](#).

Section 92: Power to transfer certain proceedings

Current statutory text

92. Power to transfer certain proceedings. (1) The appropriate Government writing and for reasons to be stated therein, withdraw any proceeding under a Tribunal and transfer the same to another Tribunal, as the case may be, proceeding and the Tribunal to which the proceeding is so transferred may, in the order of transfer, proceed either de novo or from the stage at which

(2) The Central Government may, by order in writing and for reasons to any proceeding pending under this Code before a Tribunal constituted by the State Government and transfer to a National Industrial Tribunal for directions in the order of transfer, proceed either de novo or from the stage at which

(3) The Central Government may, by notification, and for reasons to be Tribunal constituted by the State Government to entertain and dispose of the respective jurisdiction under the provisions of this Code where the appropriate Central Government.

Finin2min clause-by-clause decode

1. Test 1
2. The provision creates the legal rule for power to transfer certain proceedings.
3. Test 2
4. Identify the actor, trigger, appropriate Government, prescribed manner and effective date before implementation.

5. Test 3
6. Keep contemporaneous approvals, notices, registers, filings, acknowledgements and decision evidence.
7. Test 4
8. Use the linked rules, notification and remedy route; unresolved classification or jurisdiction questions require professional review.
9. Implementation control
10. Trigger

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance | Official source: [section 92](#).

Section 93: Protection of persons

Current statutory text

93. Protection of persons.—(1) No person refusing to take part or to continue a strike or lock-out which is illegal under this Code shall, by reason of such action taken by him under this section, be subject to expulsion from any Trade Union or society, or to any fine or penalty, or to deprivation of any right or benefit to which he would otherwise be entitled, or be liable to be placed in any respect, either as to employment or as to any disability or at any disadvantage as compared with other members of the same Trade Union or society to the contrary in rules of a Trade Union or society notwithstanding.

(2) Nothing in the rules of a Trade Union or society requiring the settlement of disputes shall apply to any proceeding for enforcing any right or exemption secured by this section. The civil court may, in lieu of ordering a person who has been expelled from membership of a Trade Union or society to be restored to membership, order the payment of such sum by way of compensation or damages as it may think just.

Finin2min clause-by-clause decode

1. Test 1
2. The provision creates the legal rule for protection of persons.
3. Test 2
4. Identify the actor, trigger, appropriate Government, prescribed manner and effective date before implementation.
5. Test 3
6. Keep contemporaneous approvals, notices, registers, filings, acknowledgements and decision evidence.
7. Test 4
8. Use the linked rules, notification and remedy route; unresolved classification or jurisdiction questions require professional review.
9. Implementation control
10. Trigger

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance |
Official source: [section 93](#).

Section 94: Representation of parties

Current statutory text

94. Representation of parties.—(1) A worker who is a party to a dispute shall be represented in any proceeding under this Code by—

(a) any member of the executive or other office-bearer of a Trade Union of which he is a member;

(b) any member of the executive or other office-bearer of a federation of Trade Unions of which the Trade Union referred to in clause (a) is affiliated;

(c) where the worker is not a member of any Trade Union, any member of the executive or other office-bearer of any Trade Union connected with, or by any other means with, the industry in which the worker is employed and authorised in such manner as may be determined by the Government.

(2) An employer who is a party to a dispute shall be entitled to be represented in any proceeding under this Code by—

(a) an officer of an association of employers of which he is a member;

(b) an officer of a federation of associations of employers to which the association referred to in clause (a) is affiliated;

(c) where the employer is not a member of any association of employers, any member of the executive or other office-bearer of any association of employers connected with, or by any other employer engaged with, the industry in which the employer is engaged and authorised in such manner as may be determined by the Government.

(3) No party to a dispute shall be entitled to be represented by a legal practitioner.

proceedings under this Code or any proceedings before Tribunal or National

(4) Notwithstanding anything contained in sub-section (3), in any proceeding before a National Industrial Tribunal, a party to a dispute may be represented by any person with the consent of the other parties to the proceeding and with the leave of the Tribunal, as the case may be.

Finin2min clause-by-clause decode

1. Test 1
2. Representation depends on the forum and party status; employers, workers and unions must use the authorised representative categories stated in the section.
3. Implementation control
4. Trigger
5. Document the fact pattern that activates section 94: representation of parties.
6. Coverage and jurisdiction
7. Record worker/employee status, establishment, appropriate Government, threshold and territorial authority.
8. Decision owner
9. Assign HR/ER, legal, payroll/finance and authorised signatory roles; no action should depend on an undocumented oral decision.
10. Evidence pack

Applicable Central Rules immediately below the provision

Central Rule 41: Rule 41 — Authorisation of worker for representing in proceeding

extracted from the official English notification 41. Authorisation of worker for representing in proceeding.— Where the worker is not a member of any Trade Union, any member of the executive or other office-bearer of any Trade Union connected with or by any other worker employed in the industry in which the worker is employed, may be authorised in Form-VI by such worker to represent him in any proceeding relating to a dispute in which that worker is a party. Code concordance Primary operative section Section 94 Representation of parties Forms and records No form heading is directly assigned to this rule. Keep the application, notice, order, electronic acknowledgment and register required by the text. Implementation owner HR/employee relations with legal review and the authorised signatory specified by the rule. System control Create a workflow that blocks completion until every mandatory field, attachment, service method and timeline is satisfied. Evidence Preserve the exact filed form, annexures, electronic receipt, delivery proof, hearing material and final order. Failure consequence The

underlying Code section may create invalidity, compensation, appeal, recovery, unfair-practice or penalty exposure. ← Previous Next →

