

The Industrial Disputes (Central) Rules, 1957

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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:—

CHAPTER - I 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 oil-field, 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:

²[***]

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;

1 Vide S.R O. 770, dated 10th March, 1957, published in the Gazette of India, Extra., dated 10th March, 1957, Pt. II, Section 3, pp. 1137, 1159.

2 Proviso omitted by G.S.R. 795, dated 5th June, 1972.

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- (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 ¹[Assistant Labour Commissioner (Central)] shall be construed as reference to the appropriate authority, appointed in that behalf by the Administrator of their territory;
- ²[(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.

2 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 ¹[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.
- 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;
 - ²(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.]

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

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

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- 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 any one 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.
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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;

²[(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;]

³[(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.

1 Subs. by G.S.R. 398, dated 21st March, 1959.

2 Subs. by G.S.R. 398, dated 21st March, 1959.

3 Ins. by G.S.R. 1059, dated 30th May, 1968.

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¹**[8A. Notification regarding arbitration agreement by majority of each party.—**Where an industrial dispute 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.]

**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.—

²[(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 5.

³[(2) Where the Conciliation Officer receives no notice of a strike or lock-out 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.

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

2 The original rule 9 re-numbered as sub rule (1) by G.S.R. 1220, dated 7th October, 1960.

3 Added by G.S.R. 1220, dated 7th October, 1960.

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¹**[10A. Parties to submit statements.—**The employer or the party representing workmen ²[or in the case of individual workman, the workman himself] 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.]

³**[10B. Proceeding before the Labour Court, Tribunal or National Tribunal.—**

- (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.
- (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.

1 Subs. by GS.R. 857, dated 22nd June, 1961.

2 Ins. by GS.R. 1059, dated 30th May, 1968.

3 Subs. by G.S.R. 932, dated 18th August, 1984.

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- (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 of 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 any one 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 parts* 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.

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(11) In respect of reference under section 2A, 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. Meeting of Representatives.— The Conciliation Officer may hold a meeting of the representatives of both parties jointly or of each party separately.

12. Conduct of proceedings.— 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 10A and 10B] 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 BoardQuorum
 - where the number of members is 32
 - where the number of members is 53
- (ii) in the case of court
 - where the number of members is more than 21
 - where the number of members is more than 22
 - but less than 5
 - where the number of members is 5 or more3

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.

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

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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**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 and in the event of refusal by the party concerned to accept the said notice, summons, process or order, the same shall be sent again under certificate of posting.]

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

¹ Subs. by the Industrial Disputes (Central) Amendment Rules, 1974.

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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:—

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- (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 7A or sub-section (4) of section 7B or by the Court, Labour Court, Tribunal or National Tribunal under sub-section (5) of section 11, 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.]
- (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 it/he issues.

¹ Subs. by G.S.R. 116, dated 3rd February, 1987.

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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. Traveling 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 traveling 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

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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.

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 [***]

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 a 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.

¹ Ins. by G.S.R. 402, dated 31st March, 1960.

² Rule 35 omitted by G.S.R. 402, dated 31st March, 1960.

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- 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 any one 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

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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.

⁴[**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.

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.

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

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- (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 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.
- (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**[48A. Withdrawal of candidates validly nominated.—**Any candidate whose nomination for election has been accepted may withdraw his candidature within 48 hours of the completion of scrutiny of nomination papers.]

49. Voting in election.—

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

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- (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 any one 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.

¹[(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.

- (2A)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 Subs. by G.S.R. 1078, dated 4th August, 1962.

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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.]

²[(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.—

³[(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).

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

56. Facilities for meeting, etc.—

¹ [(1)] The employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee

1 Ins. by G.S.R. 289, dated 2nd March, 1982 (w.e.f. 13-3-1982).

2 Ins. by G.S.R. 289, dated 2nd March, 1982 (w.e.f. 13-3-1982).

3 Subs. by G.S.R. 1078, dated 4th August, 1962.

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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.

²[(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.]

³[**56A. 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 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.

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

1 Rule 56 re-numbered as sub-rule (1) thereof by G.S.R. 1078, dated 4th August, 1962.

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

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

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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 in an industrial dispute under section 2A 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 workmen 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 33A 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.

1 Subs. by G.S.R. 284, dated 31st March, 1959.

2 Ins. by G.S.R. 908, dated 2nd June, 1967.

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- (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 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

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

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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:

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 ²[any Regional Labour Commissioner (Central) or] Assistant Labour Commissioner (Central) concerned, whose decision thereon shall be final.

1 Ins. by G.S.R- 1283, dated 28th May, 1969.

2 Ins. by G.S.R. 289, dated 2nd March, 1982 (w.e.f. 13-3-1982).

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¹[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, ²[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 workman, 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 33C 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 State 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

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

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

3 Ins. by G.S.R. 1070, 23rd July, 1977.

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Commission shall not issue until satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Labour Court:

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 installments and on such date as it may consider fit.
- (4) The undisbursed balance, if any, of the sum deposited shall be refunded 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

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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

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by any other person who is competent to represent them in the proceedings before the Labour Court.

¹ [70A. 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.

TABLE

| Records | Number of years for which the records shall be preserved |
|---|---|
| (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. ²[The notice shall be

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

² Ins. by G.S.R. 1151, dated 8th October, 1959.

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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 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**[75A. Notice of lay-off.—**

- (1) If any workmen employed in an industrial establishment as defined in the explanation below section 25A 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 Forms O1 and O2 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 25C]

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

1 Ins. by G.S.R. 229, dated 22nd February, 1960.

2 Ins. by C.S.R. 111 (E), dated 5th March, 1976.

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- (1) Application for permission to lay-off any workman under sub-section (1), or for permission to continue a lay-off under ¹[sub-section (3)] (ia) of section 25M shall be made in Form O 3 and delivered to the authority specified under sub-section (1) either personally or by registered post acknowledgment 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 ²[sub-section (5)] of the said section.
- ³[(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 ⁴[sub-section (5)] of section 25M.
- (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 O1 and O2 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 O1, in case such a notice has not already been given under sub-rule (1) of rule 75A, and a notice of termination of such lay-off in Form O2.
- (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 75A.]

76. Notice of retrenchment.—If any employer desires to retrench any workman employed in his industrial establishment who has been in continuous service

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

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

3 Subs. 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.

The Industrial Disputes (Central) Rules, 1957

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[76A. Notice of, and application for, retrenchment.—

- (1) Notice ²[or, as the case may be, the application under] sub-section (1) of section 25N for retrenchment shall be served in Form PA and served on the Central Government or such authority as may be specified by the Government under the said clause either personally or by registered post acknowledgment 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 ³[sub-section (4)] of the said section.

1 Ins. by G.S.R. III(E), dated 5th March, 1976.

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

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

The Industrial Disputes (Central) Rules, 1957

¹[***]

²³[(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.

⁴[(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 (1) of section 25N, 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 25N.]

⁵[**76B. 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.]

⁶[**76C. Notice of, and application for permission for, closure.**—

(1) Notice under sub-section (1) of section 25-O of intended closure shall be given in Form QA and served on the Central Government either personally or by registered post acknowledgment due.]

⁷[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

1 Sub-rule (2) omitted by S.O. 2485, dated 20th May, 1985.

2 Sub-rule (3) Subs. by G.S.R. 289, dated 2nd March, 1982 (w.e.f. 13-3-1982).

3 Sub-rule (3) re-numbered as sub-rule (2) by S.O. 2485, dated 20th May, 1985.

4 Sub-rule (4) re-numbered as sub-rule (3) by S.O. 2485, dated 20th May, 1985.

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

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

7 Ins. by S.O. 2485, dated 20th May, 1985.

The Industrial Disputes (Central) Rules, 1957

the establishment for the information of all the concerned workmen at the same time when applications are served on the Central Government.]

¹[(2)] The notice, or, as the case may be, the application shall be made in triplicate.

²[(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.

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 every one 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 retrenched workmen:

1 Re-numbered as sub-rules (2) and (3) by S.O. 2485, dated 20th May, 1985.

2 Re-numbered as sub-rules (2) and (3) by S.O. 2485, dated 20th May, 1985.

The Industrial Disputes (Central) Rules, 1957

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.]

(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 every one 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. 111(E), dated 5th March, 1976.

The Industrial Disputes (Central) Rules, 1957

¹[SCHEDULE

FORM A (See rule 3)

**FORM OF APPLICATION FOR THE REFERENCE OF AN INDUSTRIAL DISPUTE TO
A BOARD OF CONCILIATION/COURT OF ENQUIRY/LABOUR COURT/
TRIBUNAL/NATIONAL TRIBUNAL UNDER SECTION 10(2) OF THE INDUSTRIAL
DISPUTES ACT, 1947**

Whereas an industrial dispute ^{**}is apprehended/exists between.....
and.....and it is expedient that the matters specified in the enclosed
statement which are ^{**}connected with the dispute /relevant to the dispute should be
referred for ^{**}enquiry/adjudication by a Board of conciliation/a court of Enquiry/a Labour
Court/a Tribunal/a National Tribunal for investigation and settlement, an application is
hereby made under sub-section (2) of section 10 of the Industrial Disputes Act, 1947, that
the ^{**}said matters/said dispute 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..... 20..... .

