

Notification No. S.R.O. 770, dated 10th March, 1957 and published in Gazette of India, Extra. dated 10th March, 1957, Part II, section 3, pp. 1137-1159 as amended up-to-date

In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (1.) of the said section, namely:-

PRELIMINARY

1. Title and application.-

- (1) These rules may be called the Industrial Disputes (Central) Rules, 1957.
- (2) They extend to Union territories in relation to all industrial disputes and to the States in relation only to an industrial dispute concerning-
 - (a) any industry carried on by or under the authority of the Central Government or by a railway company; or
 - (b) a banking or an insurance company, a mine, an oilfield, or a major port; or
 - (c) any such controlled industry as may be specified under section 2(a)(i) of the Act by the Central Government:

1[x x x]

2. Interpretation.- In these rules, unless there is anything repugnant in the subject or context-

- (a) "Act" means the Industrial Disputes Act, 1947 (14 of 1947);
- (b) "Chairman" means the Chairman of a Board or Court or, if the Court consists of one person only such person;
- (c) "Committee" means a Works Committee constituted under sub-section (1) of section 3 of the Act;
- (d) "form" means a form in the Schedule to these rules;
- (e) "section" means a section of the Act;
- (f) in relation to an industrial dispute in a Union territory, for which the appropriate Government is the Central Government, reference to the Central Government or the Government of India shall be construed as a reference to the Administrator of the territory; and reference to the Chief Labour Commissioner (Central), Regional Labour Commissioner (Central) and the 2[Assistant Labour Commissioner (Central)] shall be construed as reference to the appropriate authority, appointed in that behalf by the Administrator of the territory;

1. Proviso exempting the State of Jammu & Kashmir from the application of the rules. Omitted by Notification No. G.S.R. 795, dated 5th June, 1972.

2. Subs. by G.S.R. 1184 dated 19th October, 1959.

1[(g) with reference to clause (g) of Section 2, it is hereby prescribed that-

- (i) in relation to an industry, not being an industry referred to in sub-clause (ii), carried on by or under the authority of a Department of the Central or a State Government, the officer-in-charge of the industrial establishment shall be the 'employer' in respect of that establishment; and
- (ii) in relation to an industry concerning railways, carried on by or under the authority of a Department of the Central Government,-
 - (a) in the case of establishment of a Zonal Railway, the General Manager of that Railway shall be the 'employer' in respect of regular railway servants other than casual labour;
 - (b) in the case of an establishment independent of a Zonal Railway, the Officer-in-charge of the establishment shall be the 'employer' in respect of regular railway servants other than casual labour; and
 - (c) the District Officer-in-charge or the Divisional Personnel Officer or the Personnel Officer shall be the 'employer' in respect of casual labour employed on Zonal Railway or any other railway establishment independent of a Zonal Railway;]

1. Subs. by G.S.R. 1182, dated 19th October, 1959.

PART I

PROCEDURE FOR REFERENCE OF INDUSTRIAL DISPUTES TO BOARDS OF CONCILIATION, COURT OF ENQUIRY, LABOUR COURTS, INDUSTRIAL TRIBUNALS OR NATIONAL TRIBUNALS

3. **Application.-** An application under sub-section (2) of Section 10 for the reference of an industrial dispute to a Board, Court, Labour Court, Tribunal or National Tribunal shall be made in Form A and shall be delivered personally or forwarded by registered post 2[to the Secretary to the Government of India in the Ministry of Labour and Employment (in triplicate)] the Chief Labour Commissioner (Central), New Delhi, and the Regional Labour Commissioner (Central), and the Assistant Labour Commissioner (Central) concerned. The application shall be accompanied by a statement setting forth-
 - (a) the parties to the dispute;
 - (b) the specific matters in dispute;
 - (c) the total number of workmen employed in the undertaking affected;
 - (d) an estimate of the number of workmen affected or likely to be affected by the dispute; and
 - (e) the efforts made by the parties themselves to adjust the dispute.

2. Subs. by G.S.R. 811, dated 3rd July, 1959.

4. **Attestation of application.-**The application and the statement accompanying it shall be signed-
 - (a) in the case of an employer by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of the Corporation;
 - (b) in the case of workmen, either by the President and Secretary of a trade union of the workmen, or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose;
 - 1[(c) in the case of an individual workman, by the workman himself or by any officer of the trade union of which he is a member or by another workman in the same establishment duly authorised by him in this behalf:

Provided that such workman is not a member of a different trade union.]

5. Notification of appointment of Board, Court, Labour Court, Tribunal or National Tribunal.- The appointment of a Board, Court, Labour Court, Tribunal or National Tribunal together with the names of persons constituting the Board, Court, Labour Court, Tribunal or National Tribunal shall be notified in the Official Gazette.
6. Notice to parties to nominate representatives.-
 - (1) If the Central Government proposes to appoint a Board, it shall send a notice in Form B to the parties requiring them to nominate within a reasonable time, persons to represent them on the Board.
 - (2) The notice to the employer shall be sent to the employer personally, or if the employer is an incorporated company or a body corporate, to the agent, manager or other principal officer of such company or body.
 - (3) The notice to the workmen shall be sent-
 - (a) in the case of workmen who are members of a trade union, to the President or Secretary of the trade union; and
 - (b) in the case of workmen who are not members of a trade union, to anyone of the five representatives of the workmen who have attested the application made under rule 3; and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof on notice boards in a conspicuous manner at the main entrance to the premises of the establishment.

1. Ins. by G.S.R. 1959, dated 30th May, 1968.

PART II

ARBITRATION AGREEMENT

7. Arbitration agreement.-

An arbitration agreement for the reference of an industrial dispute to an arbitrator or arbitrators shall be made in Form C and shall be delivered personally or forwarded by registered post 1[to the Secretary to the Government of India in the Ministry of Labour (in triplicate)] the Chief Labour Commissioner (Central), New Delhi, and the Regional Labour Commissioner (Central) and the Assistant Labour Commissioner (Central) concerned. The agreement shall be accompanied by the consent, in writing, of the arbitrator or arbitrators.

8. Attestation of the arbitration agreement.- The arbitration agreement shall be signed-

- (a) in the case of an employer, by the employer himself, or when the employer is an incorporated Company or other body corporate by the agent, manager, or other principal officer of the Corporation;
- 1[(b) in the case of the workmen, by any officer of a trade union of the workmen or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose;]
- 2[(C) in the case of an individual workman, by the workman himself or by any officer of a trade union of which he is a member or by another workman in the same establishment duly authorised by him in this behalf:

Provided that such workman is not a member of a different trade union.]

Explanation. - In this rule "officer" means any of the following officers, namely:-

- (a) the President;
- (b) the Vice-President;
- (c) the Secretary (including the General Secretary);
- (d) a Joint Secretary;
- (e) any other officer of the trade union authorised in this behalf by the President and Secretary of the Union.

3[8- Notification regarding arbitration agreement by majority of each party.- Where an industrial dispute A. has been referred to arbitration and the Central Government is satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette for the information of the employers and workmen who are not parties to the arbitration agreement but are concerned in the dispute.]

- 1. Subs. by G.S.R. 398, dated 21st March, 1959.
- 2. Ins. by G.S.R. 1059, dated 30th May, 1968
- 3. Ins. by G.S.R. 488, dated 16th March, 1965.

PART III

POWER, PROCEDURE AND DUTIES OF CONCILIATION OFFICERS, BOARDS, COURTS, LABOUR COURTS, TRIBUNALS, NATIONAL TRIBUNALS AND ARBITRATORS

9. Conciliation proceedings in public utility service.-

- (1) The Conciliation Officer, on receipt of a notice of a strike or lock-out given under rule 71 or rule 72, shall forthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.
- 1[(2) Where the Conciliation Officer receives no notice of a strike or lockout under rule 71 or rule 72 but he considers it necessary to intervene in the dispute he may give formal intimation in writing to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be inserted therein.

10. Conciliation proceedings in non-public utility service. – where the Conciliation Officer receives any

information about an existing or apprehended industrial dispute which does not relate to public utility service and he considers it necessary to intervene in the dispute, he shall give formal intimation in writing to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be specified therein.

- 2[10- **Parties to submit statements.** – The employer or the party representing workmen 3[or in the case of individual workman, the workman him-self] involved in an industrial dispute shall forward a statement setting forth the specific matters in dispute to the Conciliation Officer concerned whenever his intervention in the dispute is required.]

- 4[10- **Proceeding before the Labour Court, Tribunal or National Tribunal.-**
B.

- (1) While referring an industrial dispute for adjudication to a Labour Court, Tribunal or National Tribunal, the Central Government shall direct the party raising the dispute to file a statement of claim complete with relevant documents, list of reliance and witnesses with the Labour Court, Tribunal or National Tribunal within fifteen days of the receipt of the order of reference and also forward a copy of such statement to each one of the opposite parties involved in the dispute.
- (2) The Labour Court, Tribunal or National Tribunal after ascertaining that copies of statement of claim are furnished to the other side by party raising the dispute shall fix the first hearing on a date not beyond one month from the date of receipt of the order of reference and the opposite party or parties shall file their written statement together with documents, list of reliance and witnesses within a period of 15 days from the date of first bearing and simultaneously forward a copy thereof to the other party.

1. The original rule 9 re-numbered as sub rule (1) and sub rule (2) added by G.S.R.1220, dated 7th October, 1960.
2. Subs. by G.S.R. 857, dated 22nd June, 1961.
3. Ins. by G.S.R. 1059, dated 30th May, 1968.
4. Subs. by Industrial Disputes (Central) (Amendment) Rules, 1984 (w.e.f. 18-8-1984).