Central Rule 42: Rule 42 — Authorisation of employer for representing in proceeding

extracted from the official English notification 42. Authorisation of employer for representing in proceeding.— Where an employer is not a member of any association of employers, an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged, may be authorised in Form-VI to represent him in any proceeding relating to a dispute in which that employer is a party. Code concordance Primary operative section Section 94 Representation of parties Forms and records No form heading is directly assigned to this rule. Keep the application, notice, order, electronic acknowledgment and register required by the text. Implementation owner HR/employee relations with legal review and the authorised signatory specified by the rule. System control Create a workflow that blocks completion until every mandatory field, attachment, service method and timeline is satisfied. Evidence Preserve the exact filed form, annexures, electronic receipt, delivery proof, hearing material and final order. Failure consequence The underlying Code section may create invalidity, compensation, appeal, recovery, unfair-practice or penalty exposure. ← Previous Next →

Central Rule 43: Rule 43 — Parties bound by acts of representative

extracted from the official English notification 43. Parties bound by acts of representative.- A party appearing through a representative shall be bound by the acts of that representative. Code concordance Primary operative section Section 94 Representation of parties Forms and records No form heading is directly assigned to this rule. Keep the application, notice, order, electronic acknowledgment and register required by the text. Implementation owner HR/employee relations with legal review and the authorised signatory specified by the rule. System control Create a workflow that blocks completion until every mandatory field, attachment, service method and timeline is satisfied. Evidence Preserve the exact filed form, annexures, electronic receipt, delivery proof, hearing material and final order. Failure consequence The underlying Code section may create invalidity, compensation, appeal, recovery, unfair-practice or penalty exposure. ← Previous Next →

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the

decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: Rule 41, Rule 42, Rule 43 | Official source: [section 94](#).

Section 95: Removal of doubts in interpretation of award or settlement

Current statutory text

95. Removal of doubts in interpretation of award or settlement.—(1) If, in appropriate Government, any difficulty or doubt arises as to the interpretation of award or settlement, it may refer the question to such Tribunal or National Industrial Tribunal as it may think fit.

(2) A Tribunal or National Industrial Tribunal to which such question is referred shall give the parties an opportunity of being heard, decide such question and its decision shall bind all such parties.

Finin2min clause-by-clause decode

1. Test 1
2. Doubts about interpretation of an award or settlement may be referred by the appropriate Government to the Tribunal/National Tribunal.
3. Implementation control
4. Trigger
5. Document the fact pattern that activates section 95: removal of doubts in interpretation of award or settlement.
6. Coverage and jurisdiction

7. Record worker/employee status, establishment, appropriate Government, threshold and territorial authority.
8. Decision owner
9. Assign HR/ER, legal, payroll/finance and authorised signatory roles; no action should depend on an undocumented oral decision.
10. Evidence pack

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance | Official source: [section 95](#).

Section 96: Power to exempt

Current statutory text

96. Power to exempt.—(1) Where the appropriate Government is satisfied in industrial establishment or undertaking or any class of industrial establishment adequate provisions exist to fulfil the objects of any provision of this C

exempt, conditionally or unconditionally such establishment or undertaking or undertakings from that provision of this Code.

(2) Notwithstanding anything contained in sub-section (1), where the ap satisfied in relation to any new industrial establishment or new undertaki establishments or new undertakings that it is necessary in the public inte notification, exempt, conditionally or unconditionally, any such new estab or class of new establishments or new undertakings from all or any of the such period from the date of establishment of such new industrial establis class of new establishments or new undertakings, as the case may be, as ma notification:

Provided that any notification issued by a State Government under the I (14 of 1947), prior to the commencement of this Code, to achieve the purpo section in the State, shall remain in force after such commencement for it provisions of this Code have not been brought into force to the extent the achieved by such notification issued by that State Government.

Explanation.—For the purposes of this sub-section, the expression "new new undertaking or class of new industrial establishments or new undertaki establishment or undertaking or class of industrial establishments or unde within a period as may be specified in the notification.

Finin2min clause-by-clause decode

1. Test 1
2. Exemptions require a valid notification and are construed with their conditions; do not rely on an assumed sector exemption.
3. Implementation control
4. Trigger
5. Document the fact pattern that activates section 96: power to exempt.
6. Coverage and jurisdiction
7. Record worker/employee status, establishment, appropriate Government, threshold and territorial authority.
8. Decision owner
9. Assign HR/ER, legal, payroll/finance and authorised signatory roles; no action should depend on an undocumented oral decision.
10. Evidence pack

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the

decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance | Official source: [section 96](#).

Section 97: Jurisdiction of civil courts barred

Current statutory text

97. Jurisdiction of civil courts barred.—No civil court shall have jurisdiction in respect of anything which is done or intended to be done by or under the provisions of this Code applies and no injunction shall be granted in respect of anything which is done or intended to be done by or under the provisions of this Code.