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

Signature of employer ^{**} or gent

.....
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)

.....
²[^{or} Signature of the workman..... Or ^{**}Signature of the workman in the
same establishment duly authorised (*vide* authorization
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.

³[Copy to—

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

^{**} Delete whichever is not applicable.

2 Ins. by G.S.R. 1059, dated 30th May, 1968,

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

The Industrial Disputes (Central) Rules, 1957

- (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.]

The Industrial Disputes (Central) Rules, 1957

FORM B
(See rule 6)

Whereas an industrial dispute has arisen/is apprehended between and.....and it 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 7) **AGREEMENT**
[Under section 10A of the Industrial Disputes Act, 1947]

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.

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

The Industrial Disputes (Central) Rules, 1957

*We further agree that the majority decisions of the arbitrators) 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

Witnesses: **Workman/Rep resending workman/workmen

(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.

FORM D
(See rule 17)

Whereas an industrial dispute between and has been referred to this Board of Conciliation for investigation and settlement. Court of Enquiry for investigation/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

* Where applicable
** Delete whichever is not applicable.

The Industrial Disputes (Central) Rules, 1957

Chairman / Secretary,
Presiding Officer/Secretary

The Industrial Disputes (Central) Rules, 1957

¹[FORM E

(See rule 34)

Notice of Change of Service Condition Proposed by an Employer

Name of employer

.....

Address.....

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

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)..... there 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.]

FORM F

(See rule 36)

Before *(Here mention the authority concerned)*

In the matter of: Reference No.....of.....workmen
VersusEmployer

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

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

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

Address Accepted.

¹ Subs. by G.S.R. 402, dated 31st March, 1960.

The Industrial Disputes (Central) Rules, 1957

- (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
Place..... or his representatives.

FORM H
(See rule 58)
Form for Memorandum of Settlement

Names of Parties:
.....
Representing employer(s):
.....
Representing
workmen:.....
Terms of
settlement:..... Short
Recital of the Case.....

Signature of the parties.....

Witnesses:

(1)

(2)

Signature of Conciliation Officer. Board of Conciliation.

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

The Industrial Disputes (Central) Rules, 1957

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

(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.....

In case of settlements effected by Conciliation Officer
Board of Conciliation

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

The Industrial Disputes (Central) Rules, 1957

FORM I

(See rule 59)

Labour Court.....

Before the Tribunalcomplaint under section 33A National Tribunal of the Industrial Disputes Act, 1947.

In the matter of :..... Reference No.....
A.....

Complainant(s);

Versus

B.....

Opposite Party(ies).

Address:

The petitioner(s) begs/beg to complain that the Opposite Party(ies) has/have been guilty of a contravention of the provisions of section 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) accordingly prays/pray that the Labour Court/Tribunal/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.

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

Signature of the Complainant(s)

Verification

I do solemnly declare that what is stated in paragraph..... above is true to my knowledge and that what is stated in paragraphs..... above is stated upon information received and believed by me to be true. This verification is signed by me at..... onday of.....20.....

Signature or Thumb impression of the person verifying

The Industrial Disputes (Central) Rules, 1957

FORM J

[See rule 60 (1)]

Before (here mention the Conciliation Officer, Board, Labour Court, Tribunal or National Tribunal.) sub-section (1)

Application for permission under of section 33 of the Industrial sub-section (3) Disputes Act, 1947 (14 of 1947).

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

A.....
Applicant

Address:.....

...

Versus

B.....
Opposite 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:

[Here mention the action specified in clause (a) or clause (b) of sub-section (1) sub-section (3) of section 33.]

Signature of the applicant,

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

(Space for Verification)

Date (on which the verification was signed)

Place (at which the verification was signed)(Signature of person verifying).

The Industrial Disputes (Central) Rules, 1957

***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

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

Date (on which the verification was signed)

Place (at which the verification was signed)..... (Signature of the person verifying).

¹[FORM K 1

[See rule 62(1)]

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

To

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

* Delete, if not applicable.

* Delete, if not applicable.

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

The Industrial Disputes (Central) Rules, 1957

(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 VA/ Chapter VB 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 33C of the Industrial Disputes Act, 1947, and paid to me/us as early as possible.

Signature of the applicant(s)

Address(es)

- 1.
- Station: 2.
- Date: 3.
- 4.

ANNEXURE

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

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 33C 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,

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

The Industrial Disputes (Central) Rules, 1957

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 VA/Chapter VB 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 33C 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..... Signature of the applicant.....

Date..... Address.....

ANNEXURE

(Here indicate the Retails of the amount claimed.)

¹[FORM K 3

[See rule 62(2)]

Application under sub-section (2) of section 33C 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

.....

* Strike out the portions inapplicable
1 Subs. by G.S.R. 488, dated 16th March, 1965.

The Industrial Disputes (Central) Rules, 1957

The petitioner (s) a workman ofM/s.ofThe 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 the
applicant(s)
Address (es) 1. 2. 3. 4. 1.
Station..... 2.
Date..... 3.

ANNEXURE

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

**¹[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 33C 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 applicant(s).....

Address of the applicant(s).....

ANNEXURE

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

FORM L

¹ Ins. by G.S.R. 1070, dated 23rd July, 1977.

The Industrial Disputes (Central) Rules, 1957

(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 of.....20.....

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 Act, 1947.....hereby give you notice thaton.....20..... for the reasons explained we propose to go on strike in the annexure.

Yours faithfully.
Secretary of the Union

¹ [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.

²[FORM M

(See rule 72)

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

Name of employer

Address.....

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

In accordance with the provisions of sub-section (2) of section 22 of the Industrial Disputes Act, 1947, I/we hereby give notice to all concerned that it is my/our intention to effect a lock-out, in.....department(s), section(s) of

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

2 Subs. by G.S.R 1151, dated 8th October, 1959.

The Industrial Disputes (Central) Rules, 1957

my/our establishment with effect from.....for the reasons explained in the annexure.

Signature.....

Designation.....

ANNEXURE

Statement of Reasons

Copy forwarded to:

- (1) The Secretary of the Registered 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,]

The Industrial Disputes (Central) Rules, 1957

FORM N

[See rule 73]

Form of report of strike or lock-out in a public utility service Information to be supplied in this form immediately on the occurrence of a strike or lock-out in a public utility service to the

¹[Assistant Labour Commissioner (Central)] for the local area concerned

| Name of undertaking | Station and district | Normal working strength | Number of workers involved | | Strike or lock-out | Date of commencement of strike or lock-out | Cause | Was notice of strike or lock-out given; if so on what date and for what period | Is there any permanent agency or agreement in the undertaking for the settlement of disputes between the employer and workmen? If any exist, particulars thereof | Any other information |
|---------------------|----------------------|-------------------------|----------------------------|------------|--------------------|--|-------|--|--|-----------------------|
| | | | Directly | Indirectly | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |

Note : Column (3). Give the average number of workmen employed during the month previous to the day on which the strike or lock-out occurred. While reckoning the average, omit the days on which the attendance was not 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 (4). If say, 200 workers in a factory strike work and in consequence the whole factory employing 1,000 workers has to be closed then, 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 (8). Give the main causes of the dispute as well as the immediate cause that led to the strike or lock-out.

¹ Substituted for "Conciliation Officer (Central)" by the Industrial Disputes (Central)(Amendment) Rules, 1966

The Industrial Disputes (Central) Rules, 1957

The Industrial Disputes (Central) Rules, 1957

FORM O

(See rule 75)

Register

PART 1

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

PART II

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

¹[FORM O1

(See rule 75A)

To,

The Regional Labour Commissioner (Central),

.....

(here specify the region concerned.)

Sir,

Under rule 75A of the Industrial Disputes (Central) Rules, 1957, I/we hereby inform that I/we have laid off..... 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 25C 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

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

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

+ 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.

The Industrial Disputes (Central) Rules, 1957

1[FORM O2
(See rule 75A)

To
The Regional Labour Commissioner (Central),
.....
(here specify the region concerned.)

Sir,
As required by rule 75A of the Industrial Disputes (Central) Rules, 1957 and in continuation of my/our notice dated.....in Form O1 I/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.]

1[Form O3
(To be submitted in triplicate ²[***)
[See rule 75B (1)]

Form of application for permission to lay-off, to continue the lay-off of workmen in industrial establishments to which provisions of Chapter VB 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 25M of the Industrial Disputes Act, 1947 (14 of 1947) read with sub-rule (1) of rule 75B of the Industrial Disputes (Central) Rules, 1957, I/we hereby apply for "permission to the lay-off/permission to continue the lay-off.....workmen of a total of.....workmen employed in my/our establishment with effect from.....for the reasons set out in the Annexure.

+ 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. 111 (E), dated 5th March, 1976.
2 Omitted by G.S R. 289, dated 2nd March, 1982 (w.e.f. 13-3-1982).
* Strike out whatever is inapplicable.
3 Subs. by S.O. 2485, dated 20th May, 1985.