- (3) Where the Labour Court, Tribunal or National Tribunal, as the case may be, finds that the party raising the dispute though directed did not forward the copy of the statement of claim to the opposite party or parties, it shall give direction to the concerned party to furnish the copy of the statement to the opposite party or parties and for the said purpose or for any other sufficient cause, extend the time limit for filing the statement under sub-rule (1) or written statement under sub-rule (2) by an additional period of 15 days.
- (4) The party raising a dispute may submit a rejoinder if it chooses to do so, to the written statement(s) by the appropriate party or parties within a period of fifteen days from the filing of written statement by the latter.
- (5) The Labour Court, Tribunal or National Tribunal, as the case may be, shall fix a date for evidence within one month from the date of receipt of the statements, documents, list of witnesses, etc., which shall be ordinarily within sixty days of the date on which the dispute was referred for adjudication.
- (6) Evidence shall be recorded either in Court or on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. As the oral examination of each witness proceeds, the Labour Court, Tribunal or National Tribunal shall make a memorandum of the substance of what is being deposed. While recording the evidence the Labour Court, Tribunal or National Tribunal shall follow the procedure laid down in rule 5 or Order XVIII of the First Schedule to the Code of Civil Procedure, 1908.
- (7) On completion of evidence either arguments shall be heard immediately or a date shall be fixed for arguments oral hearing which shall not be beyond a period of fifteen days from the close of evidence.
- (8) The Labour Court, Tribunal or National Tribunal, as the case may be, shall not ordinarily grant an adjournment for a period exceeding a week at a time but in any case not more than three adjournments in all at the instance of the parties to the dispute:

Provided that the Labour Court, Tribunal or National Tribunal, as the case may be, for reasons to be recorded in writing, grant an adjournment exceeding a week at a time but in any case not more than three adjournments at the instance of anyone of the parties to the dispute.

- (9) In case any party defaults or fails to appear at any stage the Labour Court, Tribunal or National Tribunal, as the case may be, may proceed with the reference ex-parte and decide the reference application in the absence of the defaulting party:

Provided that the Labour Court, Tribunal or National Tribunal, as the case may be, may on the application of either party filed before the submission of the award revoke the order that the case shall proceed ex-parte, if it is satisfied that the absence of the party was on justifiable grounds

- (10) The Labour Court, Tribunal or National Tribunal, as the case may be, shall submit its award to the Central Government within one month from the date of arguments oral hearing or within the period mentioned in the order of reference whichever is earlier.

- (11) In respect of reference under section 2-A, the Labour Court or Tribunal, National Tribunal, as the case may be, shall ordinarily submit its awards within a period of three months:

Provided that the Labour Court, Tribunal or National Tribunal, may, as and when necessary, extend the period of three months and shall record its reasons in writing to extend the time for submission of the award for another specified period.]

11. The Conciliation Officer may hold a meeting of the representatives of both parties jointly or of each party separately.
12. The Conciliation Officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.
13. Place and time of hearing. -1[Subject to the provisions contained in rules 10-A and 10-B] the sittings of a Board, Court, Labour Court, Tribunal or National Tribunal or of an Arbitrator shall be held at such times and places as the Chairman or the Presiding Officer or the Arbitrator, as the case may be, may fix and the Chairman, Presiding Officer or Arbitrator, as the case may be, shall inform the parties of the same in such manner as he thinks fit.
14. Quorum for Boards and Courts.- The quorum necessary to constitute a sitting of a Board or Court shall be as follows-
- | | |
|--|-------------|
| (i) in the case of Board where the number of members is 3 where the number of members is 5 | Quorum 2 3 |
| (ii) in the case of Court where the number of members is more than 2 where the number of members is more than 2 but less than 5 where the number of members is 5 or more | 1
2
3 |
15. **Evidence.-** A Board, Court, Labour Court, Tribunal or National Tribunal or an arbitrator may accept, admit or call for evidence at any stage of the proceedings before it/him and such manner as it/he may think fit.
16. Administration of oath.- Any member of a Board or Court or Presiding Officer of a Labour Court, Tribunal or National Tribunal or an arbitrator may administer an oath.
17. **Summons. -** Summons issued by a Board, Court, Labour Court, Tribunal or National Tribunal shall be in Form D and may require any person to produce before it any books, papers or other documents and things in the possession of or under the control of such person in any way relating to the matter under investigation or adjudication by the Board, Court, labour Court, Tribunal or National Tribunal which the Board, Court, Tribunal or National Tribunal thinks necessary for the purposes of such investigation or adjudication.

1. Ins. by S.R.O. 141, dated 31st December, 1957.

18. Service of summons or notice.- Subject to the provisions contained in rule 20, any notice, summons, process or order issued by a Board, Court, Labour Court, Tribunal, National Tribunal or an Arbitrator empowered to issue such notice, summons, process or order, may be served either personally or by registered post.
19. Description of parties in certain cases.- Where in any proceeding before a Board, Court, Labour Tribunal or National Tribunal or an Arbitrator, there are numerous persons arrayed on any side, such persons shall be described as follows-

- (1) all such persons as are members of any trade union or association shall be described by the name of such trade union or association; and

- (2) all such persons as are not members of any trade union or association shall be described in such manner as the Board, Court, labour Court, Tribunal, National Tribunal or Arbitrator, as the case may be, may determine.

20. Manner of service in the case of numerous persons as parties to a dispute.-

- (1) Where there are numerous persons as parties to any proceedings before a Board, Court, labour Court, Tribunal or National Tribunal or an Arbitrator and such persons are members of any trade union or association, the service of notice on the Secretary, or where there is no Secretary, on the principal officer, of the trade union or association shall be deemed to be service on such persons.
- (2) Where there are numerous persons as parties to any proceeding before a Board, Court, labour Court, Tribunal or National Tribunal or an Arbitrator and such persons are not members of any trade union or association, the Board, Court, labour Court, Tribunal, National Tribunal or Arbitrator, as the case may be, shall, where personal service is not practicable, cause the service of any notice to be made by affixing the same at or near the main entrance of the establishment concerned.
- (3) A notice served in the manner specified in sub-rule (2) shall also be considered as sufficient in the case of such workmen as cannot be ascertained and found.

21. Procedure at the first sitting.- At the first sitting of a Board, Court, Labour Court, Tribunal or National Tribunal, the Chairman or the Presiding Officer, as the case may be, shall call upon the parties in such order as he may think fit to state their case.

22. Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed ex-parte.- If without sufficient cause being shown, any party to proceeding before a Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed, as if the party had duly attended or had been represented.

23. Power of entry and inspection. - A Board, or Court, or any member thereof, or a conciliation officer, a Labour Court, Tribunal or National Tribunal, or any person authorised in writing by the Board, Court, Labour Court, Tribunal or National Tribunal in this behalf may, for the purposes of any conciliation, investigation, enquiry or adjudication entrusted to the conciliation officer, Board, Court, Labour Court, Tribunal or National Tribunal under the Act, at any time between the hours of sunrise and sunset and in the case of a person authorised in writing by a Board, Court, Labour Court, Tribunal or National Tribunal after he has given reasonable notice enter any building, factory, workshop, or other place or premises whatsoever, and inspect the same or any work, machinery, appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject-matter of the conciliation, investigation, enquiry or adjudication.

24. Power of Boards, Courts, Labour Courts, Tribunals and National Tribunals. - In addition to the powers conferred by the Act, Boards, Courts, Labour Courts, Tribunals and National Tribunals shall have the same powers as are vested in a civil court under the Code of Civil Procedure; 1908, when trying a suit, in respect of the following matters, namely :-

- (a) discovery and inspection;
- (b) granting adjournment;
- (c) reception of evidence taken on affidavit;

and the Board, Court, Labour Court, Tribunal or National Tribunal may summon and examine any person whose evidence appears to it to be material and shall be deemed to be a civil court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, 1898.

25. Assessors.- Where assessors are appointed to advise a Tribunal or National Tribunal under sub-section (4) of Section 7-A or sub-section (4) of Section 7 -B or by the Court, Labour Court, Tribunal or National Tribunal under sub-section (5) of Section II, the Court, Labour Court, Tribunal or National Tribunal as the case may be, shall, in relation to proceeding before it, obtain the advice of such assessors, but such advice shall not be binding on it.

26. Fees for copies of awards or other documents of Labour Court, Tribunal or National Tribunal.

- 1[(1) Fees for making a copy of an award or an order of a Labour Court, Tribunal or National Tribunal or any document filed in any proceedings before a Labour Court, Tribunal or National Tribunal be charged at the rate of Re. 1. per page.]
- 1(2) For certifying a copy of any such award or order or document, a fee of Re. 1 shall be payable.

(3) Copying and certifying fees shall be payable in cash in advance.

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

27. **Decision by majority.-** All questions arising for decision at any meeting of a Board or Court, save where the Court consists of one person, shall be decided by a majority of the vote of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes the Chairman shall also have a casting vote.
28. **Correction of errors.-** The Labour Court, Tribunal, National Tribunal or Arbitrator may correct any clerical mistake or error arising from an accidental slip or omission in any award or its issues.
29. **Right of representatives.-** The representatives of the parties appearing before a Board, Court, Labour Court, Tribunal or National Tribunal or an Arbitrator shall have the right of examination, cross-examination and of addressing the Board, Court, Labour Court, Tribunal or National Tribunal or Arbitrator when an evidence has been called.
30. **Proceedings before a Board, Court, Labour Court, Tribunal or National Tribunal.-** The proceedings before a Board, Court, Labour Court, Tribunal or National Tribunal shall be held in public: Provided that the Board, Court, Labour Court, Tribunal or National Tribunal may at any stage direct that any witness shall be examined or its proceedings be held in camera.

PART IV

REMUNERATION OF CHAIRMAN AND MEMBERS OF COURTS, PRESIDING OFFICERS OF LABOUR COURTS, TRIBUNALS AND NATIONAL TRIBUNALS, ASSESSORS AND WITNESSES

31. **Travelling allowance.-** The Chairman or a member of a Board or Court or the Presiding Officer or an Assessor of a Labour Court, Tribunal or National Tribunal, if a non-official, shall be entitled to draw travelling allowance and halting allowance, for any journey performed by him in connection with the performance of his duties, at the rates admissible and subject to the conditions applicable to a Government servant of the first grade under the Supplementary Rules issued by the Central Government from time to time.
32. **Fees.-** The Chairman and a member of a Board or Court, the Presiding Officer and an Assessor of a Labour Court, Tribunal or National Tribunal wherever he is not a salaried Officer of Government may be granted such fees as may be sanctioned by the Central Government in each case.
33. **Expenses of witnesses.-** Every person who is summoned and duly attends or otherwise appears as a witness before a Board, Court, Labour Court, Tribunal or National Tribunal or an Arbitrator shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil courts in the State where the investigation, enquiry, adjudication or arbitration is being conducted.