Finin2min clause-by-clause decode

1. Test 1
2. Civil-court jurisdiction is barred for matters assigned to the Code; identify the correct statutory forum before filing.
3. Implementation control
4. Trigger
5. Document the fact pattern that activates section 97: jurisdiction of civil courts barred.
6. Coverage and jurisdiction
7. Record worker/employee status, establishment, appropriate Government, threshold and territorial authority.
8. Decision owner
9. Assign HR/ER, legal, payroll/finance and authorised signatory roles; no action should depend on an undocumented oral decision.

10. Evidence pack

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance | Official source: [section 97](#).

Section 98: Protection of action taken in good faith

Current statutory text

98. Protection of action taken in good faith.—No suit, prosecution or other lie against any person for anything which is in good faith done or intended this Code or any rules made thereunder.

Finin2min clause-by-clause decode

1. Test 1

2. The provision creates the legal rule for protection of action taken in good faith.
3. Test 2
4. Identify the actor, trigger, appropriate Government, prescribed manner and effective date before implementation.
5. Test 3
6. Keep contemporaneous approvals, notices, registers, filings, acknowledgements and decision evidence.
7. Test 4
8. Use the linked rules, notification and remedy route; unresolved classification or jurisdiction questions require professional review.
9. Implementation control
10. Trigger

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance | Official source: [section 98](#).

Section 99: Power of appropriate Government to make rules

Current statutory text

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 it is 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 for the publication to the extent as it may deem fit.

(2) In particular and without prejudice to the generality of the foregoing, the Government may provide for all or any of the following matters, namely:—

(a) written agreement between the employer and worker arrived at on the basis of conciliation proceeding to arrive at a settlement under clause (zi) of section 3;

(b) constitution of Works Committee and choosing of representatives of workers engaged in the establishment under section 3;

(c) manner of choosing members from the employer and the workers for the Conciliation Committee under sub-section (2) of section 4;

(d) application in respect of any dispute to be filed before the Government by any aggrieved worker under sub-section (5) of section 4;

(e) manner of filing application for the conciliation of grievance before the Grievance Redressal Committee to the conciliation officer under sub-section (2) of section 5;

(f) the payment of a subscription by members of the Trade Union and other 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 filing of such declaration under clause (a) of sub-section (1) of section 8;

(i) general statement of the assets and liabilities of the Trade Union containing such particulars under sub-section (2) of section 8;

(j) the form of application for registration under sub-section (1) of section 9 and the form of registration to be issued by the Registrar to the applicant Trade Union under section 9;

(k) the form of entering the name and other particulars of Trade Union in the Register by the Registrar in this behalf under sub-section (3) of section 9;

(l) verification of application of the Trade Union under sub-section (4) 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 Registrar under sub-section (3) of section 11;

(o) matters on which negotiating union or negotiating council, as the case may be, may negotiate with the employer of the industrial establishment and the criteria to be followed by the employer of industrial establishment under 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 union or negotiating council under sub-section (7) of section 14;

(q) the objects under sub-section (1) and sub-section (2) and the sub-sections (3) and (4) of section 15;

(r) manner of making application for adjudication before the Tribunal under section 22;

(s) manner of amalgamation under sub-section (2), and the manner of sending of application for amalgamation to the Registrar of a different State under sub-section (3) of section 23;

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

(u) the date before which a general statement shall be forwarded annually, the particulars to be contained in general statement and its form, the person to whom such 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 State Government as a State Trade Union at the State level and the authority to decide dispute by it under sub-section (2) of section 27;

(w) the manner of forwarding information to the certifying officer under section 29 and the period within which the amendment of standing order is to be done by the certifying officer under the proviso thereof;

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

(y) statement to be accompanied with draft standing orders under sub-section (1) of section 31;

(z) conditions for submission of draft standing orders by group of employees of industrial 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 and the language and the manner of maintaining standing order under sub-section (2) of section 34;

(zc) form of register for filing finally certified standing orders by the employer for furnishing certified copy of such orders under section 34;

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

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

(zf) form of arbitration agreement and the manner to be signed by the parties under section (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 provision proviso to sub-section (5) of section 42;

(zi) manner of filling up the vacancy under sub-section (9) of section 42;

(zj) the procedure for selection, salaries and allowances and other terms and conditions of service of the members of the National Industrial Tribunal under sub-section (3) of section 49;

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

(zl) manner of holding conciliation proceedings under sub-section (1) of section 50, sub-section (4), and the form of application and the manner of deciding such application under sub-section (6), of section 53;

(zm) the number of persons by whom the notice of strike shall be given, the persons to whom such notice shall be given, and the manner of giving such notice, under section 62;

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

(zo) manner of serving notice before retrenchment of a worker employed for not less than one year by an employer on the day of retrenchment or such authority as may be specified by the appropriate Government by notification under sub-section (c) of section 70;

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

(zq) manner in which the employer shall serve notice on the appropriate authority stating clearly the reasons for the intended closure of the undertaking under sub-section (1) of section 73;

(zr) manner of making application by the employer stating clearly the reasons for the intended closure of the undertaking under sub-section (1) of section 73;

lay-off and the manner of serving copy of such application to workers under section 78;

(zs) manner of applying to the appropriate Government for permission to 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 retrenchment and the manner of serving copy of such application to workers 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 closing down of an undertaking of an industrial establishment and the manner 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 workers under sub-section (2) of section 83;

(zz) manner of utilisation of fund under sub-section (3) of section 84;

(zza) manner of composition of offence by a Gazetted Officer specified in section 89;