The Industrial Disputes (Central) Rules, 1957

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 25C, of the Industrial Disputes Act, 1947 (14 of 1947).

Yours faithfully,
(Signature)

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. | |

* Strike out whatever is inapplicable.]

The Industrial Disputes (Central) Rules, 1957

| | |
|--|--|
| 5. Details relating to installed capacity, licensed capacity and utilised capacity. | |
| 6. (i) Annual production, item wise for pre-ceeding 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 | |

The Industrial Disputes (Central) Rules, 1957

| | |
|---|--|
| reasons therefore. | |
| 17. Anticipated savings due to the *proposed lay off/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/lay-off for the continuance of which permission is sought. | |
| 23. Any other relevant factors with details thereof. | |

FORM P

(See rule 76)

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

Name of employer.....

Address.....

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

To,

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

Sir,

The Industrial Disputes (Central) Rules, 1957

Under clause (c) of section 25F of the Industrial Disputes Act, 1947 (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..... 20.....one month's notice in writing as required under clause (a) of section 25F of the Act. Retrenchment is being effected in pursuance of an agreement, a copy of which is enclosed. The workmen were given on the** 20 one months pay in lieu of notice as required under clause (a) of section 25F 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:

Number of workmen.....
 Category and designation

| | | |
|-----------------------------|----------|------------------|
| of workmen to be retrenched | 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 25F of the Act on ** /the expiry of the notice period.

Yours faithfully,
 ++

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.)]

* Here insert the number of workmen.
 ** Here insert the date.
 + Delete the portion which is not applicable.
 ** Here insert the date.
 *** Here insert the total number of workmen employed in the industrial establishment.
 ** Here insert the date.
 ++ Here insert the position which the person who signs this letter holds with the employer issuing the letter.
 1 Ins. by G.S.R, 410(E), dated 13th September, 1972.

The Industrial Disputes (Central) Rules, 1957

The Industrial Disputes (Central) Rules, 1957

¹[FORM PA

(To be made in triplicate ²[***)

[See rule 76A(1)]

Form of notice for permission for retrenchment of workmen to be given by an employer under clause ³[(d)] of sub-section (1) of section 25N of the Industrial Disputes Act, 1947 (14 of 1947)

Date.....

To

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

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

Sir,

Under ⁴[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 (1) | Number of workmen Employed (2) | To be retrenched (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 25N of the Act.

Yours faithfully, (Signature)

1 Ins. by G.S.R. III(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.

4 Subs. by GSR 761, dated 2nd August, 1985.

* Strike out whatever is inapplicable.]

The Industrial Disputes (Central) Rules, 1957

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 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. 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.

The Industrial Disputes (Central) Rules, 1957

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 retrenched 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 PB

¹[***]

²[FORM Q

(See rule 76B)

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.....20.....

To

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

Sir,

Under section 25FFA 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 reason's 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,

¹ Form PB omitted by S.O, 24S5, dated 20th May, 1985.

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

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

The Industrial Disputes (Central) Rules, 1957

The Industrial Disputes (Central) Rules, 1957

ANNEXURE

Statement of reasons

Copy to:

- (1) The Regional Labour Commissioner (Central)*
- (2) The Assistant Labour Commissioner (Central)*
- (3) The Employment Exchange*

¹[FORM QA

(To be submitted in triplicate)

[See Rule 76C(1)]

Form of notice for permission of closure to be given by an employer under sub-section (1) of section 25-O 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 proposed closure.

²[4. 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-O applies shall be paid compensation as specified in that section.]

Yours faithfully,
(Signature)

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

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

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

The Industrial Disputes (Central) Rules, 1957

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 Industrial Disputes (Central) Rules, 1957

| | |
|--|--|
| 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 inter-connected 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. | |

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| | |
|--|--|
| 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 months 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.] | |

¹QB.[***]

1 Form QB omitted by S.O. 2485, dated 20th May, 1985.

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THE INDUSTRIAL DISPUTES (PUNJAB) RULES, 1958

Notification No. GSR-23 GA/14/47/S-38/62, dated 23rd January, 1962*

In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 the Governor of Punjab hereby makes the following rules; namely:-

1. Title and application -

- (1) These rules may be called the Industrial Disputes (Punjab) Rules, 1958.
- (2) They extend to the whole of the State of Punjab.

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

- (a) "**Act**" means the Industrial Disputes, Act, 1947 (XIV 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.

PART I

Procedure for reference of Industrial Disputes, Boards of Conciliation, Courts of Enquiry, Labour Courts of Industrial Tribunals.

3. Applications - An application under sub-section (2) of section 10 for the reference of an Industrial dispute, to a Board, Court, Labour Court or Tribunal, shall be made in Form A and shall be delivered personally or forwarded by registered post in triplicate to the Labour Commissioner, Punjab. The application shall be accompanied by statement setting forth:

- (a) the parties to the dispute;
- (b) the specific matter 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.

* Published in Punjab Govt. Gazette on August 12, 1966.

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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 registered 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.”]

Note: Application not made in accordance with the provision of rules 3 and 4 shall not be considered at all.

5. Notification of appointment of Board, Court, Labour Court or Tribunal -

The appointment of a Board, Court, Labour Court, or Tribunal, together with the name of persons constituting the Board, Court, Labour Court or Tribunal shall be notified in the Official Gazette.

6. Notice to parties to Nominate representative -

- (1) If the Labour Commissioner, Punjab proposes to appoint a Board, it shall send a notice inform B to the parties requiring them to nominate within a reasonable time person 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 registered trade union, to the President or Secretary of the trade union; and
 - (b) in the case of workman who are not members of a registered trade union, to any one workman who has 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 in English, Hindi and

¹ Inserted vide Haryana Government Notification No. GSR94/CA, 4/47/S/38/Amd (1)76, dated 1.4.1976.

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the regional language on notice-board in a conspicuous manner at the main entrance to the premises of the establishment.

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 register post in triplicate to the Labour Commissioner, Punjab.
- 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, manger or other principal officer of the corporation;
 - ¹[(b) in the case of workmen, by an 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 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.]
- Explanation -** In this rule 'Officer' means any of the following officer, 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**[8A. Notification regarding arbitration agreement by majority of each party**
- Where an industrial dispute has been referred to arbitration and the State Government is satisfied that the person making the reference represent the

¹ Subs, vide Pb. Govt. Notification No. GSR 67/CA-I 4/47/S/38 Amd I, dated 7th May, 1962.

² Inserted Vide Haryana Government Notification No. GSR.94/CA.4/47//S.38/Amd (1) 76 dated 21-4-1976.

³ Added vide Notification No. GSR 175/CA.14/14/47/S-35/Amd.(4)/66. dated 9th August, 1966.

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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.]

PART III

Powers, Procedure, and Duties of Conciliation Officer, Boards, Courts, Labour Courts, Tribunals and arbitrators.

9. Conciliation proceedings in the Public Utility Service -

(1) The conciliation Officer, on receipt of a notice of a strike or lock-out given under rule 70 or rule 71, 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 the strike or lockout under rule 70 or rule 71, but he consider 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 specified 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 the public utility service and he considers it necessary to intervene in the dispute, he shall give formal intimation to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be specified therein.

²[10-A. Parties to submit statements -

(1) The party representing workmen involved in industrial dispute in a public utility service shall forward a statement of its demands along with a copy of notice prescribed under rule ³[70] to the Conciliation Officer concerned.

1 Subs. vide Pb. Govt. Notification No. GSR 67/CA/-14/47/S/38(Amd I) 63, dated 7th May, 1962.

2 New Rules 10-A and 10-B added by Punjab Government Notification No. 653 (I)-Lab I-4-59/2802, dated the 19th January, 1959.

3 Subs, vide Punjab Government Notification No. GSR 67/CA-14/47/S.38 (Amd I) 62, dated 7th May, 1962.

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The statement shall be accompanied by as many spare copies thereof as there are opposite parties.]

- (2) ¹[The party representing workmen, or in the case of an individual workman, the workman, himself] involved in a dispute in a non-public utility service shall forward a statement of its demands to the Conciliation Officer concerned before such date as may be specified by him for commencing conciliation proceedings. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.

- ²[(2-A) The Conciliation Officer shall send to the opposite party concerned a copy of the statement received under sub-rule (1) or sub-rule (2), as the case may be, who shall file its rejoinder with the Conciliation Officer within a period of one week of its receipt:

Provided that Conciliation Officer may when he considers necessary extend the time limit for the filing of the rejoinder by any party.]

- (3) The statement of demands submitted by ³[the party representing the workmen, or in the case of individual workman by the workman himself] under sub-rule(1) or sub-rule (2) along with a copy of the rejoinder submitted under sub-rule (2-A) shall be transmitted to the State Government by the Conciliation Officer concerned with his report under sub-section (4) of section 12.