PART V

NOTICE OF CHANGE

34. **Notice of change.-** Any employer intending to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule 1[to the Act] shall give notice of such intention in Form E.
- 1[The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment in the Manager's Office:
- Provided that where any registered trade union of workmen exists, a copy of the notice shall also be served by registered post on the secretary of such union.]
35. 2[*****]

1. Ins. by G.S.R. 402, dated 31st March, 1960.
2. Omitted vide Notification No. G.S.R. 402, dated 31st March 1960.

PART VI

REPRESENTATION OF PARTIES

36. Form of authority under section 36.- The authority in favour of a person or persons to represent a workman or group of workmen or an employer in any proceeding under the Act shall be in Form F.
37. Parties bound by acts of representative. - A party appearing by representative shall be bound by the acts of that representative.

PART VII

WORKS COMMITTEE

38. **Constitution.** -Any employer to whom an order made under sub-section (1) of section 3 relates shall forthwith proceed to constitute a Works Committee in the manner prescribed in this part.
39. **Number of members.**- The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and class of workmen engaged in, and to the sections, shops or departments of the establishment:

Provided that the total number of members shall not exceed twenty: Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

40. **Representatives of employer.**- Subject to the provisions of these rules, the representatives of the employer shall be nominated by the employer and shall, as far as possible, be officials in direct touch with or associated with the working of the establishment.
41. **Consultation with trade unions.**-
 - (1) Where any workmen of an establishment are members of a registered trade union the employer shall ask the union to inform him in writing-
 - (a) how many of the workmen are members of the union; and
 - (b) how their membership is distributed among the sections, shops or departments of the establishment.
 - (2) Where an employer has reason to believe that the information furnished to him under sub-rule (1) by any trade union is false, he may, after informing the union, refer the matter to the Assistant Labour Commissioner (Central) concerned for his decision; and the Assistant Labour Commissioner (Central), after hearing the parties, shall decide the matter and his decision shall be final.
42. **Group of workmen's representatives.** - On receipt of the information called for under rule 41, the employer shall provide for the election of workmen's representative on the Committee in two groups-
 - (1) those to be elected by the workmen of the establishment who are members of the registered trade. unions, and
 - (2) those to be elected by the workmen of the establishment who are not members of the registered trade union or unions,
 bearing the same proportion to each other as the union members in the establishment bear to the non-members:

Provided that where more than half the workmen are members of the union or anyone of the unions, no such division shall be made:

Provided further that where a registered trade union neglects or fails to furnish the information called for under sub-rule (1) of rule 41 within one month of the date of the notice requiring it to furnish such information such union shall for the purpose of this rule be treated as if it did not exist:

Provided further that where any reference has been made by the employer under sub-rule (2) of rule 41, the election shall be held on receipt of the decision of Assistant Labour Commissioner (Central).
43. **Electoral constituencies.**- Where under rule 42 the workmen's representatives are to be elected in

two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of a registered trade union and the other of those who are not:

Provided that the employer may, if he thinks fit, sub-divide the 1[electoral constituency or constituencies, as the case may be] and direct that workmen shall vote in either by groups, sections, shops or departments.

44. **Qualification of candidates for election.** - Any workman of not less than 19 years of age and with a service of not less than one year in the establishment may, if nominated as provided in these rules, be a candidate for election as a representative of the workmen on the Committee:

Provided that the service qualification shall not apply to the first election in an establishment which has been in existence for less than a year.

2[Explanation. -A workman who has put in a continuous service of not less than one year in two or more establishments belonging to the same employer shall be deemed to have satisfied the service qualification prescribed under this rule]

45. **Qualifications for voters.** - All workmen 3[***] who are not less than 18 years of age and who have put in not less than 6 months' continuous service, in the establishment shall be entitled to vote in the election of the representative of workmen.

2[Explanation. - A workman who has put in continuous service of not less than 6 months in two or more establishments belonging to the same employer. shall be deemed to have satisfied the service qualification Prescribed under this rule.]

46. **Procedure for election.-**

- (1) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmen's representatives on the committee.
- (2) For holding the election, the employer shall fix a date which shall not be earlier than three days and later than fifteen days after the closing date for receiving nominations.
- (3) The dates so fixed shall be notified at least seven days in advance to the workmen and the registered trade union or unions concerned. Such notice shall be affixed on the notice board or given adequate publicity amongst the workmen. The notice shall specify the number of seats to be elected by the groups, sections, shops or departments and the number to be elected by the 1; members of the registered trade union or unions and by the non-members.
- (4) A copy of such notice shall be sent to registered trade union or unions concerned.

47. **Nomination of candidates for election. -**

- (1) Every nomination shall be made on a nomination paper in Form G copies of which shall be supplied by the employer to the workmen requiring them.

1. Subs. by G.S.R. 1253, dated 3rd August, 1966.
2. Added by G.S.R. 1078, dated 4th August, 1962.
3. Omitted by G.S.R. 1078, dated 4th August, 1962.

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

48. **Scrutiny of nomination papers. -**

- (1) On the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those which are not valid shall be rejected.
- (2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid if (a) the candidate nominated is ineligible for membership under rule 44, or (b) the requirements of rule 47 have not been complied with:

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

- 1[48- Withdrawal of candidates validly nominated. - Any candidate whose nomination for election has

- A. been accepted may withdraw his candidature within 48 hours of the completion of scrutiny of nomination papers.]

49. **Voting in election. -**

- (1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall be forthwith declared duly elected.
- (2) If in any constituency the number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election.
- (3) The election shall be held in such manner as may be convenient for each electoral constituency.
- (4) The voting shall be conducted by the employer, and if any of the candidates belong to a union such of them as the union may nominate shall be associated with the election.
- (5) Every workman entitled to vote at an electoral constituency shall have as many votes as there are seats to be filled in the constituency:

Provided that each voter shall be entitled to cast only one vote in favour of anyone candidate.

50. **Arrangements for election. -** The employer shall be responsible for all arrangements in connection with the election.

51. **Officers of the Committee. -**

- (1) The Committee shall have among its office-bearers a Chairman, a Vice-Chairman, a Secretary and a Joint-Secretary. The Secretary and the Joint-Secretary shall be elected every year.
- 2[(2) The Chairman shall be nominated by the employer from amongst the employer's representatives on the Committee and he shall, as far as possible, be the head of establishment.

1. Added by G.S.R. 1078, dated 4th August, 1962.

2. Subs. by Notification No. G.S.R. 1078, dated 4th August, 1962.

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

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

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

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

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

1[(4) In any election under sub-rule (3), in the event of equality of votes, the matter shall be decided by a draw of lot.]

52. **Term of office. -**

- 2[(1) The term of office of the representatives on the committee other than a member chosen to fill a casual vacancy shall be two years.]
- (2) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor.
- (3) A member who without obtaining leave for the Committee, fails to attend three consecutive meetings of the Committee shall forfeit his membership.

53. **Vacancies.-**In the event of workmen's representative ceasing to be a member under sub-rule (3) of rule 52 or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be elected in accordance with the provisions of this part from the same

group, section, shop or department to which the member vacating the seat belonged.

54. **Power to co-opt.** - The Committee shall have the right to co-opt in a consultative capacity persons employed in the establishment having particular or special knowledge of a matter under discussion. Such co-opted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Committee.

55. **Meetings.** -

(1) The Committee may meet as often as necessary but not less often than once in three months (a quarter).

1. Ins. by G.S.R. 289, dated 2nd March, 1982 (w.e.f. 13.3.1982).

2. Subs. by Notification No. G.S.R. 1078, dated 4th August, 1962.

(2) The Committee shall at its first meeting regulate its own procedure.

56. **Facilities for meeting, etc.-**

(1) The employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Committee. The Committee shall ordinarily meet during working hours of the establishment concerned on any working day and the representative of the workmen shall be deemed to be on duty while attending the meeting.

1[(2) The Secretary of the Committee may with the prior concurrence of the Chairman, put up notice regarding the work of the Committee on the notice board of the establishment.]

2[56- **Submission of returns.** - The employer shall submit half yearly returns as in Form G-1 in triplicate to the Assistant Labour Commissioner (Central) concerned not later than the 20th day of the month following the half- year.]

57. **Dissolution of Works Committee.** - The Central Government, or where the power under section 3 has been delegated to any officer or authority under section 39, such officer or authority may, after making such inquiry as it or he may deem fit, dissolve any Works Committee at any time, by an order in writing, if he or it is satisfied that the Committee has not been constituted in accordance with these rules or that not less than two-thirds of the number I of representatives of the workmen have without any reasonable justification failed to attend three consecutive meetings of the Committee or that the Committee has, for any other reason, ceased to function:

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

1. Original Rule 56 renumbered as sub-rule (1) and sub-rule (2) added by G.S.R.1078, dated 4th August, 1962.

2. Added by G.S.R. 1078, dated 4th August, 1962.

PART VIII

MISCELLANEOUS

58. **Memorandum of settlement.** -

(1) A settlement arrived at in the course of conciliation proceedings or otherwise, shall be in Form H.

(2) The settlement shall be signed by-

(a) in the case of an employer, by the employer himself, or by his authorised agent, or when the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of the corporation;

1[(b) in the case of the workmen, by any officer of a trade union of the workmen or by five representatives of the workmen duly authorised in this behalf at meeting of the workmen

held for the purpose;]

2[C) in the case of the workman is an industrial dispute under Section 2-A of the Act, by the workman concerned.]

Explanation. -In this rule" officer" means any of the following officers, namely :-

- (a) the President;
- (b) the Vice-President;
- (c) the Secretary (including the General Secretary);
- (d) a Joint-Secretary;
- (e) any other officer of the trade union authorised in this behalf by the President and Secretary of Union.

- (3) Where a settlement is arrived at in the course of conciliation proceeding the Conciliation Officer shall send a report thereof to the Central Government together with a copy of the memorandum of settlement signed by the parties to the dispute.
- (4) Where a settlement is arrived at between an employer and his work- men otherwise than in the course of conciliation proceeding before a Board or a Conciliation Officer, the parties to the settlement shall jointly send a copy thereof to the Central Government, the Chief Labour Commissioner (Central) New Delhi, and the Regional Labour Commissioner (Central) and to the Assistant Labour Commissioner (Central) concerned.