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

(zzc) manner of making complaint by an aggrieved employee under section 90;

(zzd) manner of authorisation of worker for representing in any proceedings of section 94;

(zze) manner of authorisation of employer for representing in any proceedings (2) of section 94;

(zzf) any other matter which is required to be, or may be, prescribed in the 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 Government as a Central Trade Union at the Central level and the authority for deciding dispute by it under sub-section (1) of section 27; and

(b) manner of holding an enquiry under sub-section (1) of section 28;

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

(5) Every rule made under this section and notification issued under clause (3) of the Code shall be laid, as soon as may be after it is made, before the Central Government shall be laid, as soon as may be after it is made, before the

while it is in session for a total period of thirty days which may be composed of more successive sessions, and if, before the expiry of the session immediately following the successive sessions aforesaid, both Houses agree in making any modification, 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 at all; however, that any such modification or annulment shall be without prejudice to the previous operation of the rule or notification and to anything previously done under that rule or notification.

Finin2min clause-by-clause decode

1. Test 1
2. Central and State Governments make rules for their respective spheres.
Central Rules do not eliminate the need to check valid State rules.
3. Implementation control
4. Trigger
5. Document the fact pattern that activates section 99: power of appropriate government to make rules.
6. Coverage and jurisdiction
7. Record worker/employee status, establishment, appropriate Government, threshold and territorial authority.
8. Decision owner
9. Assign HR/ER, legal, payroll/finance and authorised signatory roles; no action should depend on an undocumented oral decision.
10. Evidence pack

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance |
Official source: [section 99](#).

Section 100: Delegation of powers

Current statutory text

100. Delegation of powers.—The appropriate Government may, by notification power exercisable by it under this Code or rules made thereunder shall, in subject to such conditions, if any, as may be specified in the direction,
(a) where the appropriate Government is the Central Government, by subordinate to the Central Government or by the State Government, or by subordinate to the State Government, as may be specified in the notific
(b) where the appropriate Government is a State Government, by such subordinate to the State Government as may be specified in the notifica

Finin2min clause-by-clause decode

1. Test 1
2. Delegation must be supported by a notification and observed within its subject, officer and territorial limits.
3. Implementation control
4. Trigger
5. Document the fact pattern that activates section 100: delegation of powers.
6. Coverage and jurisdiction
7. Record worker/employee status, establishment, appropriate Government, threshold and territorial authority.
8. Decision owner
9. Assign HR/ER, legal, payroll/finance and authorised signatory roles; no action should depend on an undocumented oral decision.
10. Evidence pack

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance | Official source: [section 100](#).

Section 101: Power to amend Schedules

Current statutory text

101. Power to amend Schedules.—(1) The Central Government may, by notification alter or amend the First Schedule or the Second Schedule or the Third Schedule, the notification being issued, the First Schedule or the Second Schedule or the Third Schedule may be, shall be deemed to be amended accordingly.

(2) Every notification issued by the Central Government under sub-section (1) as may be after it is made before each House of Parliament while it is in session or within thirty days which may be comprised in one session or in two or more successive sessions, the expiry of the session immediately following the session or the successive sessions, if the Houses agree in making any modification in the notification, or both Houses agree, should not be made, the notification shall thereafter have effect only in so far as it may be so modified, 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 in pursuance of that notification.

Finin2min clause-by-clause decode

1. Test 1
2. The Central Government may amend the three Schedules by notification; monitor changes because they alter standing orders, unfair practices and notice-of-change coverage.
3. Implementation control
4. Trigger
5. Document the fact pattern that activates section 101: power to amend schedules.
6. Coverage and jurisdiction
7. Record worker/employee status, establishment, appropriate Government, threshold and territorial authority.
8. Decision owner
9. Assign HR/ER, legal, payroll/finance and authorised signatory roles; no action should depend on an undocumented oral decision.
10. Evidence pack

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance |
Official source: [section 101](#).

Section 102: Amendment of Act 7 of 2017

Current statutory text

102. Amendment of Act 7 of 2017.—In the Finance Act, 2017, in the Eighth S
serial number 1,—

(a) in column (2), for the words “Industrial Tribunal constituted
the words, brackets and figures “Industrial Tribunal constituted by the
sub-section (1) of section 44 of the Industrial Relations Code, 2020” s

(b) in column (3), for the words and figures “The Industrial Dispu
the words and figures “The Industrial Relations Code, 2020” shall be su

Finin2min clause-by-clause decode

1. Test 1
2. The provision creates the legal rule for amendment of act 7 of 2017.
3. Test 2
4. Identify the actor, trigger, appropriate Government, prescribed manner and effective date before implementation.
5. Test 3
6. Keep contemporaneous approvals, notices, registers, filings, acknowledgements and decision evidence.
7. Test 4
8. Use the linked rules, notification and remedy route; unresolved classification or jurisdiction questions require professional review.
9. Implementation control
10. Trigger

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance | Official source: [section 102](#).

Section 103: Power to remove difficulties

Current statutory text

103. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of this Code, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Code as may appear to be necessary for removing the difficulty: Provided that no order shall be made under this section after the expiry of three years from the date of commencement of this Code.

(2) Every order made under this section shall be laid before each House of Parliament.