- (4) Where an employer, or ⁴[the party representing the workmen, or in the case of individual workman, the workman himself] applies to the State Government for reference of an industrial dispute to a Labour Court or Tribunal, such application shall be accompanied by a statement of the demands or matters in dispute with as many spare copies thereof as there are opposite parties.

- (5) The statement referred to in sub-rules(1), (2) and (4) and every copy thereof required under the said sub-rules to accompany the said statement shall be duly signed, on behalf of the party, by the person making it.

1 Substituted- vide Hr. Govt. Notification No. GSR 94/CA/4/47/S38/Amd(I) 76, dated 21.4.1976.

2 Inserted vide Punjab Government Notification No.GSR 67/CA-14/47/S.38 (Amd I) 62, dated 7th May, 1962.

3 Added by Haryana Govt. notification No. GSR 94/CA/4./47/S.38/Amd (1)76, dated 21.4.1976.

4 Inserted by *ibid*.

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10-B. Proceeding before the Labour Court or Tribunal -

(1) Where the State Government refers any case for adjudication to a Labour Court or Tribunal it shall send to the Labour Court or Tribunal concerned and to the opposite party concerned in the industrial dispute, a copy of every such order of reference together with a copy of the statement received by the State Government under sub-rule (3) or sub-rule (4) of rule 10-A.

¹**Provided** that where the Labour Court or the Tribunal, as the case may be considers it necessary, it may allow at any stage of the proceedings amendments to such statement to the extent as may be necessary for the purpose of determining the real issues included in the order of reference;

(2) Within two weeks the receipt of the statement referred to in sub-rule (1), the opposite party shall file its rejoinder with the Labour Court or Tribunal, as the case may be, and simultaneously forward a copy thereof to the other party.

Provided that such rejoinder shall relate only to such of the issues as are included in the order for reference:

²**Provided** further that where the Labour Court or the Tribunal, as the case may be, considers it necessary it may.

(a) extend the time limit for filing of rejoinder; for reasons to be recorded in writing;

(b) reduce the time limit for filing of rejoinder to one week in emergent cases; or

(c) where both the parties agree, reduce the time limit for filing of rejoinder as per agreement; or

(d) where both the parties agree, dispense with the requirement of filing of rejoinder altogether; or

(e) allow at any stage of the proceedings, amendments to rejoinder to the extent as may be necessary for the purpose of determining the real issue included in the order of reference.”]

(3) The Labour Court or Tribunal, as the case may be, shall ordinarily fix the date for the first hearing of the dispute within six weeks of the date on which it was referred for adjudication:

1 Added by Haryana Govt. notification No. GSR 94/CA/4./47/S.38/Amd (1)76, dated 21.4.1976.

2 Subs. vide Hr. Government Notification No. GSR.-94-CA/4/475-S.38/Amd (1)76, dated 21.4.1976.

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Provided that the Labour Court or Tribunal as the case may be, may for reasons to be recorded in writing, fix a later date for the first hearing of the dispute.

- (4) The hearing shall ordinarily be continued from day to day and arguments shall follow immediately after the closing of evidence:

Provided that no case shall be adjourned for arguments for more than a week.

- (5) The Labour Court or Tribunal, as the case may be shall not ordinarily grant an adjournment for a period exceeding a week at a time not more than three adjournments in all at the instance of any one of the parties to the dispute:

Provided that the Labour Court or Tribunal, as the case may be, may for reasons to be recorded in writing, grant an adjournment exceeding a week or more than three adjournments at the instance of any one of the parties to the dispute.

- ¹[(6) The Labour Court or Tribunal, as the case may be, shall as the examination of each witness proceeds, make a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the Presiding Officer:

Provided that the Labour Court or Tribunal, as the case may be, may follow the procedure laid down in rule 5 of order XVIII of the First Schedule of the Code of Civil Procedure, 1908, if it considers necessary so to do, in view of the nature of the particular industrial dispute pending before it.]

Note: Procedure laid down in rule 5 of order VIII of CPC as to How evidence shall be taken in applicable cases.

In cases in which an appeal is allowed, the evidence of each witness shall be:

- (a) taken down in the language of the court:
- (i) in writing by or in the presence and under the personal direction and superintendence of the judge, or
 - (ii) from the dictation of the Judge directly on a typewriter; or
- (b) if the Judge, for reason to be recorded so directs, recorded mechanically in the language of the court in the presence of the Judge.

¹ Inserted vide Pb, Govt. Notification No. GSR-67/CA-14/47/S.38/Amd/62. dated 7.3.1962.

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- 11. Holding of Meeting by the Conciliation Officer.**— The Conciliation Officer may hold a meeting of the representatives of both parties, jointly or of each party separately.
- 12. Conducting of proceeding by the conciliation officer.**— The Conciliation Officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.
- ¹**[13. Place and time of hearing** - Subject to the provisions contained in rules 10-A and 10-B. the sittings of the Board, Court, Labour Court or Tribunal or of an Arbitrator shall ordinarily be held at the place where the cause of the dispute has arisen or at such other place as may be mutually agreed upon by the parties and at such times as the Chairman or the Presiding Officer, or the Arbitrator, as the case may be, may fix and the Chairman, or Presiding Officer or the Arbitrator, as the case may be, shall inform the parties of the same in such manner as he thinks fit.]
- 14. Quorum for Board and Court** - The quorum necessary to constitute a sitting of a Board or Court shall be as follows:
Quorum
- (i) in the case of a Board -
 - where the number of members is 3
..... 2
 - where the number of members is 5
.....3
 - (ii) in the case of a Court -
 - where the number of members is not more than 2
.....1
 - where the number of members is more than 2 but less than 5
..... 2
 - where the number of members is 5 or more
..... 3
- 15. Evidence** - A Board, Court, Labour Court or Tribunal or an Arbitrator may accept, admit or call for evidence at any stage of the proceedings before it/him and in 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 or Tribunal or an Arbitrator may administer an oath.

¹ Inserted vide Pb. Govt. Notification No. GSR-67/CA-14/47/S.38/Amd/62.dated 7.5.1962.

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17. Summons - A summons issued by the Board Court, Labour Court or Tribunal shall be in **form 'D'** and may require any person to produce before it any books, papers 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 Courts or Tribunal which the Board, Court, Labour Courts or Tribunal thinks necessary for the purposes of such investigation or adjudication.

¹**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 or an Arbitrator, empowered to issue such notice, summons, process or order may be served either personally or by registered post and in the event of refusal by the party concerned to accept the said notice, summons, process or order, the same shall be sent again under certificate of posting.

19. Description of Parties in certain cases - Where in any proceeding before a Board, Court, Labour Court or Tribunal or an Arbitrator, there are numerous persons arrayed on any side, such persons be described as follows:

(1) all such persons as are members of any trade union or association shall be described in such manner as the Board, Court, Labour Court, 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 proceeding before a Board, Court, Labour Court or Tribunal or any 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 trade union or association shall be deemed to be service on such persons;

²**[Provided** that where personal service on the Secretary or the Principal Officer is not practicable the service of the notice may be effected by affixing a copy of the notice on the outer door or any other conspicuous part of the office of the trade union or the association.]

1 Substituted vide Haryana Government Notification No. GSR-94/CA/4/47S.38/Amd(I) /76, dated 21.4.1976.

2 Added vide Pb.Govt. Notification No. GSR-67/CA-14-47/S.38/Amd I/62, dated 7th May. 1962

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(2) Where there are numerous persons as parties to any proceeding before a Board, Court, Labour Court, or Tribunal or an Arbitrator and such persons are not members of any trade union or association, the Board, Court, Labour Court, 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.

A notice exhibited as mentioned 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 or 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 or Arbitrator may proceed ex-parte** - If without good cause shown, any party to proceedings before a Board, Court, Labour Court, Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal or Arbitrator may proceed as if he had duly attended or had been represented.
- 23. Power of entry and inspection** - A Board, or Court, or any member thereof, or a Labour Court or Tribunal, or any person authorised in writing by the Board, Court, Labour Court or Tribunal in this behalf may, for the purposes of any investigation, enquiry or adjudication entrusted to the Board, Court, Labour Court or Tribunal under the Act, at any time between the hours of sunrise and sunset and in the case of person authorised in writing by a Board, Court, Labour Court or 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 or anything situated therein or any matter relevant to the subject matter of the investigation, enquiry or adjudication.
- 24. Power of Boards, Courts, Labour Courts and Tribunals** - In addition to the powers conferred by the Act, Boards, Courts, Labour Courts and 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;

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(b) granting adjournments;

(c) reception of evidence taken on affidavit;

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

25. Assessors - Where assessors are appointed to advise a Tribunal under sub-section (4) of section 7-A or sub-section (4) of section 7-B or by the Court, Labour Court or Tribunal under sub-section (5) of section 11, the Court, Labour Court or 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 awards or other documents of Labour Court or Tribunal

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(1) Fees for making a copy of an award of a Labour Court or Tribunal or any document filed in any proceedings before a Labour Court or Tribunal be charged as follows:

(a) for the first 200 words or less, 75 Naye Paise;

(b) for every additional 100 words or fraction thereof, 37 Naya Paise.