59. **Complaints regarding change of conditions of service, etc.-**

- (1) Every complaint under section 33-A of the Act shall be presented in triplicate in Form I and shall be accompanied by as many copies of the complaint as there are opposite parties to the complaint.
- (2) Every complaint under sub-rule (1) shall be verified at the foot by the workmen making it or by some other person proved to the satisfaction of the Labour Court, Tribunal or National Tribunal to be acquainted with the facts of the case.
- (3) The person verifying shall specify, by references to the numbered paragraphs of the complaint, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.
- (4) The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

60. **Application under section 33. -**

- (1) An employer intending to obtain the express permission in writing of the Conciliation Officer, Board, Labour Court, Tribunal or National Tribunal, as the case may be, under sub-section (1) or sub-section (3) of section 33 shall present an application in Form J in triplicate

- 1. Subs. by G.S.R. 284, dated 31st March, 1959.
- 2. Ins. by G.S.R. 908, dated 2nd June, 1967.

to such Conciliation Officer, Board, Labour Court, Tribunal or National Tribunal and shall file along with the application as many copies thereof as there are opposite parties.

- (2) An employer seeking the approval of the Conciliation Officer, Board, Labour Court, Tribunal or National Tribunal, as the case may be, of any action taken by him under clause (a) or clause (b) of sub-section (2) of Section 33 shall present an application in Form K in triplicate to such Conciliation Officer, Board, Labour Court, Tribunal or National Tribunal and shall file along with the application as many copies thereof as there are opposite parties.
- (3) Every application under sub-rule (1) or sub-rule (2) shall be verified at the foot by the employer making it or by some other person proved to the satisfaction of the Conciliation Officer, Board, Labour Court, Tribunal or National Tribunal to be acquainted with the facts of the case.
- (4) The person verifying shall specify by reference to the numbered paragraphs of the application, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.
- (5) The verification shall be signed by the person making it and shall state the date on which and the

place at which it was signed.

61. **Protected workmen. -**

- (1) Every registered trade union connected with an industrial establishment, to which the Act applies, shall communicate to the employer before the 1[30th April] every year, the names and addresses of such of the officers of the union who are employed in that establishment and who, in the opinion of the union should be recognised as "protected workmen". Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.
- (2) The employer shall, subject to section 33, sub-section (4), recognise such workmen to be "protected workmen" for the purposes of sub-section (3) of the said section and communicate to the union, in writing, within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workmen recognised as protected workmen 1[for the period of twelve months from the date of such communication].
- (3) Where the total number of names received by the employer under sub- rule (1) exceeds the maximum number of protected workmen, admissible for the establishment, under section 33, sub-section (4), the employer shall recognise as protected workmen only such maximum number of workmen:

Provided that where there is more than one registered trade union in the establishment, the maximum number shall be so distributed by the employer among the unions that the numbers of recognised protected workmen in individual unions bear roughly the same proportion to one another as the membership figures of the unions. The employer shall in that case intimate in writing to the President or the Secretary of the union the number of protected workmen allotted to it :

1. Sub. by G.S.R. 1283, dated 28 May, 1969.

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

- (4) When a dispute arises between an employer and any registered trade union in any matter connected with the recognition of 'protected workmen' under this rule, the dispute shall be referred to the 1[any Regional Labour Commissioner (Central) or] Assistant Labour Commissioner (Central) concerned, whose decision thereon shall be final.

2[62. **Application for recovery of dues.-**

- (1) Where any money is due from an employer to a workman or a group of workmen under a settlement or an award or under the provisions of Chapter VA, 3[Chapter VB], the workman or the group of workmen, as the case may be, may apply in Form K-1 for the recovery of the money due:

Provided that in the case of a person authorised in writing by the work- man, or in the case of the death of the workman the assignee or heir of the deceased workman, the application shall be made in Form K-2.

- (2) Where any workman or a group of workmen is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money, the workman or the group of workmen, as the case may be, " may apply to the specified Labour Court in Form K-3 for the determination of the amount due or, as the case may be, the amount at which such benefit should be computed.]

3[Provided that in the case of the death of a workman, application shall be made in Form K-4 by the assignee or heir of the deceased workman].

63. **Appointment of Commissioner. -** Where it is necessary to appoint a Commissioner under sub-section (3) of section 33-C of the Act, the Labour Court may appoint a person with experience in the particular industry, trade or business involved in the industrial dispute or a person with experience as a judge of civil court, or as a stipendiary magistrate or as a Registrar or Secretary of a Labour Court, or Tribunal constituted under any Provincial Act or of a Labour Court, Tribunal or National Tribunal constituted under the Act or of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950.

64. Fees for the Commissioner, etc.-

- (1) The Labour Court shall, after consultation with the parties, estimate the probable duration of the enquiry and fix the amount of the Commissioner's fees and other incidental expenses and direct the payment thereof into the nearest treasury, within a specified time, by such party or parties and in such proportion as it may consider fit. The Commission shall not issue until satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Labour Court:

1. Ins. by G.S.R. 289, dated 2nd March, 1982 (w.e.f. 13-3-1982).
2. Subs. by G.S.R. 488, dated 16th March, 1965.
3. Ins. by G.S.R. 1070, 23rd July, 1977.

Provided that the Labour Court may from time to time direct that any further sum or sums be deposited into the treasury within such time and by such parties as it may consider fit:

Provided further that the Labour Court may in its discretion, extend the time for depositing the sum into the treasury.

- (2) The Labour Court may, at any time, for reasons to be recorded in writing, vary the amount of the Commissioner's fees in consultation with the parties.
- (3) The Labour Court may direct that the fees shall be disbursed to the Commissioner in such instalments and on such date as it may consider fit.
- (4) The undisbursed balance, if any, of the sum deposited shall be re-funded to the party or parties who deposited the sum in the same proportion as that in which it was deposited.

65. Time for submission of report.-

- (1) Every order for the issue of a Commission shall appoint a date, allowing sufficient time, for the Commissioner to submit his report.
- (2) If for any reason the Commissioner anticipates that the date fixed for the submission of his report is likely to be exceeded, he shall apply, before the expiry of the said date, for extension of time setting forth grounds thereof and the Labour Court shall take such grounds into consideration in passing orders on the application:

Provided that the Labour Court may grant extension of time notwithstanding that no application for such extension has been received from the Commissioner within the prescribed time limit.

66. **Local investigation.** -In any industrial dispute in which the Labour, Court deems a local investigation to be requisite or proper for the purpose of computing the money value of a benefit, the Labour Court may issue a commission to a person referred to in rule 63 directing him to make such investigation and to report thereon to it.

67. Commissioner's report. -

- (1) The Commissioner after such local inspection as he deems necessary and after reducing to writing the evidence taken by him, shall return such evidence together with his report in writing signed by him to the Labour Court.
- (2) The report of the Commissioner and the evidence taken by him (but not evidence without the report) shall be evidence in the industrial dispute and shall form part of the record of the proceedings in the industrial dispute; but the Labour Court or, with the permission of Labour Court any of the parties to

the industrial dispute may examine the Commissioner personally before the Labour Court regarding any of the matters referred to him or mentioned in his report or as to his report, or, as to the manner in which he had made the investigation.

- (3) Where the Labour Court is for any reason dissatisfied with the proceedings of the Commissioner it may direct such further enquiry to be made as it shall think fit.

68. Powers of Commissioner. -

Any Commissioner appointed under these rules may unless otherwise directed by the order of appointment-

- (a) examine the parties themselves and any witnesses whom they or any of them may produce, and any other person whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him;
- (b) call for and examine documents and other things relevant to the subject of enquiry;
- (c) at any reasonable time enter upon or into any premises mentioned in the order.

69. **Summoning of witnesses, etc. -**

- (1) The provisions of the Code of Civil Procedure, 1908 (5 of 1908) relating to the summoning, attendance, examination of witnesses and penalties to be imposed upon witnesses, shall apply to persons required to give evidence or to produce documents before the Commissioner under these rules.
- (2) Every person who is summoned and appears as a witness before the Commissioner shall be entitled to payment by the Labour Court out of the sum deposited under rule 64, of an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing in the Civil Courts.

70. Representation of parties before the Commissioner.- The parties to the Industrial Dispute shall appear before the Commissioner, either in person or by any other person who is competent to represent them in the proceedings before the Labour Court.

1[70- A. **Preservation of records by the National Industrial Tribunals, Industrial Tribunals or Labour Courts. -**

- (1) The records of the National Industrial Tribunals, Industrial Tribunals or Labour Courts specified in Column 1 of the Table below shall be preserved, for the periods specified in the corresponding entry in column 2 thereof after the proceedings are finally disposed of by such National Tribunals, Industrial Tribunals, Labour Courts.

1. Ins by G.S.R. 931, dated 15th July, 1975.

TABLE

Records Number of years for which the records shall be preserved

1	2
(i) Orders and Judgments of National Industrial Tribunals, Industrial Tribunals or Labour Courts.	10 years
(ii) Exhibited documents in the above mentioned Tribunals or Courts.	10 years
(iii) Other papers.	7 years

- (2) Notwithstanding anything contained in sub-rule (1) the records of the National Industrial Tribunals, Industrial Tribunals or Labour Courts, connected with writ petitions, if any, filed in the High Courts or Supreme Court, or connected with appeals by special leave, if any, filed in the Supreme Court shall be preserved at least till the final disposal of such writ petitions or appeal by special leave.]

71. **Notice of strike. -**

- (1) The notice of strike to be given by workmen in public utility service shall be in Form L.

(2) On receipt of a notice of a strike under sub-rule (1), the employer shall forthwith intimate the fact to the Conciliation Officer having jurisdiction in the matter.

72. **Notice of lock-out.** - The notice of lock-out to be given by an employer carrying on a public utility service shall be in Form M. 1[The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the Manager's Office:

Provided that where a registered trade union exists, a copy of the notice shall also be served on the Secretary of the Union.]

73. **Report of lock-out or strike.** - The notice of lock-out or strike in a public utility service to be submitted by the employer under sub-section (3) of section 22, shall be in Form N.

74. **Report of notice of strike or lock-out.** - The report of notice of a strike or lock-out to be submitted by the employer under sub-section (6) of section 22, shall be sent by registered post or given personally to the Assistant Labour

1. Ins. by G.S.R. 1151, dated 10th October, 1959.

Commissioner (Central) appointed for local area concerned, with copy by registered post to-

- (1) The Administrative Department of the Government of India concerned,
- (2) The Regional Labour Commissioner (Central) for the Zone,
- (3) Chief Labour Commissioner (Central),
- (4) Ministry of Labour of the Government of India,
- (5) Labour Department of the State Government concerned, and
- (6) The District Magistrate concerned.