Finin2min clause-by-clause decode

1. Test 1
2. Removal-of-difficulty orders must remain consistent with the Code and can only be made within three years from commencement.
3. Implementation control
4. Trigger
5. Document the fact pattern that activates section 103: power to remove difficulties.
6. Coverage and jurisdiction
7. Record worker/employee status, establishment, appropriate Government, threshold and territorial authority.
8. Decision owner

9. Assign HR/ER, legal, payroll/finance and authorised signatory roles; no action should depend on an undocumented oral decision.
10. Evidence pack

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance | Official source: [section 103](#).

Section 104: Repeal and savings

Current statutory text

104. Repeal and savings.—1[(1) The following enactments shall stand repealed as from the date appointed in the notification issued under sub-section (3) of section

(a) the Trade Unions Act, 1926 (16 of 1926);

(b) the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

(c) the Industrial Disputes Act, 1947 (14 of 1947).

(1A) Notwithstanding such repeal under sub-section (1), the functioning of statutory authorities functioning under the Acts so repealed shall continue and other statutory authorities become functional under this Code.]

1. Subs. by Act 1 of 2026, s. 2, for sub-section (1) (w.e.f. 21-11-2025).

(2) Notwithstanding such repeal under sub-section (1), anything done or the provisions of the enactments so repealed including any rule, regulation, notification, appointment, order or direction made thereunder shall be deemed to have been made under the corresponding provisions of this Code and shall be in force to the extent that such provisions of this Code.

(3) Without prejudice to the provisions of sub-section (2), the provisions of the Industrial Disputes Act, 1947 shall apply to the repeal of such enactments.

THE FIRST SCHEDULE

[See sections 2 (zj), 30 (1), (6) and 101 (1)]

MATTERS TO BE PROVIDED IN STANDING ORDERS UNDER THIS CODE

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

THE SECOND SCHEDULE

[See sections 2 (zo), 84, 86 (5) and 101(1)]

UNFAIR LABOUR PRACTICES

I. ON THE PART OF EMPLOYERS AND TRADE UNIONS OF EMPLOYERS

- (1) To interfere with, restrain from, or coerce, workers in the exercise of their right to join or assist a Trade Union or to engage in concerted activities for their mutual aid or protection, that is to say,—
 - (a) threatening workers with discharge or dismissal, if they join a Trade Union;
 - (b) threatening a lock-out or closure, if a Trade Union is organised;
 - (c) granting wage increase to workers at crucial periods of Trade Union activity, thereby undermining the efforts of the Trade Union organisation.
- (2) To dominate, interfere with or contribute support, financial or otherwise, to a Trade Union, that is to say,—
 - (a) an employer taking an active interest in organising a Trade Union;
 - (b) an employer showing partiality or granting favour to one of several Trade Unions to organise his workers or to its members, where such a Trade Union is already in existence.
- (3) To establish employer sponsored Trade Unions of workers.
- (4) To encourage or discourage membership in any Trade Union by discrimination, that is to say,—
 - (a) discharging or punishing a worker, because he urged other workers to join a Trade Union;
 - (b) discharging or dismissing a worker for taking part in any strike which is not deemed to be an illegal strike under this Code);
 - (c) changing seniority rating of workers because of Trade Union activities;
 - (d) refusing to promote workers to higher posts on account of their Trade Union activities;
 - (e) giving unmerited promotions to certain workers with a view to create dissensions among workers, or to undermine the strength of their Trade Union;
 - (f) discharging office-bearers or active members of the Trade Union on account of their Trade Union activities.
- (5) To discharge or dismiss workers,—
 - (a) by way of victimisation;
 - (b) not in good faith, but in the colourable exercise of the employer's powers;
 - (c) by falsely implicating a worker in a criminal case on false evidence.

- (d) for patently false reasons;
- (e) on untrue or trumped up allegations of absence without leave;
- (f) in utter disregard of the principles of natural justice in the conduct of the enquiry and in undue haste;
- (g) for misconduct of a minor or technical character, without having regard to the nature of the particular misconduct or the past record or service of the worker, disproportionate punishment.
- (6) To abolish the work of a regular nature being done by workers, and to substitute casual work as a measure of breaking a strike.
- (7) To transfer a worker mala fide from one place to another, under the guise of a transfer policy.
- (8) To insist upon individual workers, who are on a legal strike to sign a statement as a precondition to allowing them to resume work.
- (9) To show favouritism or partiality to one set of workers regardless of the merits of the case.
- (10) To employ workers as badli workers, casuals or temporaries and to continue to employ them with the object of depriving them of the status and privileges of permanent workers.
- (11) To discharge or discriminate against any worker for filing charges or for being a witness in any enquiry or proceeding relating to any industrial dispute.
- (12) To recruit worker during a strike which is not an illegal strike.
- (13) Failure to implement award, settlement or agreement.
- (14) To indulge in acts of force or violence.
- (15) To refuse to bargain collectively, in good faith with the recognised union.
- (16) Proposing or continuing a lock-out deemed to be illegal under this Code.

II. ON THE PART OF WORKERS AND TRADE UNIONS OF WORKERS

- (1) To advise or actively support or instigate any strike deemed to be illegal.
- (2) To coerce workers in the exercise of their right to self-organisation or to refuse to refrain from, joining any Trade Union, that is to say—
 - (a) for a Trade Union or its members to picketing in such a manner that non-striking workers are physically debarred from entering the work places;
 - (b) to indulge in acts of force or violence or to hold out threats of force or violence in connection with a strike against non-striking workers or against managerial staff.
- (3) For a recognised union to refuse to bargain collectively in good faith with the employer.