Provided that where an award or a document exceeds five pages, the approximate number of words per page shall be taken as the basis for calculating the total number of words to the nearest hundred for the purpose of assessing the copying fee.

(2) For certifying a copy of any such award or a document, fee of Re.1 shall be payable.

¹[(2-A) Fees for supply of unattested copies of depositions shall be charged as follows:

(a) where application is made before hand:

(i) for the first four pages or less25 Naye Paise;

(ii) for every additional page or part thereof6 Naye Paise;

(b) when application is not made before hand:

(i) for the first four pages or less50 Naye Paise;

(ii) for every additional page or part thereof6 Naye Paise;]

¹ Inserted vide Pb. Govt. Notification No. GSR-67/CA-14/47/S.38/(Amd I)/62, dated 7th May, 1962.

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- (3) Copying and certifying fee shall be payable in cash in advance.
- (4) Where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this shall be payable.
- 27. Decision by Majority** - All questions arising for decision at any meeting of Board or Court, save where the Court consists of one person shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes of Chairman shall also have a casting vote.
- ¹**28. Correction of errors** - The Labour Court, Tribunal or Arbitrator may at any time correct any clerical mistake or error arising from an accidental slip or omission in any proceedings, report, award or decision either of its, or his own motion, or on the application of any of the parties.]
- 29. Right of representation** - The representatives of the parties appearing before a Board, Court, Labour Court or Tribunal or an Arbitrator shall have the right of examination, cross examination, and of addressing the Board, Court, Labour Court or Tribunal or Arbitrator when an evidence has been called.
- 30. Proceeding before a Board, Court, Labour Court or Tribunal** - The proceedings before a Board, Court, Labour Court or Tribunal shall be held in public:
Provided that the Board, Court, Labour Court or Tribunal may at any stage direct that any witness shall be examined or its proceedings shall be held in camera.

PART IV

Remuneration of Arbitrator, Chairman and members of Courts, Presiding Officers of Labour Courts or Tribunals, Assessors, Witness and Staff,

- 31. Traveling allowance** - The Chairman or a member of a Board or Court, or the Presiding officer or an Assessor of a Labour Court or 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 rates admissible and subject to the conditions applicable to a

¹ Subs. vide Hr. Govt. Notification No. GSR-94/CA-4/47/S-38 (Amd) I/76, dated 21.4.1976.

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Government servant of the first grade under the Rules issued by the State 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 or Tribunal wherever he is not salaried officer of Government may be granted such fees as may be sanctioned by the State 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 or Tribunal or an Arbitrator shall be entitled, to an allowance for expense according to the scale for the time being in force with respect to witness in civil courts in the State where the investigation enquiry adjudication or arbitration is being conducted. ¹[Such allowance shall be paid by party by whom the witness is summoned].

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** to the Act shall give notice of such mention in **Form E**. ²[The notice shall be displayed conspicuously by the employer, in English as well as in the regional language understood by the majority of the workmen in the establishment on a notice-board at the main entrance to the establishment and to the Manager's office:
Provided that where any registered trade union on workmen exists a copy of the notice shall also be served by registered post in the Secretary of the union.

- 35. ³Omitted**

PART VI

¹ Inserted by Pb. Govt. Notification No. GSR-67/CA-14/47/S.38 (Amd I)/62, dated 7.5.1962.
² Added by *ibid*.
³ Omitted by *ibid*.

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- 36. Representation of Parties** - 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 representatives** - A party appearing by a representative shall be bound by the acts of that representative.

PART VII Works Committees

- 38. Constitution**-An 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 classes 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. Representative 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 official 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 workmen are members of the union; and
 - (b) how their membership 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 Conciliation Officer concerned for his decision, and the Conciliation Officer, after hearing the parties, shall decide the matter and his decision shall be final.
- 42. Groups 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:

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- (1) those to be elected by the workmen of the establishment who are members of the registered trade union or union; 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 any one 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 decision of the Conciliation Officer.

- 43. Electoral Constituencies** - Where under rule 42 the workmen's representatives are to be elected in to two groups, the workmen entitled to vote shall be divided in to 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 two electoral constituencies and direct that workmen shall vote in either by groups, section, shops or departments.

- 44. Qualifications 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 be 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.

¹**[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 qualifications prescribed under this rule.]

1 Inserted/ Sub. vide Pb. Govt. Notification No. 50/GA-14/47/S/Amd (3)64, dated 5.2.1964.

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¹[**45. Qualification for voters** - All workmen who are not less than 18 years of age and who have put in not less than 3 months continuous service in the establishment shall be entitled to vote in the election of the representatives of workmen.

Explanation - A workman who has put in a continuous service of not less than 3 months in two or more establishments belonging to the same employer shall be deemed to have satisfied the service qualifications prescribed under this rule]

46. Procedure for election -

- (1) The employer shall fix a date as the closing date for receiving nomination from candidates for election as workmen's representatives on the Committee.
- (2) For holding the election, the employer shall also fix a date which shall not be earlier than three days and later than 1[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, meetings, shops or departments and the number to be elected by the members of the registered trade union or unions and by the non-members,
- (4) A copy of such notice shall be sent to the registered trade union or unions concerned.

47. Nomination of candidates for election -

- (1) Every nomination shall be made on nomination paper in **Form G** copies of which shall be supplied by the employer to the workmen requiring them.
- (2) Each nomination paper shall be signed by the candidate to whom it relates and attested by at least two voters belonging to the group section, shop or department the candidate seeking election will represent, and shall be delivered to the employer, who shall issue a receipt therefor to the candidate concerned.

48. Scrutiny of nomination papers -

- (1) On the day following the last day fixed for filling nomination papers, the nomination papers shall be scrutinized by the employer in the presence of the

¹ Inserted/ Sub. vide Pb. Govt. Notification No. 50/GA-14/47/S/Amd (3)64, dated 5.2.1964.

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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 the 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-A. Withdrawal of candidates validly nominated-** Any candidate whose nomination for election has 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 belongs to a union, by 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 any one candidate.

50. Arrangement of election - The employer shall be responsible for all arrangements in connection with the election,

51. Officers of the Committee - 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 Inserted vide Pb. Govt. Notification No. GSR-50/GA-14/47/S-Amd (3) 64, dated 5.2.1964.

2 Inserted vide Pb. Govt Notification No. GSR-50/GA-14/47/S-Amd (3)64, dated 5.2.1964.

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(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:]

Provided further that the post of the Chairman or the Vice-Chairman, as the case may be, shall not be held by a representative of the employer or the workmen, for two consecutive terms.

(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 further 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.

52. Terms of Office-¹[(1)The terms 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.

53. Vacancies - In the event of workmen's representative ceasing to be employed in the establishment or in the event of his resigning the membership in the Committee his successor shall be elected from the constituency to which the member vacating the seat belonged.

54. Power to Co-opt - The Committee shall have the right to co-opt in a conductive capacity persons employed in the establishment having particular or special knowledge of a matter under discussion. Such co-opted members 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. Number of meetings - The Committee may meet as often as necessary but not less often than once in three months (a quarter).

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.

¹ Inserted vide Pb. Govt. Notification No. GSR-50/GA-14/47/S-Amd (3)64, dated 5.2.1964.

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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-A **Submission of returns-** The employer shall submit half-yearly returns as in Form G-I. in triplicate to the Conciliation Officer concerned not later than the 20th day of the month following the half year.

57. Dissolution of Works Committee - The State 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 enquiry 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 Committee has not been constituted in accordance with these rules or that not less than two thirds of the number of representatives of the workmen, have, without any reasonable justification failed to attend three consecutive meetings of the Committee or that the Committee has for any other reasons, ceased to function:

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

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;

(b) in the case of workmen :-

³[(i) the President and Secretary of a Trade Union of workmen; or

1 Inserted by ibid

2 Inserted by ibid

3 Subs. vide Pb. Govt. Notification No. GSR-298/CA-14/47/S.38 (Amd) 62, dated 5.12.1962.

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- (ii) the President, Vice-President, Secretary or General Secretary of the Trade Union of workmen and workmen preferably one of the aggrieved workmen; or
- (iii) 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 workman in an individual dispute under section 2-A by workman concerned or by an officer of the trade union of which he is member or by another workman in the same establishment duly authorised by him in this behalf.]

- (3) Where the settlement is arrived at in the course of conciliation proceeding the Conciliation Officer shall send a report thereof to the State 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 workmen otherwise than in the course of conciliation proceedings before a Board or a Conciliation Officer, the parties to the settlement shall jointly send a copy thereof, to the State Government, the Labour Commissioner, Punjab and to the Conciliation Officer concerned.

59. Complaints regarding change of Condition of Service etc. -

- (1) Every complaint under section 33-A of the Act shall be presented in triplicate in from 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 BOOK other person proved to the satisfaction of the Labour Court or Tribunal to be acquainted with the facts of the case.
- (3) The person verifying shall specify, by reference to the numbered paragraph 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, as the case may be, under sub-section (1) or sub-section (3) of section 33 shall present an

¹ Subs. vide Hr. Govt. Notification No. GSR-94/CA/4/47/S.38/Amd(1) 76,dated 21.4.1976.