75. **Register of settlements.** - The Conciliation Officer shall file all settlements effected under this Act in respect of disputes in the area within his jurisdiction in a register maintained for the purpose as in Form O.

1[75- **Notice of lay-off.** -
A.

- (1) If any workmen employed in an industrial establishment as defined in the explanation below section 25-A not being an industrial establishment referred to in sub-section (1) of that section is laid-off, then, the employer concerned shall give notices of commencement and termination of such lay-off in Form O-1 and O-2 respectively within seven days of such commencement or termination, as the case may be.
- (2) Such notices shall be given by an employer in every case irrespective of whether, in his opinion, the workman laid off is or is not entitled to compensation under section 25-C.]

2[75- **Application for permission for lay-off under Section 25-M.** -
B.

- (1) Application for permission to lay-off any workman under sub-section (1), or for permission to continue a lay-off under 3[sub-section (3)] (ia) of Section 25-M shall be made in Form O-3 and delivered to the authority specified under sub-section (1) either personally or by registered post acknowledgement due and where the application is sent by registered post the date on which the same is delivered to the said authority shall be deemed to be the date on which the application is made, for the purposes of 3[sub-section (5)] of the said section.
- 4[(2) The application for permission shall be made in triplicate and copies of such application shall be served by the employer on the workmen concerned and a proof to that effect shall also be submitted by the employer along with the application.]

- (3) The employer concerned shall furnish to the authority to whom the application for permission has been made such further information as the authority considers necessary for arriving at a decision on the application, as and when called for by such authority, so as to enable the authority to communicate the permission or refusal to grant permission within the period specified in 3[sub-section (5)] of Section 25-M.

1. Ins. by G.S.R. 229, dated 22nd February, 1960.
2. Ins. by G.S.R. 111 (E), dated 5th March, 1976.
3. Subs. by S.D. 2485, dated 20th May, 1985.
4. Subs. by G.S.R. 289, dated 2nd March, 1982 (w.e.f. 13-3-1982).

- (4) Where the permission to lay-off has been granted by the said authority, the employer concerned shall give to the Regional Labour Commissioner (Central) concerned, a notice of commencement and termination of such lay-off in Forms O-1 and O-2 respectively and where permission to continue a lay-off has been granted by the said authority, the employer shall give to the Regional Labour Commissioner (Central) concerned, a notice of commencement of such lay-off in Form O-1, in case such a notice has not already been given under sub-rule (1) of rule 75-A, and a notice of termination of such lay-off in Form O-2.

- (5) The notice of commencement and termination of lay-off referred to in sub-rule (4) shall be given within the period specified in sub-rule (1) of rule 75-A.]

76. **Notice of retrenchment.**-If any employer desires to retrench any workman employed in his industrial establishment who has been in continuous service for not less than one year under him (hereinafter referred to as 'workman' in this rule and in rules 77 and 78), he shall give notice of such retrenchment as in Form P to the Central Government, the Regional Labour Commissioner (Central) and Assistant Labour Commissioner (Central) and the Employment Exchange concerned and such notice shall be served on that Government, the Regional Labour Commissioner (Central), the Assistant Labour Commissioner (Central), and the Employment Exchange concerned by registered post in the following manner :-

- (a) where notice is given to the workman, notice of retrenchment shall be sent within three days from the date on which notice is given to the workman;
- (b) where no notice is given to the workman and he is paid one month's wages in lieu thereof, notice of retrenchment shall be sent within three days from the date on which such wages are paid; and
- (c) where retrenchment is carried out under an agreement which specifies a date for the termination of service, notice of retrenchment shall be sent so as to reach the Central Government, the Regional Labour Commissioner (Central), the Assistant Labour Commissioner (Central), and the Employment Exchange concerned, at least one month before such date:

Provided that if the date of termination of service agreed upon is within 30 days of the agreement, the notice of retrenchment shall be sent to the Central Government, the Regional Labour Commissioner (Central), the Assistant Commissioner (Central), and the Employment Exchange concerned, within 3 days of the agreement.

- 1[76- **Notice of, and application for, retrenchment. -**
A.

- (1) Notice 2[or, as the case may be, the application under] sub-section (1) of Section 25-N for retrenchment shall be served in Form PA and served on the Central Government

1. Ins. by G.S.R. 111(E), dated 5th March, 1976.
2. Subs. by S.O. 2485, dated 20th May, 1985.

or such authority as may be specified by the Government under the said clause either personally or by registered post acknowledgement due and where: ' the notice is served by registered post, the date on which the same is delivered to the Central Government or the authority shall be deemed to be date of service of the notice for the purposes of 1[sub-section (4)] of the said section.

- 2[3[(2) The notice or, as the case may be, the application, shall be made in triplicate and copies of

such notice or, as the case may be, the application, shall be served by the employer on the workmen concerned and a proof to that effect shall also be submitted by the employer along with the notice or, as the case may be, the application.]

- 3[(3) The employer concerned shall furnish to the Central Government or the authority to whom the notice for retrenchment has been given or the application for permission for retrenchment has been made, under sub-section (I) of section 25-N, such further information as the Central Government or, as the case may be, the authority considers necessary for arriving at a decision on the notice or, as the case may be, the application, as and when called for by such authority so as to enable the Central Government or the authority to communicate its permission or refusal to grant permission within the period specified in sub-section (4) of section 25-N.]]

76-B. **Notice of closure.** - If an employer intends to close down an undertaking he shall give notice of such closure in Form Q to the Central Government, the Regional Labour Commissioner (Central), the Assistant Labour Commissioner (Central), and the Employment Exchange concerned, by registered post.

4[76- **Notice of, and application for permission for, closure.** -
C.

- (1) Notice under sub-section (I) of Section 25-0 of intended closure shall be given in Form QA and served on the Central Government either personally or by registered post acknowledgement due.
- 5[A copy of such application shall be served simultaneously by registered post on the President or Secretary of registered trade union(s) functioning in the establishment and a notice in this regard shall also be displayed conspicuously by the employer on a notice board at the main entrance to the establishment for the information of all the concerned workmen at the same time when applications are served on the Central Government.]
- 6[(2) The notice, or, as the case may be, the application shall be made in triplicate.
- (3) The employer concerned shall furnish to the Central Government to whom the notice of intended closure has been given or the application for permission to close down has been made such further information as that Government considers necessary, for arriving at a decision on the notice, or, as the case may be, the application, and calls for from such employer.]

1. Subs. by S.O. 2485, dated 20th May, 1985.
2. Subs. by G.S.R. 289, dated 2nd March, 1982.
3. Sub-rule (2) shall be omitted and sub-rules (3) and (4) re-numbered as sub-rules (2) and (3), subs. by S.O.2485, dated 20th May, 1985.
4. Ins. by G.S.R. 111(E), dated 5th March, 1976.
5. Ins. by S.O. 2485, dated 20th May, 1985.
6. Renumbered by S.O. 2485, dated 20th May, 1985 as sub-rules (2) and (3).

77. **Maintenance of seniority list of workmen.** -

The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

78. **Re-employment of retrenched workmen.** -

- (1) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to everyone of all the retrenched workmen eligible to be considered thereof, to the address given by him at the time of retrenchment or at any time thereafter:

Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:

Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual 1[Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.] retrenched workmen:

- (2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:

Provided that the provisions of this sub-rule need not be complied with by the employer in any case where intimation is sent to everyone of the workmen mentioned in the list prepared under rule 77.

79. **Penalties.** - Any breach of these rules shall be punishable with fine not exceeding fifty rupees.

80. **Repeal.** - The Industrial Disputes (Central) Rules, 1947, are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

1. Ins. by G.S.R. 40, dated 31st December, 1958.

SCHEDULE

1[FORM A]

(See Rule 3)

Form of application for the reference of an Industrial Dispute to a Board of Conciliation

Court of Enquiry under section 10 (2) of the Industrial Disputes Act,
Labour Court 1947

Tribunal

National Tribunal

Whereas an industrial ** is apprehended between-----
dispute -----

exists

----- and ----- and it is
expedient that

**the matters specified in the enclosed statement which are connected
with relevant to the dispute for dispute, investigation and settlement

should be referred for **enquiry.....
.....by
adjudication

a Board of Conciliation

an application is hereby made under sub-section (2)

a Court of Enquiry

a Labour Court

a Tribunal

a National Tribunal

** said matters

of section 10 of the Industrial Disputes Act, 1947, said dispute

that the

should be referred to

** a Board of Conciliation.

a Court of Enquiry.

a Labour Court.

a Tribunal.

a National Tribunal.

This application is made by the undersigned who

have

.....

has

been duly authorised to do so by

virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of theHeld on the

19..... A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1957, is attached. Dated the.....

1. Subs. by G.S.R. 302, dated 23rd April, 1958.

Signature of employer **

or agent

or manager

or principal officer of the Corporation

Signature of the President of the trade union **

Secretary of the trade union.....

Or

** Signature of five representatives duly authorised (vide resolution enclosed)

.....

1[Or

**Signature of the workman

Or

** Signature of the workman in the same establishment duly authorised (vide authorisation enclosed)

To

The Secretary to the Government of India, Ministry of Labour.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1957, to accompany the form of application prescribed under sub-section (2) of section 10 of the Industrial Disputes Act, 1947:

- (a) Parties to the dispute including the name and address of the establishment or undertaking involved;
- (b) Specific matters in dispute;
- (c) Total number of workmen employed in the undertaking affected;
- (d) Estimated number of workmen affected or likely to be affected by the dispute;

(e) Efforts made by the parties themselves to adjust the dispute.

2[Copy to

- (i) The Assistant Labour Commissioner (Central) [here enter office address of the Assistant Labour Commissioner (Central) in the local area concerned],
- (ii) The Regional Labour Commissioner (Central);
- (iii) The Chief Labour Commissioner (Central), New Delhi.]
- ** Delete whichever is not applicable.

1. Ins. by G.S.R. 1059, dated 30th May; 1968.
2. Ins. by G.S.R. 811, dated 3rd July, 1959.

FORM B

(See Rule 6)

Whereas has arisen Between.....And.....and
 an ----- it
 industrial -
 dispute is
 apprehended

is expedient to refer the said dispute under section 10 of the Industrial Disputes Act, 1947, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the.....the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) on the said Board.