- (4) To indulge in coercive activities against certification of a bargaining agent;
- (5) To stage, encourage or instigate such forms of coercive actions as will obstruct the work premises after working hours or "gherao" of any of the members or other staff.

Explanation 1.—For the removal of doubts, it is clarified that "go-slow" means when more than one worker in an establishment conjointly work more slowly than usual to try to persuade the employer of the establishment to agree to higher wages or condition or such other demand.

Explanation 2.—For the purposes of Explanation 1, the expression "usual rate of work" means (i) where the standard has been specified for a worker for his work, the standard on a monthly basis, such work; and

(ii) where no such standard has been specified such rate of work as was obtained in the previous three months calculated on daily or weekly or monthly basis.

- (6) To stage demonstrations at the residence of the employers or the management;
- (7) To incite or indulge in wilful damage to employer's property connected with the work;
- (8) To indulge in acts of force or violence or to hold out threats of intimidation with a view to prevent him from attending work.

THE THIRD SCHEDULE

[See sections 40 and 101 (1)]

CONDITIONS OF SERVICE FOR CHANGE OF WHICH NOTICE IS TO BE GIVEN

1. Wages, including the period and mode of payment.
2. Contribution paid, or payable, by the employer to any provident fund or gratuity fund for the benefit of the workers under any law for the time being in force.
3. Compensatory and other allowances.
4. Hours of work and rest intervals.
5. Leave with wages and holidays.
6. Starting, alteration or discontinuance of shift working otherwise than by the orders.
7. Classification by grades.
8. Withdrawal of any customary concession or privilege or change in usage.
9. Introduction of new rules of discipline, or alteration of existing rules of discipline provided in standing orders.

10. Rationalisation, standardisation or improvement of plant or technique retrenchment of workers.
11. Any increase or reduction (other than casual) in the number of persons in any occupation or process or department or shift, not occasioned by employer has no control.

STATEMENT OF OBJECTS AND REASONS

The Second National Commission on Labour, which submitted its report in recommended that the existing set of labour laws should be broadly amalgamated into five groups, namely:—

- (a) industrial relations;
- (b) wages;
- (c) social security;
- (d) safety; and
- (e) welfare and working conditions.

2. In pursuance of the recommendations of the said Commission relating to the deliberations made in the tripartite meeting comprising of the Government representatives, it has been decided to bring the proposed legislation for rationalising the relevant provisions of —

- (a) the Trade Unions Act, 1926;
- (b) the Industrial Employment (Standing Orders) Act, 1946; and
- (c) the Industrial Disputes Act, 1947.

3. Accordingly, the Industrial Relations Code, 2019 was introduced in Lok Sabha on November, 2019, which was referred to the Department-related Parliamentary Standing Committee on Labour for its examination and report. The said Committee submitted its Report on April, 2020 recommending various modifications in the said Bill to give impetus to economic activity in the country without compromising on the basic aspects of the Bill. In view of the valuable recommendations of the said Parliamentary Standing Committee, the Government proposes to withdraw the Industrial Relations Code, 2019 pending in Parliament and to introduce a new Bill, namely, the Industrial Relations Code, 2020 with certain modifications.

4. The proposed legislation provides for a broader framework to protect workers' rights, to strengthen trade unions, to minimise the friction between the employers and workers and to provide for investigation and settlement of industrial disputes. The object of the proposed legislation is to promote industrial peace and harmony as the ultimate pursuit in resolving industrial disputes and to progress of industry by bringing about the existence of harmony and cordial relations between employers and workers.

5. The salient features of the Industrial Relations Code, 2020, inter alia

(i) to define "workers" which includes the persons in supervisory eighteen thousand rupees per month or an amount as may be notified by t from time to time;

(ii) to provide for fixed term employment with the objective that like that of a permanent worker (including gratuity), except for notice fixed period, and retrenchment compensation. The employer has been prov to employ workers on fixed term basis on the basis of requirement and w sector;

(iii) to revise the definition of "industry" that any systematic between the employer and workers for the production, supply or distribu with a view to satisfy human wants or wishes (not being wants or wishes wh or religious in nature) with certain exceptions;

(iv) to bring concerted casual leave within the ambit of the definitio

(v) to provide the maximum number of members in the Grievance Redressal in an industrial establishment employing twenty or more workers. There sha representation of the women workers therein in the proportion of the women workers employed in the industrial establishment;

(vi) to provide for a new feature of recognition of negotiating union an industrial establishment by an employer for the purpose of negotiations recognition of negotiating union has been fixed at fifty-one per cent. or roll of that industrial establishment. As regards negotiating council, a T of every twenty per cent. of workers will get one seat in the negotiating above twenty per cent. shall be disregarded;

(vii) to provide for appeal against non-registration or cancellation o before the Industrial Tribunal;

(viii) to empower the Central Government and the State Governments to or a federation of Trade Unions as the Central Trade Union or State Trade

(ix) to provide for applicability of threshold of three hundred or mor establishment to obtain certification of standing orders, if the standing standing order made by the Central Government;

(x) to provide that if the employer prepares and adopts model standing Government with respect to the matters relevant to the employer's industri model standing order would be deemed to be certified. Otherwise, the indus seek certification of only those clauses which are different from the mode