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- application in **Form J** in triplicate to the Conciliation Officer, Board, Labour Court or 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 or 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 or 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 persons proved to the satisfaction of the Conciliation Officer, Board, Labour Court or Tribunal making it or by some other persons proved to the satisfaction of the Conciliation Officer, Board, Labour Court or 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 verified.

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 address 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 ²[protected workmen for a period of twelve months from the date of such communication] for the purpose of sub-section (3) of the said section and communicate to the union, in writing, within fifteen days of the

1 Subs. vide Hr. Govt Notification No. GSR-94/CA-4/47/S.38/Amd (1) 76, dated 21.4.1976.

2 Subs.vide Pb.Govt. Notification No.GSR-298/CA-14/57/S.38/Amd 62, dated 5.12.1962

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receipt of the names and addresses under sub-rule (1), the list of workmen recognised as protected workmen.

- (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.

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 unions 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 where a particular workman should be recognised as 'protected workmen' or not, the dispute shall, be referred to the Conciliation Officer concerned for decision. An appeal against the decision of the Conciliation Officer shall lie to the Labour Commissioner, Punjab whose decision thereon shall be final.

161A. Application for recovery of dues -

- (1) Where any money is due from the employer to a workman or a group of workmen under a settlement or an award or under the provisions of Chapter V- A, 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 workman or in the case of death of the workman, the assignee or heir of the deceased workman, the application by the authorised person or the assignee or heirs of the deceased workman, as the case may be, shall made in **Form K-2**.

1 Subs. vide Pb. Govt. Notification No.GSR-175/CA-14/47/S.38/Amd (4)/66, dated 7. 8.1966.

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(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 workmen or the group of workmen, as the case may be, may apply to the specific 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) Where the Labour Court has determined the amount of benefit under sub-rule (2), the workman concerned may apply in **Form K-4** for the recovery of money due to him.

62. 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 a Civil Court, or as a Stipendiary magistrate or as a Registrar or Secretary of a Labour Court or Tribunal constituted under the Act.

63. Fee for the Commissioner etc. -

(1) Labour Court shall, after consultation with the parties, estimate the probable duration of the enquiry and fix the amount of the Commissioners' 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 Commissioner shall not issue until satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Labour Court:

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 installments and on such dates as it may consider fit.

(4) The undisbursed balance, if any, of the sum deposited shall be refunded to the party or parties who deposited the sum in the same proportion as that in which it was deposited.

64. Time of 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.

- 65. Local Investigation** - In any industrial dispute in which the Labour Court deems a local investigation to be requisite or proper for the purpose of commuting the money value of a benefit, the Labour Court may issue a Commission to a person referred to in rule 62 directing him to make such investigation and to report thereon to it.

66. 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 the evidence with out the report) shall be evidence in the industrial dispute and shall form part of the record of the proceedings in the industrial dispute by the Labour Court or with the permissions of the 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 has 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.

- 67. Power of Commissioner** - Any Commissioner appointed under these rules may, unless otherwise directed by the order of appointment -

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- (a) examine the parties themselves and any witnesses whom they or any of them may produce and any other person whom the Commissioner think 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 land or building mentioned in the order,

68. Summoning of Witnesses etc.-

- (1) The provisions of the Code of Civil Procedure, 1908 (Act V of 1908), relating to the summoning, attending 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 63 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.

69. 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.

70. Notice of Strike -

- (1) The notice of strike to be given by workmen in a public utility service shall be in **Form L**.
- (2) On receipt of a notice of strike under sub-rule (1) the employer shall forth with intimate the fact to the Conciliation Officer having jurisdiction on the matter.

71. Notice of Lock-out - The notice of lock-out to be given by 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 office].

72. 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**.

¹ Inserted vide Haryana Government notification No.GSR 94/CA, 4/47/S.38/Amd (1) 76, dated 21.4.1976.

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73. 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 Conciliation Officer appointed for the local area concerned, with copy by registered post to:

- (1) The Administrative Department of the Government of Punjab;
- (2) The Labour Commissioner, Punjab; (c) The District Magistrate concerned.

74. 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[**74A. Notice of Lay off-**

- (1) If any workman 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 0-1 and 0-2, 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[**74.B. Application for permission to lay off under section 25- M -**

- (1) Application for permission to lay off any workman under sub-section (1), or for permission to continue any lay off under sub-section (2) of section 25M shall be made in Form 0-3 and delivered to the authority specified under sub-section (1) either personally or by registered post acknowledgment due and where the application is sent by registered post the date on which the same was delivered to the same authority shall be deemed to be the date on which the application was made, for the purposes of sub-section (4) of the said section.
- (2) The application for permission shall be made in triplicate and sufficient number of copies of the application for service on the workmen concerned shall also be submitted along with the application.

1 Inserted vide Hr. Govt. Notification No. GSR-140/CA-14/47/S.38/Amd(2)/76, dated 27.5.1976.

2 Inserted vide Pb. Govt. Noti No. GSR 67/CA-14/47 S. 38(Amd-I) 62, dated 7.5.1962.

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- (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 sub-section (4) of section 25M.
- (4) Where the permission of lay off has been granted by the said authority, the employer concerned shall give to the Labour Commissioner, Haryana, Chandigarh, a notice of commencement and termination of such lay off in Form 0-1 and 0-2 respectively and where permission to continue a lay off has been granted by the said authority, the employer, shall give to the Labour Commissioner, Haryana, Chandigarh a notice of commencement of such lay off in Form 0-1 in case such a notice has not already been given under sub-rule (1) of rule 74A and a notice of termination of such lay off in Form 0-2.
- (5) The notice of commencement and termination of lay off referred in sub-rule (4) shall be given within the period specified in sub-rule (1) of rule 74-A.]

75. Notice of retrenchment - If any employer desires to retrench any workman in his industrial establishment who has been in continuous service for a period of not less than one year under him ¹[hereinafter referred to as "workman" in this rule and in rules 76 and 77], he shall give notice of such retrenchment as in **form P** to the State government Labour Commissioner Haryana, the Labour-cum-Conciliation Officer of the area and the Employment Exchange concerned, by registered post in the following manner, namely:

- (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 notice'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 State Government, the Labour Commissioner, Haryana, the Labour-cum-Conciliation Officer of the area and the Employment Exchange concerned, at least one month before such date:

¹ Subs. vide Hr. Govt. Notification No. GSR-94/CA-4/47/S. 38/Amd (1)76. dated 21.4.1976.

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Provided that if the date of termination of service agreed upon is within thirty days of the agreement, notice of retrenchment shall be sent to the State Government, the Labour-Commissioner, Haryana the Labour-cum-Conciliation Officer of the area and the Employment Exchange concerned within three days of the agreement.

¹[75A, Notice of, and application for permission of retrenchment-

- (1) Notice under clause (c) of sub-section (1) of section 25-N for retrenchment shall be served in Form PA and served on the State Government or such authority as may be specified by that Govt 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 was delivered to the State Government or the authority shall be deemed to be the date of service of the notice for the purpose of sub-section (3) of the said section.
- (2) Application for permission for retrenchment under sub-section (4) of section 25 N shall be made in Form PB (with attested copy of the notice given by the employer under clause (a) of section 25-F appended thereto) and delivered to the State Government or to such authority as may be specified by that Government either personally or by registered post acknowledgement due and where the application is sent by registered post the date on which the same was delivered to the State Government or the authority shall be deemed to be the date on which the application was made for the purposes of sub-section (5) of the said section.
- (3) The notice, or as the case may be, the application shall be served or made in triplicate and sufficient number of copies of the application for service on the workmen concerned shall be submitted alongwith the notice, or as the case may be, the dictation.
- (4) The employer concerned shall furnish to the State Government or the authority to whom the notice for retrenchment has been given or the application for permission for retrenchment has been made under clause (c) of sub-section (1) or, as the may be, sub-section (4) of the said section 25-N such further information as the State 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

¹ Inserted vide Hr. Govt. Notification No. GSR-140-CA-14/47/S.38/Amd (2)/76, dated 27.5.1976.

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as to enable the State Government or the authority to communicate its permission or refusal to grant permission within the period specified in sub-section (3) or, as the case may be, sub-section (5) of the said section 25-N]

¹**[75-B. Notice of Closure** - If an employer intends to close down an undertaking, he give notice of such closure in **form Q** to the State Government, the Labour Commissioner, the Labour-cum-Conciliation Officer of the area and Employment Exchange concerned by registered post].

²**[75-C. Notice of application for permission for closure-**

(1) Notice under sub-section (1) of section 25-O of intended closure shall be given in **Form QA** and served on the State Government either personally or by Registered post acknowledgement due.

(2) Application for permission to close down an undertaking, under sub-section (3) of section 25-O shall be made in **Form QB** (with attested copy of the notice served by the employer under sub-section (1) of section 25FFA appended thereto) and to the State Government either personally or by registered post acknowledgement due and where the application is sent by registered post the date which the same was delivered to the State Government shall be deemed to be the date on which the application was made for the purpose of sub-section (4) of the said section.