If you fail to make the recommendation by the date specified above, the Central Government will select and appoint such person(s) as it thinks fit to represent you.

Secretary to the Government of India,
 Ministry of Labour.

1[FORM C

(See Rule 1)

AGREEMENT

[Under section 10-A of the Industrial Disputes Act, 1947]

BETWEEN

Name of the Parties

Representing employers:

Representing workmen/workman.

It is hereby agreed between the parties to refer the following dispute to the arbitration of [here specify the name(s) and address(es) of the arbitrator(s)].

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

*We further agree that- the majority decisions of the arbitrator(s) be binding on us.

in case the arbitrators are equally divided in their opinion, that they shall appoint another person as umpire whose award shall be binding on us.

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

Signature of the parties. Representing employer. **Workman/Representing workman/workmen.

Witnesses (1) (2)

Copy to:

- (i) The Assistant Labour Commissioner (Central), (here enter office address of the Conciliation Officer in local area concerned);
- (ii) The Regional Labour Commissioner (Central).....
- (iii) The Chief Labour Commissioner (Central), New Delhi;
- (iv) The Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), New Delhi.

*Where applicable.

**Delete whichever is not applicable.]

1. Subs. by G.S.R. 1059, dated 30th May, 1968.

FORM D

(See Rule 17)

Whereas an industrial dispute between andhas Board of Conciliation for investigation and settlement, Court of Enquiry for investigation been referred to this -----
-----Labour Court/Tribunal/National Tribunal for adjudication, under Section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Board/Court/Labour Court/Tribunal/National Tribunal in person on the day of.....
at..... o'clock in the noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under control in any way relating to the matter under investigation by this Board/Court/Labour Court/Tribunal/National Tribunal.

Date

Chairman/Secretary

Board of Conciliation.

Court of Enquiry. Labour Court.

Presiding Officer/Secretary,

Tribunal

National Tribunal

1[FORM E

(See Rule 34)

Notice of Change of Service Condition Proposed by an Employer

Name of employer

Address

Dated the day of 19.....

In accordance with section 9A of the Industrial Disputes Act, 1947, I/we hereby give notice to all concerned that it is my / our intention to effect the change / changes specified in the annexure, with effect from in the conditions of service applicable to workmen in respect of the matters specified in the Fourth Schedule to the said Act.

Signature

Designation

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

Copy forwarded to:

- (1) The Secretary of registered trade union, if any;
- (2) Assistant Labour Commissioner (Central)..... [here enter office address of the Assistant Labour Commissioner (Central) in the local area concerned];
- (3) Regional Labour Commissioner (Central).....Zone;
- (4) Chief Labour Commissioner (Central), New Delhi.]

 1. Subs. by G.S.R. 402, dated 31st March, 1960.
FORM F**(See Rule 36)**

Before (Here mention the authority concerned) Reference Noof
workmen
 versus
Employer.

In the matter ofI/we hereby authorise
 Shri/Sarvashree..... to represent me/us in the above matter.

Dated this day of.....19

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

Address

Accepted.

Signature of representative(s).

Address.

FORM G**(See Rule 47)****Form of Nomination Paper**

Name of Industrial Establishment

Group/Section/Shop/Department

I nominate (here enter the name of the workmen's representative eligible for election) as a candidate for

election to the Works Committee. He is eligible as a voter in the constituency for which he is nominated.

Date

Signature of proposer.

I agree to the proposed nomination.

Signature of candidate.

Date

Attested by: (1)

(2)

(To be signed by any two voters belonging to the electoral constituency.)

1[FORM G-1

(See Rule 56-A)

Progress Report on Constitution and Functioning of Works Committee for the half-year ending the 30th June/*31st December,_____.

1. Name and address of the establishment.

2. Name of the employer.

3. (a) Number of workmen employed.

(b) Name of Unions, if any.

(c) Affiliation of the Union(s) to the Central Organisations of workers.

4. If the Works Committee has been functioning-

(a) Date of its constitution.

(b) Number of workmen's representatives (elected members).

(c) Number of employer's representatives (nominated members).

(d) Number of meetings held during the half-year (with dates).

5. If the Works Committee had not been functioning, the difficulties encountered in its constitution/ functioning.

6. General remarks, if any.

Date Signature of employer or his representatives.

.....

Place

.....

'Strike out the portion not applicable.

1. Ins. by G.S.R. 1078, dated 4th August, 1962.

FORM H

(See Rule 58)

Form for Memorandum of Settlement

Names of Parties:

Representing employer(s):

Representing workmen:

Short Recital of the Case

Terms of settlement

Signature of the parties.....

.....

Witness:

(1)

(2)

Conciliation Officer.

*Signature of

Board of Conciliation.

Copy to: + (1) Assistant Labour Commissioner (Central) [Here enter the office address of the Assistant Labour Commissioner (Central) in the local area concerned].;

(2) Regional Labour Commissioner (Central)

(3) Chief Labour Commissioner (Central), New Delhi;

(4) The Secretary to the Government of India, Ministry of Labour, New Delhi.

Conciliation Officer.

*In case of settlements effected by

Board of conciliation

+ In case where settlements are arrived at between the employer and his workmen otherwise than in the course of conciliation proceeding.

FORM I

(See Rule 59)

Labour Court

Tribunal

Before _____-----complaint

the under

National Tribunal

section 33A of the Industrial Disputes Act, 1947.

A Complainant(s);
 Opposite Party(ies).

Versus B

Address:

In the matter of Reference No.....

The petitioner(s) begs/beg to complain that the Opposite Party(ies) has/have been guilty of a contravention of the provisions of section 33 of the Industrial Disputes Act, 1947 (14 of 1947), as shown below;

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

The complainant(s) Labour Court
 accordingly prays / pray Tribunal
 that the National Tribunal

may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint and its annexures required under rule 59 of the Industrial Dispute (Central) Rules, 1957, are submitted herewith.

Signature of the Complainant(s)

Dated this.....day of 19

Verification

I do solemnly declare that what is stated in paragraph above is true to my knowledge and that what is stated in paragraphs..... above is stated upon information received and believed by me to be true. This verification is signed by me at on day of 19.....

Signature or Thumb impression of the person verifying

FORM J

[See Rule 60 (1)]

Before (here mention the Conciliation Officer, Board, Labour Court, Tribunal or National Tribunal.).

Sub-section (1)

Application for ----- of section 33 of the
 permission under Sub-section (3) Industrial

Disputes Act, 1947 (14 of 1947), in the matter of Reference
 No. _____

A..... Applicant;

Address:

Versus BOpposite Party(ies).

Address(es)

The above-mentioned applicant begs to state as follows:

[Here mention the action specified in clause (a) or clause (b) of sub-section (1) grounds on which the permission is sought for.]

The applicant, therefore, prays that express permission may kindly be granted to him to take the following action namely :

[Sub-section (1)]

[Here mention the action specified in ----- of
 clause (a) or clause (b) of section 33. Sub-section (3)

Signature of the applicant.

Dated this day of19

Space for Verification

(Signature of person verifying).

Date (on which the verification was signed)

.....

Place (at which the verification was signed)

.....

***FORM K**

[See Rule 60(2)]

Before (here mention the Conciliation Officer, Board, Labour Court, Tribunal or National Tribunal)].

Application under sub-section (2) of section 33 of the Industrial Disputes Act, 1947 (14 of 1947), in the matter of Reference No.....

A..... Applicant.

Address:

Versus

B..... Opposite Party(ies).

Address:

The above-mentioned applicant begs to state as follows:

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

The workmen/workman discharged/dismissed under clause (b) of sub-section (2) of section 33 has/have been paid wages for one month.

The applicant prays that the Conciliation Officer/Board/Labour Court/Tribunal/National Tribunal may be pleased to approve of the action taken namely:

[Here mention the action taken under clause (a) or clause (b) of sub-section (2) of section 33.]

Signature of the applicant.

Space for verification

(Signature of the person verifying.)

Dated this..... day of 19.....

Date (on which the verification was signed)

Place (at which the verification was signed)

*Delete, if not applicable.

1[FORM K-1

[See Rule 62(1)]

Application under sub-section (1) of section 33-C of the Industrial Disputes Act, 1947

To

- (1) The Secretary to the Government of India, Ministry of Labour and Employment, New Delhi.
- (2) The Regional Labour Commissioner (Central)----- (here insert the name of the region).

Sir,

I/We have to state that I am/we are entitled to receive from M/s _____ a sum of Rs. _____ on account of _____ under the provisions of Chapter V-A/Chapter V-B of the Industrial Disputes Act, 1947/in terms of the award dated the _____ given by _____ /in terms of the settlement dated the _____

_____ arrived at between the said M/s _____ and their workmen through _____ the duly elected representatives.

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

I/We request that the said sum may kindly be recovered for the management under sub-section (1) of section 33-C of the Industrial Disputes Act, 1947, and paid to me/us as early as possible.

Station _____ Signature of the applicant(s) _____ Address(es) _____

1.
2.
3.
4.

Date _____

ANNEXURE

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

1. _____ Subs. by G.S.R. 488, dated 16th March, 1965.

1[FORM K-2

[See Rule 62(1)]

Application by a Person Authorised by a Workman or by the Assignee or Heir of a Deceased Workman under sub-section (1) of section 33-C of the Industrial Disputes Act, 1947

To

(1) The Secretary to the Government of India, Ministry of Labour and Employment, New Delhi.

(2) The Regional Labour Commissioner (Central), _____ (here insert the name of the region).

Sir,

I *Shri/Shrimati/Kumari _____ have to state that *Shri/Shrimati/Kumari _____ *is/was entitled to receive from M/s _____

_____ a sum of Rs _____ on account of _____ under the provisions of Chapter V A/Chapter V B of the Industrial Disputes Act, 1947/in terms of the award dated the _____ given by _____ /in terms of the settlement, dated the _____ arrived at between the said M/s _____ and their workmen through _____ the duly elected representatives.

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

I request that the said sum may kindly be recovered from the management under sub-section (1) of section 33-C of the Industrial Disputes Act, 1947, and paid to me as early as possible.

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

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

Station _____

Date _____

Signature of the applicant

Address

ANNEXURE

(Here indicate the details of the amount claimed.)