(xi) to set up Industrial Tribunal consisting of a Judicial Member and in place of only Judicial Member who presently presides the Tribunal. For the matters will be decided by the two-member Tribunal and the remaining s single-member Tribunal as may be provided for in the rules;

(xii) to set up Industrial Tribunals in the place of existing multiple Court of Inquiry, Board of Conciliation and Labour Courts;

(xiii) to remove the reference system for adjudication of Industrial Disputes to the National Industrial Tribunal for adjudication;

(xiv) to provide that the commencement of conciliation proceedings shall be commenced on the date of the first meeting held by the conciliation officer after the receipt of the notice of strike or lock-out by the conciliation officer;

(xv) to prohibit strikes and lock-outs in all industrial establishments for fourteen days;

(xvi) to provide for the obligation on the part of industrial establishments, factories and plantation having three hundred or more workers to take prior approval of appropriate Government before lay-off, retrenchment and closure with flexibility to appropriate Government to increase the threshold to higher numbers, by notification;

(xvii) to set up a re-skilling fund for training of retrenched workers. The fund shall consist of the contribution of the employer of an amount equal to fifteen days wages of the worker immediately before the retrenchment or such other number of days as may be specified by the Central Government, in case of retrenchment only. The fund shall be used for payment of fifteen days wages last drawn by the worker to his account who is retrenched. The provisions of the Code in the public interest for the specified period.

(xviii) to provide for compounding of offences by a Gazetted Officer. The appropriate Government may, by notification, specify, for a sum of fifty per cent. of the fine payable for such offence punishable with fine only and for a sum of seventy-five per cent. of the fine payable for such offence punishable with imprisonment for a term which is not more than three months.

(xix) to provide for penalties for different types of violations. The appropriate Government may, by notification, specify, for a sum of fifty per cent. of the fine payable for such offence punishable with fine only and for a sum of seventy-five per cent. of the fine payable for such offence punishable with imprisonment for a term which is not more than three months.

(xx) to empower the appropriate Government to exempt any industrial establishment from the provisions of the Code in the public interest for the specified period.

6. The notes on clauses explain in detail the various provisions contained in the Bill.

7. The Bill seeks to achieve the above objectives.

SANTOSH KUMAR GANGWAR.

NEW DELHI;
The 14th September, 2020.

Finin2min clause-by-clause decode

1. Test 1

2. The Trade Unions Act, 1926, Industrial Employment (Standing Orders) Act, 1946 and Industrial Disputes Act, 1947 stand repealed from commencement.
3. Test 2
4. The Industrial Relations Code (Amendment) Act, 2026 inserted a transitional continuation for Tribunals and statutory authorities until the Code bodies become functional, deemed effective from 21 November 2025.
5. Test 3
6. Earlier rules, notifications, appointments, orders and actions continue only to the extent saved and not contrary to the Code.
7. Implementation control
8. Trigger
9. Document the fact pattern that activates section 104: repeal and savings.
10. Coverage and jurisdiction

Applicable Central Rules immediately below the provision

No direct Central Rule is mapped. Check general procedural Rules, State Rules and later notifications.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: No direct Central Rule mapped in the repository concordance | Official source: [section 104](#).

Rules, forms, registers, portals and due dates

Rule Subject	Text/control status
39 Rule 39 — Protected workers	Exact Gazette extract embedded
40 Rule 40 — Complaint by aggrieved employee	Exact Gazette extract embedded
41 Rule 41 — Authorisation of worker for representing in proceeding	Exact Gazette extract embedded
42 Rule 42 — Authorisation of employer for representing in proceeding	Exact Gazette extract embedded
43 Rule 43 — Parties bound by acts of representative	Exact Gazette extract embedded

Forms and registers must be confirmed from the appended 2026 Central Rules and the live portal applicable to the appropriate Government. A form is not treated as current merely because an earlier law used the same number.

Notifications and effective-date history

Control	Required action
Enactment	Record Act number, assent and Gazette publication. Use the provision-specific commencement notification; the four
Commencement	Codes became broadly operative from 21 November 2025 subject to earlier partial commencement and corrigenda.
Central Rules	Read the applicable 2026 Central Rules from their Gazette date and verify subsequent amendments.
State instrument	Check final State Rules, authority notifications, forms and rates where the State is appropriate Government.

Old-law/new-Code concordance

Predecessor law	Transition control
Trade Unions Act, 1926	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.
Industrial Employment (Standing Orders) Act, 1946	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.

Predecessor law

Industrial Disputes Act,
1947

Transition control

Classify the event date, accrued right, saved Rule/
notification and pending proceeding before moving
to the Code.

Practical calculations and control file

Calculation sequence

1. Freeze the employee/worker population and event date.
2. Apply the statutory wage/benefit base and notified threshold.
3. Reconcile attendance, service, payroll and contractor records.
4. Calculate principal amount, interest/damages and any statutory compensation separately.
5. Obtain legal/payroll approval and retain the versioned worksheet.

Three-owner sign-off

- **Employer/HR:** facts, classification, communication and workflow.
- **Employee/worker:** notice, records, nomination/claim and acknowledgement.
- **Professional:** source, formula, forum, limitation and evidence reconciliation.

Binding and highly relevant case-law principles

Older cases are included for principles only. Their continued application must be tested against the current Code wording, repeal-and-savings clause and later judgments.