(3) The notice or, as the case may be, application shall be made in triplicate.

(4) The employer concerned shall furnish to the State Government to whom the notice of intended closure has been given or the application for permission to closure 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.]

76. Maintenance Of Seniority List of workmen - The employer shall prepare a list of 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.

1 Rule 75-A renumbered as Rule 75-B vide Haryana Government notification No. GSR 40/C.A. 14/47 S.38/Amd (2) 76 dated 27.5.1976.

2 Inserted Vide Haryana Government notification No. GSR 140/CA, 47S/38/Amd (2) 76, dated 27.5.1976.

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¹[77. **Re-employment of Retrenched workmen-** (1) At least ²[fifteen days] before the date on which vacancies are to be filled by 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 to every one of all the retrenched workmen eligible to be considered therefor, 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 workman in the list referred to in rule 76 the number of such senior-most workmen being double the number of such vacancies.

Provided further that where the vacancies 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 retrenched workmen:

³[**Provided** further that if a retrenched workman ⁴[without sufficient cause being shown in writing to the employer] does not offer himself of re-employment inspite of having received an intimation from an employer he need not intimate to him the vacancies that may be filled on any subsequent occasion.]

(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 name 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 every one of the workmen mentioned in the list prepared under rule 77.

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

79. Repeal - The Industrial Disputes (Punjab) Rules, 1949, are hereby repealed:

1 Rules 77, 78, 79 and 80 renumbered as rules, 76, 77, 78 and 79 respectively by Pb. Govt. notification No. 653 (4) Lab I-59/2802, dated 19.1.1959.

2 Substituted for the words, "ten day" by *ibid*.

3 Added vide Pb. Govt. Noti No. 653 (1) Lab-1-59/2802. dated 19.1.1959.

4 Inserted Pb. Govt. Noti No.GSR-67/CA-14/47/S.38(Amd I)/62.dated 7.5.1962.

The Industrial Disputes (Punjab) Rules, 1958

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].

The Industrial Disputes (Punjab) Rules, 1958

SCHEDULE

¹FORM A

[See Rule 3]

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

.....
Court of enquiry

.....
Labour Court Under section 10 (2) of the Industrial Disputes Act,
1947.

.....
Tribunal

.....
Whereas an industrial dispute **is apprehended between.....
and..... and it exists

is expedient that

**the matters specified in the enclosed statement which are connected with

.....
or relevant to the dispute - investigation and settlement

** Enquiry

should be referred for.....by a adjudication

.....
a Board of Conciliation

.....
a Court of enquiry

.....
a Labour Court an application is hereby made under sub-
section (2)

.....
a Tribunal

.....
a National Tribunal

.....
of section 10 of the Industrial Disputes Act. 1947, that the ** said matters/said
disputes

.....

1 Subs, vide Pb. Govt. Notification No. 653 (I)Lab - 1 59/2502. dated 19.1.1959.

The Industrial Disputes (Punjab) Rules, 1958

** a Board of Conciliation.

.....
a court of Enquiry.

.....
should be referred to a Labour court.

.....
a 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 members present at a meeting of..... held on the 19.....

A statement giving the particulars required under rule 3 of the Industrial Disputes (Punjab) Rules, 1958, is attached.

Dated the..... Signature of **Employer.....
or Agent.....
or Manager.....
Signature of the
**President of the Trade
Union.....
Secretary of the Trade
Union.....
or Principal Officer of the Corporation
.....
or **Signature of five representative duly
authorised (vide resolution enclosed).

To
The Secretary to Government, Punjab,
Labour Department, Chandigarh.

Statement required under rule 3 of the Industrial Disputes (Punjab) Rules, 1958, 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.

The Industrial Disputes (Punjab) Rules, 1958

* where applicable

** Delete whichever is not applicable.

The Industrial Disputes (Punjab) Rules, 1958

FORM B

[See rule 6]

Notice to appoint a Board

has arisen

Whereas an industrial dispute between..... is apprehended

and and it 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 be recommended for appointment as your representatives) on the said Board.

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

Secretary to Government
Punjab, Labour Department

¹["FORM C"]

[See Rule 7] Agreement

[Under Section 10-A of the Industrial Dispute Act, 1947]

BETWEEN

Name of the parties

Representing employer (s)

Representing workman/workmen

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

- (i) Specific matters in dispute.
- (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.
- (iii) Name of the workman in case he himself is involved in the dispute or the name of the union, if any, representing the workman or workmen 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.

¹ Subs. vide Hr. Govt. Notification No. GSR-94/CA-4/47/S.38/Amd (I) 76, dated 21.4.1976.

The Industrial Disputes (Punjab) Rules, 1958

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

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

Signature of the parties Representing employer] Representing workman/workmen.

Witnesses

- 1.
- 2.

Copy to:

- (i) The Conciliation Officer [here enter office address of the Conciliation Officer in the local area concerned].
- (ii) The Labour Commissioner, Haryana.
- (iii) The Secretary to Government, Haryana, Labour Department.

FORM D

[See Rule 17]

SUMMONS

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 for adjudication

under section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Board/Court/Labour Court/Tribunal in person on the.....day ofat 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 your control in any way relating to the matter under investigation by this Board/Court/Labour Court/Tribunal.

Dated.....

Chairman/Secretary, Board of Conciliation
Court of Enquiry
Labour court

The Industrial Disputes (Punjab) Rules, 1958

Presiding Officer/Secretary, Labour Court
Tribunal

The Industrial Disputes (Punjab) Rules, 1958

“FORM E

[See Rule 34]

Notice of change of service conditions proposed by an employer

Name of employer.....

Address.....

Dated the day of 19.....

In accordance with section 9A of 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. Conciliation Officer (here alter office address of the Conciliation Officer in the local area concerned).
3. Labour Commissioner, Punjab.

FORM F

(See Rule 36)

Authority Letter

Before.....

(Here mention the authority concerned)

Reference No.....of

.....Workman

Versus

.....Employer

In the matter of I/We hereby authorise

Shri/Sarvshri

..... 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

The Industrial Disputes (Punjab) Rules, 1958

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

Name of Industrial Establishment

Group/Section/Shop/Deptt.

I, nominate (here enter the name of the workmen's representative eligible for election) a candidate for election to the Works Committee. He is eligible as a voter in the constituency for which he is nominated.

Dated..... Signature of proposer

I agree to the proposed nomination.

Signature of Candidate

Dated.....

Attested by:

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

(1)

(2)

¹[**FORM G-I**]
(See Rule 56-A)
Progress report of Work Committee

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) Name of workmen employed.
(b) Number of workmen employed.
(c) Names of unions, if any.
(d) Affiliation of the Union(s) in the Central Organisation of workers.
4. If the Works Committee has been functioning :-
 - (a) Date of constitution.
 - (b) Number of workmen's representatives (elected members).

¹ Inserted vide Pb. Govt. Notification No. GSR-50/CA-14/47/S.38/Amd (3)/64, dated 5.2.1964.

The Industrial Disputes (Punjab) Rules, 1958

- (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.....

Place.....

Signature of employer
or his representatives

FORM H

(See Rule 58)

Memorandum of Settlement

Names of Parties:

Representing employees) :

Representing workmen :

Short recital of the Case

Terms of Settlement

Signature of the parties

Witnesses:

(1).....

(2)

*Signature of Conciliation Officer/Board of Conciliation

Copy to:

(1) Conciliation Officer

(Here enter the office address of the Conciliation Officer in the local area concerned).

(2) Labour Commissioner, Punjab.

(3) The Secretary to Government of Punjab, Labour Department.

FORM I

The Industrial Disputes (Punjab) Rules, 1958

(See Rule 59)

Before the Labour Court/ Tribunal

.....Complaint.

under Section 33 of the Industrial Disputes Act, 1947.

A)Complainant(s) Address

Versus

B)Opposition party(ies)

Address :

In the matter of Reference No.....

The petitioner(s) begs/beg to complaint that the opposite party(ies) has/have been guilty of a contravention of the provisions of Section 33 of the Industrial Disputes Act, 1947 (XIV of 1947) as shown below:

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

- * In cases of settlements effected by Conciliation Officer/Board of Conciliation.
- * In cases where settlements are arrived at between the employer and his workmen otherwise than in the course of Conciliation Proceeding.

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

The number of copies of the complaint and its annexure required *(under rule 59 of the Industrial Disputes (Punjab) Rules, 1958) are submitted herewith.

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

Signature of the Complainant(s)

VERIFICATION

I do solemnly declare that what is stated in paragraphs..... above is true to my knowledge and that what is stated in paragraphs 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 meat..... on day of..... 19.....

Signature of Thumb-impression of the person verifying

The Industrial Disputes (Punjab) Rules, 1958

FORM J

(See Rule 60(1))

**Before application for permission under sub-section 1 or 3 of section 33
(here mention the Conciliation Officer, Board, Labour Court or Tribunal)**

Application for permission under Sub section (1)/ Sub section (3) of Section 33 of the Industrial Disputes Act, (3) of 1947 (XIV of 1947) in the matter of Reference No..... of.....