*Strike out the portions in applicable.]

1. Subs. by G.S.R. 488, dated 16th March, 1965.

1[FORM K-3

[See Rule 62(2)]

Application under sub-section (2) of section 33-C of the Industrial Disputes Act, 1947

Before the Central Government Labour Court at

_____ Between

_____ and

(1) Name of the applicant(s)

(2) Name of the employer

The petitioner(s) _____ a workman of

_____ M/s. _____ of

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

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

Signature or thumb impression(s) of _____ Address(es) _____ the applicant(s)

- 1.
- 2.
- 3.
- 4.

Section _____ Date _____

ANNEXURE

(Here set out the details of the money due or the benefits accrued together with the case for their admissibility.)

-
1. Subs. by G.S.R. 488, dated 16th March, 1965.

2[FORM K-4

[See Rule 62(2)]

Application by a person who is an assignee or heir of a deceased workman under sub-section (2) of Section 33-C of the Industrial Disputes Act. 1947 (14 of 1947)

Before the Central Government Labour Court at _____

Between

(i) Name of the applicant / applicants

(ii) Name of the employer

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

Shri _____, former workman of M/s _____
of _____ is entitled to receive from the said M/s _____ the
money/benefits mentioned in the statement hereto annexed;

It is prayed that the Court be pleased to determine the amount/amounts due to the deceased workman.

Name and Address of workman _____

Signature or thumb impression of the applicants (s)

Address of the applicant (s) _____

Station _____

Date _____

ANNEXURE

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

-
2. Ins. by G.S.R. 1070, dated 23rd July, 1977.

FORM L

(See Rule 71)

Form of Notice of Strike to be given by 1[Union/Workmen] in Public Utility service Name of Union

[Names of five elected representatives of workmen.]

Dated the day of19.

To

(The name of the employer). Dear Sir /Sirs,

In accordance with the provisions contained in sub-section (1) of section 22 of the Industrial Disputes

I

Act, 1947

We

hereby give you notice that

I propose to call a strike

----- on _____ 19 _____ for the reasons explained in the
----- annexure.

we propose to go on strike

Yours faithfully,

Secretary of the Union

2[Five representatives of the workmen duly elected at a meeting held on (date),
vide resolution attached.]

ANNEXURE

Statement of the Case.

Copy to:

- (1) Assistant Labour Commissioner (Central).
(Here enter office address of the Assistant Labour Commissioner (Central) in the local area concerned.)
- (2) Regional Labour Commissioner (Central)..... Zone.
- (3) Chief Labour Commissioner (Central), New Delhi.

1. Subs. by G.S.R. 488, dated 16th March, 1965.
2. Subs. by G.S.R. 1151, dated 8th October, 1959.

1[FORM M

[See Rule 72]

Form of Notice of Lock-out to be given by an Employer carrying on a Public Utility Service

If any
exists,
partic-
ulars
thereof

1 2 3 4 5 6 7 8 9 10 11

Notes Give the average number of workmen employed during the month .- previous to the day on which the strike or lock-out occurred. While Column reckoning the average, omit the days on which the attendance was not (3) normal for reasons other than individual reasons of particular workmen. Thus days on which strike or lock-out occurs or communal holiday is enjoyed by a large section of workers should be omitted.

Column If, say, 200 workers in a factory strike work and in consequence the (4) whole factory employing 1,000 workers has to be closed than, 200 should be shown under "directly" and the remaining under "indirectly". If the strike of 200 workers does not affect the working of the other departments of the factory, the number of workers involved would only be 200, which figure should appear under "directly" and column "indirectly" would be blank.

Column Give the main causes of the dispute as well as the immediate cause (8) that led to the strike or lock-out.

FORM O

(See Rule 75)

Register-Part I

Serial No.	Industry	Parties to the settlement	Date of settlement	Remarks*
------------	----------	---------------------------	--------------------	----------

*Whether the settlement was effected at the intervention of the conciliation machinery, or by mutual negotiations between the parties, may be indicated here.

Part II

Should contain one copy each of the settlements in the serial order indicated in Part I.

1[FORM O-1]

(See Rule 75-A)

To,

The Regional Labour Commissioner (Central),

(here specify the region concerned.)

Sir,

Under rule 75-A of the Industrial Disputes (Central) Rules, 1957, I/we hereby inform that I/we have laid of..... out of a total of+workmen employed in the establishment with effect from++ for the reasons explained in the Annexure.

2. Such of the workmen concerned as are entitled to compensation under section 2.5-C of the Industrial Disputes Act, 1947, will be paid compensation due to them.

Yours faithfully, **

Copy forwarded to Assistant Labour Commissioner (Central)

[Here specify the address of the Assistant Labour

Commissioner (Central) of the local area concerned.]

ANNEXURE

Statement of Reasons

+Here insert the number of workmen.

++Here insert the date.

**Here insert the position which the person who signs the letter holds with the employer issuing the letter.]

1[FORM O-2]

(See Rule 75-A)

To,

The Regional Labour Commissioner (Central),.....

(here specify the region concerned.)

Sir,

As required by rule 75-A of the Industrial Disputes (Central) Rules, 1957 and in continuation of my/

our notice dated+.....in Form O-11/we hereby inform you that the lay-off in my/our establishment has ended on+.....

Yours faithfully, **

Copy to the Assistant Labour Commissioner (Central)

[Here specify the address of the
Assistant Labour Commissioner (Central)
of the local area concerned]

+Here insert the date.

++Here insert the position with the person who signs the letter holds with the employer issuing the letter.]

1. Ins. by G.S.R. 299, dated 22nd February, 1960.

1[FORM O-3]

(To be submitted in triplicate 2[***])

[See Rule 75-B (1)]

Form of application for permission to lay-off, to continue the lay-off of workmen in industrial establishments to which provisions of Chapter V-B of the Industrial Disputes Act, 1947 (14 of 1947) apply

To,.....

.....

.....

[The authority specified under sub-section (1) of section 25 M]

Sir,

Under *sub-section (1)/sub-section 3[(3)] of section 25 M of the Industrial Disputes Act, 1947 (14 of 1947) read with sub-rule (1) of rule 75-B of the Industrial Disputes (Central) Rules, 1957, I/we hereby apply for permission to the lay-off/permission to continue the lay-offworkmen of a total ofworkmen employed in my / our establishment with effect from for the reasons set out in the Annexure.

Permission is solicited *for the lay-off / to continue the lay-off the said workmen. Such of the workmen permitted to be laid-off will be paid such compensation, if any, to which they are entitled under sub-section 3[(6)] of section 25M, read with section 25 C, of the Industrial Disputes Act, 1947 (14 of 1947).

Yours faithfully
(Signature)

*Strike out whatever is inapplicable.

ANNEXURE

(Please give replies against each item)

Item No.

1. Name of the undertaking with complete postal address, including telegraphic address and telephone number.
2. Status of undertaking :-
 - (i) Whether Central public sector/ State public sector /foreign majority company/ joint sector, etc.
 - (ii) If belongs to large industrial house, please indicate the controlling group; and if a foreign majority company, indicate the extent of foreign holdings.
 - (iii) Whether the undertaking is licensed /registered and if so, name of licensing / registration authority and licence/ registration certificate numbers.
3. (a) Names and addresses of the affected workmen proposed to be laid-off/ names and addresses of the workmen laid-off before the commencement of the Industrial Disputes (Amendment) Act, 1976 (32 of 1976) and the dates from which each of them has been laid- off.
(b) The nature of the duties of the workmen referred to in sub-item (a), the units/ sections / shops where they are or were working and the wages drawn by them.
4. Items of manufacture and scheduled industry/ industries under which they fall.
5. Details relating to installed capacity, licensed capacity and utilised capacity.
6. (i) Annual production, itemwise for preceding three years.

- (ii) Production figures, month-wise, for the preceding twelve months.
 - 7. Work in progress-item-wise and value-wise.
 - 8. Any arrangement regarding off-loading or sub-contracting of products or any components thereof.
 - 9. Position of the order book-item-wise and value-wise for a period of six months, and one year next following, and for the period after the expiry of the said one year.
 - 10. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift.
 - 11. Balance sheets, profit and loss accounts and audit reports for the last three years.
 - 12. Financial position of the company.
 - 13. Names of the inter-connected companies or companies under the same management.
 - 14. (i) The total number of workmen (category-wise), and the number of employees other than workmen as defined under the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking.
(ii) Percentage of wages of workmen to the total cost of production.
 - 15. Administrative, general and selling cost in absolute terms per year in the last three years and percentage thereof to the total cost.
 - 16. Details of lay-offs resorted to in the last three) years (other than the lay-off for which permission is sought), including the periods of such lay-offs, the number of workmen Involved in each such lay-off and the reasons therefor.
 - 17. Anticipated savings due to the *proposed layoff / lay-off for the continuance of which permission is sought.
 - 18. Any proposal for effecting savings on account of reduction in -
 - (i) managerial remuneration,
 - (ii) sales promotion cost, and
 - (iii) general administration expenses.
 - 19. Position of stocks on last day of each of the months in the preceding twelve months.
 - 20. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item-wise and value-wise.
 - 21. Reasons for the *proposed lay-off / lay-off for the continuance of which permission is sought
 - 22. Any specific attempts made so far to avoid the *proposed lay-off flay-off for the continuance of which permission is sought.
 - 23. Any other relevant factors with details thereof
- *Strike out whatever is inapplicable.]

1. Ins. by G.S.R. 111 (E) dated 5th March, 1976.
2. Omitted by G.S.R. 289, dated 2nd March, 1982 (w.e.f. 13.3.1982)
3. Subs. by S.O. 2485, dated 20th May, 1985.

FORM P**(See Rule 76)**

Form of Notice of Retrenchment to be given by an employer under clause (c) of section 25.F of Industrial Disputes Act, 1947

Name of employer Address

Dated day of 19

To,

The Secretary to the Government of India, Ministry of Labour, New Delhi
Sir,

Under clause (c) of section 25 F of the Industrial Disputes Act (14 of 1947), I/we hereby inform you that I/we have decided to retrench*..... workmen with effect from** for the reasons explained in the annexure.

2. + The workmen concerned were given on the..... 19..... one month's notice in writing as required under clause (a) of section 25 F of the Act. Retrenchment is being effected in pursuance of an agreement, ' a copy of which is enclosed. The workmen were given on the** 19one month's pay in lieu of notice as required under clause (a) of section 25 F of that Act.