Decision

Bangalore Water Supply
v. A. Rajappa

Workmen of Firestone
Tyre v. Management

Bharat Bank Ltd. v.
Employees

Karnal Leather
Karamchari Sanghatan v.
Liberty Footwear

Principle and present-use caution

The industry test remains an important interpretive starting point, subject to the Code definition and later statutory developments.

Domestic enquiry fairness and the adjudicatory power to examine dismissal remain central principles, subject to the Code and certified standing orders.

Industrial adjudication is specialised statutory adjudication; forum, reference and award provisions must be followed.

Settlement and collective-bargaining outcomes require genuine authority, representativeness and statutory compliance.

State-law variation alerts

- Confirm whether the Central or State Government is the appropriate Government.
- Central Rules do not automatically displace valid State Rules, rates, registers, authorities or portal procedures.
- Minimum-wage rates, holidays, working-hours permissions, licences and local welfare obligations require State-specific verification.
- Record Gazette number, effective date and supersession status in the location compliance register.

Practical transaction application

Apply the chapter to workforce restructuring, standing orders, union recognition, disciplinary action, settlement drafting, transfer of undertaking, lay-off, retrenchment, closure and industrial-dispute strategy. Build the transaction timeline before notices or board approvals are issued.

Authority, consent and execution controls

Map powers among the board, occupier/employer, HR, disciplinary authority, authorised signatory and legal team. Verify delegation, standing orders, service rules, union/negotiating-council status and government permission or notice requirements; informal consent cannot cure a mandatory statutory step.

Stamp duty and registration alerts

Industrial settlements, service instruments and transfer documents may attract State stamp consequences depending on form and subject matter. Statutory filing, publication or registration under labour law is separate from document registration under the Registration Act and stamping under State law.

Evidence and document-retention checklist

Retain the operative law/rule version, classification note, approvals, signed instruments, statutory forms, portal acknowledgements, registers, calculations, bank proof, correspondence, inspection records, service proof, decision and appeal file. Apply the longer of the statutory retention rule, litigation hold, tax/audit need and contractual requirement; restrict access to personal and sensitive data.

Performance, delivery and payment controls

Create a milestone file for notice, consultation, permission, compensation, re-skilling contribution, service of orders and payment. No restructuring should close until payroll, bank proof, employee-wise computation, statutory filing and possession/access controls reconcile.

Breach, loss, mitigation and remedy framework

On detecting a breach, stop continuing exposure, preserve evidence, quantify employee and government dues, identify affected persons, make lawful corrective payment/filing, notify the authorised decision-maker, assess self-disclosure or compounding where available, and reserve contractual recovery against responsible vendors without delaying statutory remediation.

Limitation and forum controls

Use the conciliation officer, tribunal, national industrial tribunal, appellate channel or other prescribed forum as applicable. Track the dispute date, cause of action, pending proceedings, protected status and service of notices; private jurisdiction clauses cannot override the statutory adjudication scheme.

Arbitration and mediation interface

Voluntary arbitration and settlement mechanisms may be available where the Code permits. Draft the reference, issues, arbitrator appointment, publication/filing and settlement authority carefully; mediation is useful for commercial terms but must preserve non-waivable worker protections.

Company, partnership, GST and tax overlays

For a company, align board/delegation and officer-in-default controls; for an LLP or partnership, identify the designated partner/partner and authorised employer representative. Labour dues can affect transaction price, indemnities, director/partner exposure and insolvency claims. Salary/TDS, perquisite, contractor TDS, GST on outsourced services and accounting provisions must be reconciled without treating tax treatment as proof of labour-law classification.

Finin2min Q&A

Which law and version should be applied?

Use the current text of Industrial Relations Code, 2020, the commencement notification, the applicable Central or State Rules and any later instrument effective on the event date.

How is the appropriate Government identified?

Classify ownership/control, sector, establishment and contractor relationship before selecting the Central or State authority.

Can a company policy override the statutory protection?

No. A policy may improve a benefit or control, but it cannot contract out of a mandatory statutory floor.

What evidence should be retained?

Retain the classification memo, source instrument, form/portal record, calculation, approval, employee communication, acknowledgement and payment or authority proof.

Do the Central Rules apply to every establishment?

No. They govern the Central sphere. State Rules and State notifications must be checked where the State is the appropriate Government.

How should a historical event be tested?

Apply the law and subordinate instrument effective on the event date, then use the repeal-and-savings provision for pending rights and proceedings.

What happens when portal practice conflicts with the statute?

Record the conflict, follow the higher legal instrument, seek authority clarification where necessary and preserve screenshots and correspondence.

Can criminal and monetary consequences arise together?

They may. Separate wages/benefits, interest, damages, civil penalty, prosecution, compounding and director/officer liability.

Is a contractor arrangement enough to shift liability?

No. Principal-employer and contractor liabilities depend on the specific provision and facts; the contract should allocate evidence and recovery without diluting worker rights.

What is the first professional review step?

Freeze the event date and facts, identify the applicable provision, then map Rules, forms, notification status, authority, limitation and evidence.

What is the operational focus of section 90 - Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 91 - Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 92 - Power to transfer certain proceedings?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 93 - Protection of persons?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 94 - Representation of parties?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 95 - Removal of doubts in interpretation of award or settlement?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 96 - Power to exempt?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 97 - Jurisdiction of civil courts barred?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

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