3. The total number of workmen employed in the industrial establishment is ***and the total number of those who will be affected by the retrenchment is given below:

Category designation of workmen retrenched	and Number of workmen to be Employed	To be retrenched
(1)	(2)	(3)

4. I/We hereby declare that the workman/workmen concerned has/have been/will be paid compensation due to them under section 25-F of the Act on**/the expiry of the notice period.

Yours faithfully, **

*Here insert the number of workmen.

**Here insert the date.

*Delete the portion which is not applicable.

***Here insert the total number of workmen employed in the industrial establishment.

**Here insert the position which the person who signs this letter holds with the employer issuing the letter.

ANNEXURE

Statement of Reasons

Copy to:

(1) Assistant Labour Commissioner (Central).....

[Here enter office address of the Assistant Labour Commissioner (Central) in local area concerned.]

(2) Regional Labour Commissioner (Central)

1[(3) Employment Officer, Employment Exchange

(Enter the full address of the Employment Exchange concerned.)]

1. Ins. by G.S.R. 410(E), dated 13th September, 1972.

2[FORM P-A

(To be made in triplicate 3[*])**

[See Rule 76-A (1)]

Form of notice for permission for retrenchment of workmen to be given by an employer under clause 4[(d)] of sub-section (1) of section 25-N of the Industrial Disputes Act, 1947 (141 of 1947)

Date

To,

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

[The Central Government/authority* specified under clause (c) of sub-section (1) of section 25-N).

Sir,

Under 5[clause (c)] of sub-section (1) of section 25N of the Industrial Disputes Act, 1947 (14 of 1947),

I/we hereby inform you that *I/we propose to retrench workmen [being workmen to whom sub-section (1) of section 25N applies) with effect from for the reasons set out in the Annexure.

2. The workmen *concerned have been given notice in writing as required under clause (a) of sub- section (1) of section 25N /have not been given notice

since the retrenchment is under an agreement (copy of which is enclosed) as provided in the proviso to the said clause.

3. The total number of workmen employed in the industrial establishment is and the total number of those who will be affected by the proposed retrenchment is as given below:

Category and designation of workmen to be retrenched	Number of workmen	
	(Employed)	(To be retrenched)
(1)	(2)	(3)

4. Permission is solicited for the proposed retrenchment under clause (c) of sub-section (1) of section 25N.
5. I/We hereby declare that the workmen permitted to be retrenched will be paid compensation due to them under clause (b) of sub-section (1) of section 25-N of the Act.

Yours faithfully, (Signature)

-
2. Ins. by G.S.R. 111(E), dated 5th March, 1976.
3. Omitted by G.S.R. 289, dated 2nd March, 1982 (w.e.f. 13.3.1982).
4. Subs. by S.O. 2485, dated 20th May, 1985.
5. Subs. by GSR 761, dated 2nd August, 1985.

*Strike out whatever is inapplicable.

ANNEXURE

(Please give replies against each item)

Item No.

1. Name of the undertaking with complete postal address, including telegraphic addresses and telephone number.
2. Status of undertaking:-
 - (i) Whether Central public sector/State public section/foreign majority company/joint sector, etc.
 - (ii) If belongs to large industrial house, please indicate the controlling group; and if a foreign majority company, indicate the extent of foreign holdings.
 - (iii) Whether the undertaking is licensed/ registered and if so, name of Licensing/ registration authority and licence/ registration certificate numbers.
3. Names and addresses of the workmen proposed to be retrenched and the nature of the duties, the units/sections/shops where they are working and the wages drawn by them.
4. Items of manufacture and scheduled industry / industries under which they

fall.

5. Details relating to installed capacity, licensed capacity and the utilised capacity.
6. (i) Annual production, item-wise for preceding three years.
(ii) Production figures month-wise for preceding twelve months.
7. Work in progress-item-wise and value-wise.
8. Any arrangement regarding off-loading or sub-contracting of products or any components thereof.
9. Position of the order book-item-wise and value-wise for a period of six months and one year next following, and for the period after the expiry of the said one year.
10. Number of working days in a week with number of shifts per day and strength of workmen per each shift.
11. Balance sheet; profit and loss account and audit reports for the last three years.
12. Financial position of the company.
13. Names of the inter-connected companies or companies under the same management.
14. (i) The total number of workmen (category-wise), and the number of employees other than workmen as defined in the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking.
(ii) Percentage of wages of workmen to the total cost of production.
15. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total costs.
16. Details of retrenchment resorted to in the last three years, including dates of retrenchment, the number of workmen involved in each case, and the reasons therefor.
17. Has any of the retrenched workmen been given re-employment and if so, when? Give details.
18. Are seniority lists maintained in respect of the categories of workmen proposed to be re-trenched and if so, the details and the position of the workmen affected indicating their length of service including broken periods of service?
19. Anticipated savings due to the proposed retrenchment.
20. Any proposal for effecting savings on account of reduction in-
 - (i) managerial remuneration,
 - (ii) sales promotion cost, and
 - (iii) general administration expenses.
21. Position of stocks on the last day of each of the month in the preceding

twelve months.

22. Annual sales figures for the last three years and month-wise sales figures- for the preceding twelve months both item-wise and value- wise.
23. Reasons for the proposed retrenchment.
24. Any specific attempt made so far to avoid the proposed retrenchment.
25. Any other relevant factors with details thereof.

FORM P - B

1[XXX]

1. Omitted by S.O. 2485, dated 20th May, 1985.

2[FORM Q

(See Rule 76-A)

Form of notice of closure to be given by an employer under section 25-FFA of the Industrial Disputes Act, 1947 (14 of 1947)

Name of employer

Address.....

.....

Dated the day of 19

.....

To,

The Secretary to the Government of India,
Department of Labour and Employment,
New Delhi.

Sir,

Under section 23FFA of the Industrial Disputes Act, 1947(14 of 1947), I/we hereby inform you that I/we have decided to close down.....(name of the undertaking) with effect from for the reasons explained in the annexure. The number of workmen whose services would be terminated on account of the closure of the undertaking is(number of workmen).

Yours faithfully,

+

+(Here insert the position which the person who signs this letter holds with the employer issuing this letter.)

ANNEXURE

Statement of reasons

Copy to:

(1) The Regional Labour Commissioner (Central).....

*

(2) The Assistant Labour Commissioner (Central).....

*

(3) The Employment Exchange.....*

*(Here enter the office address of the Regional Labour Commissioner (Central)/ Assistant Labour Commissioner (Central) and the Employment Exchange in the local area concerned)].

2. Ins. by G.S.R. 410(E), dated 13th September, 1972.

3[FORM Q-A

(To be submitted in triplicate)

[See Rule 76-C(1)]

Form of notice for permission of closure to be given by an employer under sub-section (1) of section 25-0 of the Industrial Disputes Act, 1947 (14 of 1947)

Date.....

To,

The Secretary to the Government of India,
Ministry of Labour,
New Delhi.

Sir,

Under section 25C of the Industrial Disputes Act, 1947 (14 of 1947), I/we hereby inform you that I/we propose to close down the undertaking specified below of (name of the industrial establishment).

(Give details of the undertaking)

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

with effect from for the reasons explained in the Annexure.

2. The number of workmen whose services will be terminated on account of the closure of the undertaking is..... (number of workmen).
3. Permission is solicited for the purposed closure.
4. 1[I/we hereby declare that in the event of approval for the closure being granted, every workman in the undertaking to whom sub-section (8) of the said section 25-0 applies shall be paid compensation as specified in that section]

Yours faithfully,
(Signature)

3. Ins. by G.S.R. 111(E), dated 5th March, 1976.

ANNEXURE

(Please give replies against each item)

Item No.

1. Name of the industrial establishment with complete postal address, including telegraphic addresses and telephone number.
2. Status of undertaking: -
 - (i) Whether Central public sector /State public sector/ foreign majority company/joint sector, etc.
 - (ii) If belongs to large industrial house please indicate the controlling group; and if a foreign majority company, indicate the extent of foreign holdings.
 - (iii) Whether the undertaking is licensed/ registered and if so, name of licensing/ registration authority and licence / registration certificate numbers.
3. The total number and categories of workmen affected by the proposed closure, along with the addresses of the workmen and the details of wages drawn by them.
4. Items of manufacture and scheduled industry /industries under which they fall.
5. Details relating to licensed capacity, installed capacity and the utilised capacity.
6. (i) Annual production item-wise for preceding three years.
(ii) Production figures month-wise for the preceding twelve months.
7. Work in progress-item-wise and value-wise.
8. Any arrangement regarding off-loading or sub-contracting of products or any component thereof.
9. Details of persons or the organisation to whom the job/ jobs is/ are being entrusted-relationship/ interest of the persons/ organisations with the director/ directors or the officer/ officers of the company.
10. Position of the order book-item-wise and value-wise for a period of six months and one year next following, and for the period after the expiry of the said one year.
11. Number of working days in week with the number of shifts per day and the strength of workmen per each shift.
12. Balance-sheet and profit and loss account and audit reports for the last three years.
13. Financial position of the company.
14. (i) Names of interconnected company or companies under the same management.
(ii) Details about intercorporate investment and changes during the last one year.
(iii) Interest of any of the directors / officers of the undertaking producing same or similar type of product.
15. Percentage of wages of workmen to the total cost of production.
16. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
17. Inventory position-item-wise and value-wise for the preceding twelve months (Inventories to be shown in respect of finished products, components and raw-materials to be shown separately item-wise and value-wise).
18. Selling arrangement for the last three years and any change in the selling arrangement in preceding twelve months.
19. Full details of the interests of the directors and officers of the company in the organisations persons

involved in selling products of the undertaking.

20. Buying arrangements for raw materials and components.
21. Interests of the directors and officers with the organisations/ persons involved in buying raw materials and components for the undertaking.
22. Annual sales figures for the three years and month-wise sales figures for the preceding twelve both item-wise and value-wise.
23. Reasons for the proposed closure.
24. Any specific attempts made so far to avoid the closure.
25. Any other relevant factors with details thereof.

1. Subs. by S.O. 2485, dated 20th May, 1985..

1[FORM QB]

XXXXXX

1. Omitted by S.O. 2485, dated 20th May, 1985.