A. Applicant
Address(es).....

Versus

B)..... Opposite party(ies)
Address(s).....

The above mentioned applicant begs to state as follows :-

(Here set out the relevant facts and circumstances of the case and *the* grounds on which has permission is sought for).

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

(Here mention the action specified in clause (a) or clause (b) of Sub-section (1)/Sub section (3)of section 33)

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

Signature of the applicant

Space for verification

(Signature of the person verifying)

Date (on which the verification was signed)

Place (at which the verification was signed).....

FORM K

The Industrial Disputes (Punjab) Rules, 1958

(See Rule 60(2))

Application for seeking permission under sub-section (2) of section 33 of Industrial Dispute Act

Before (here mention the Conciliation Officer, Board, labour Court, or Tribunal)

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

A. Applicant

Address(s)

Versus

B) Opposite party (ies)

Address (s)

The above mentioned applicant begs to state as follows :-

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

* The Workman/workmen discharged/dismissed under clause (b) of the 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 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]

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

Signature of the applicant

Space for verification.

(Signature of the person verifying)

Date (on which the verification was signed)..

Place (at which die verification was

signed).....

* Delete if not applicable.

FORM K-1

¹[(See Rule 61-A (1))]

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

To

(1) The Secretary to Government Punjab,
Labour Department, Chandigarh.

(2) The Labour Commissioner Punjab,
Chandigarh.

Sir,

I/We nave to state that lam/we are entitled to receive from Messers..... a sum of Rs..... on account of..... under the

1 Subs. vide Pb. Govt. Notification No. GSR-175/CA/14/47/S.38/Amd (4) 66, dated 9.8.1966.

The Industrial Disputes (Punjab) Rules, 1958

provisions of chapter V-A of the Industrial Disputes Act, 1947, in terms of the award dated the given by in term of the settlement dated the..... arrived at between the said Messrs..... 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 from the management under sub-section (I) of section 33C of the Industrial Disputes Act, 1947, and paid to me/us as early as possible.

| | Signature of applicant(s) | Address(es) |
|--------------|----------------------------------|--------------------|
| | 1..... | |
| | 2..... | |
| Station..... | 3..... | |
| Place..... | 4..... | |

ANNEXURE

(Here indicate the details of the amount (s) claimed)

¹[FORM K-2]

[See Rule 61-A (1) Provisio]

Application by a person authorised by a workman or by the assignee or heir of a deceased workman under sub-section (I) of section 33-C of the Industrial

Disputes Act, 1947

To

- (1) The Secretary to Government, Punjab Labour Department, Chandigarh.
- (2) The Labour Commissioner, Punjab, Chandigarh.

Sir,

I, *Shri/Shrimati/Kumari..... have to state that* Shri/Shrimati/Kumari..... * is/was entitled to receive from Messers..... a sum of Rs..... on account of..... under the provisions of Chapter V-A 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 Messrs..... 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.

1 Subs. vide Pb. Govt. Notification No.GSR-175/CA/14/47/S.38/Amd(4) 66, dated 9.8.1966.

The Industrial Disputes (Punjab) Rules, 1958

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 workmen) to make this application and to receive the payment of the afore said 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.

*Strike out the portion in applicable.

Station.....

Signature of the applicant

Dated.....

Address.....

.....

ANNEXURE

(Here indicate the details of the amount claimed)

¹[FORM K-3]

[See Rule 61-A (2)]

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

Before the Punjab Government Labour Court

.....

between.....and.....

(1) Name of the applicant(s).....

(2) Name of the employer

The petitioner..... a workman of.....

The petitioners undersigned workmen of M/s.....is/are entitled to receive from the said M/s the money/benefits mentioned in the statements hereto annexed.

It is prayed that the court be pleased to determine the amount/amounts due to the petitioners).

Signature or thumb impression(s)

Address(es) of the applicant (s)

1.....

2.....

3.....

4.....

Station.....

Dated.....

ANNEXURE

1 Subs. vide Pb. Govt. Notification No. GSR-175/CA/14/47/S.38/Amd (4) 66, dated 9.8.1966.

The Industrial Disputes (Punjab) Rules, 1958

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

¹[FORMK-4]

[See Rule 61-A(3)1

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

To

(1) The Secretary to Government,
Punjab Labour Department, Chandigarh.

(2) The Labour Commissioner, Punjab, Chandigarh

Sir,

I have to state that I am entitled to receive from M/s
P.O..... District..... (with whom I am/was employed) a
sum of Rs..... in terms of the award dated the..... given by..... in terms
of the settlement dated the.....under chapter V-A of the Industrial Disputes
Act, 1947, according to the determination of the Labour
Court.....

A certified copy of the said Labour Court's finding is enclosed. I request that
the said sum of money may kindly be recovered from Messers under
sub-section (1) of section 33-C of the said Act and paid to me.

Station.....

Dated.....

Signature of the applicant

Address

FORM L

[See Rule 70]

**Form of notices of strike to be given by the employees in public utility
service**

Name of Union.....

[Names of elected representatives of employees verifier no trade union exists.]

Address.....Dated the day of.....19.....

To

(The name of the employer)

Dear Sir/Sirs,

¹ Subs. vide Pb. Govt. Notification No. GSR-175/CA/14/47/S.38/Amd (4) 66, dated 9.8.1966.

The Industrial Disputes (Punjab) Rules, 1958

In accordance with the provisions contained in sub-section (1) of section 22 of the Industrial Disputes Act, 1947, I/We hereby give you notice that

I purpose to call a strike/We propose to go on strike on..... 19for the reason explained in the annexure.

Yours faithfully,
Secretary of the Union

Representative of the employees elected at a meeting held on

ANNEXURE

State of the case

Copy to:

- (1) Conciliation Officer, (Here enter office address of the Conciliation Officer, in the local area concerned).
- (2) Labour Commissioner, Punjab.

FORM M

[See Rule 71]

Form of notice of lock-out to be given by an employer carrying on a public utility service

Name of employer.....

Address.....

Dated the.....day of.19.....

To
(The Secretary of the Registered Union, if any)

Dear Sir,

In accordance with the provisions of sub-section (2) of section 22 of the Industrial Dispute Act, 1947. I /We here by inform you that it is my/our intention to effect a lock-out with effect from for the reasons explained in the annexure.

Yours faithfully,
*

ANNEXURE
Statement of the case

The Industrial Disputes (Punjab) Rules, 1958

Copy to:

- (1) Conciliation officer (Here enter office address of the Conciliation Officer in the local area concerned).
- (2) Labour Commissioner, Punjab.
 *Here insert the position which the person who signs the letter holds with the employer issuing the letter.

FORM N

(See Rule 72)

Form of Report of Strike or Lock-out in a public utility service.

Information to be supplied in this form immediately on the occurrence of a strike or lock-out in a public utility, service to the Conciliation Officer for the local area concerned.

| Name of undertaking | Station and District | Normal Working strength | No. of Workers involved Directly/Indirectly | Strike or Lock-out | Date of commencement of strike or lock-out | Cause | Was notice of strike or lock-out given? If so, on what date and for what period. | Is there any permanent agency or agreement in the undertaking for the settlement of disputes between the employers and workmen? If any exists, particulars thereof. | Any other information. |
|---------------------|----------------------|-------------------------|---|--------------------|--|-------|--|---|------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Note:

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

Column (4) - If say, 200 workers in a factory strike work and in consequence the whole factory employing 1,000 workers, has to be closed then 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 factory, the number of workers involved would only be 200, which figure should appear under "directly" and column "indirectly" would be blank.

The Industrial Disputes (Punjab) Rules, 1958

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

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

The Industrial Disputes (Punjab) Rules, 1958

FORM O
(See Rule 74)
REGISTER PART I

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

PART II

(should contain one copy each of the settlements in the serial order indicated in Part I).

¹[FORM 0-1]

(See Rule 74-A)

Commencement of Notice for Lay off

To

The Labour Commissioner, Punjab,
Chandigarh.

Sir,

Under rule 74-A of the Industrial Disputes (Punjab) Rules, 1958, I/We hereby inform you that I/We have laid off 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 25-C of the Industrial Disputes Act, 1947, will be paid compensation due to them.

Yours faithfully,

Copy forwarded to Conciliation Officer (here specify the address of the Conciliation Officer of the local area concerned).

* Here insert the number of workmen.

* Here insert the date.

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

ANNEXURE

Statement of reasons

¹[FORM 0-2]

1 Inserted vide Pb. Govt. Notification No.GSR-67/CA-14/47/S.38(Amd I) 62,7.5.1962

The Industrial Disputes (Punjab) Rules, 1958

[See Rule 74-A]

Notice of Termination of Lay off

To

The Labour Commissioner, Punjab
Chandigarh.

Sir,

As required by rule 74-A of the Industrial Disputes (Punjab) Rules, 1958, and in continuation of my/our notice dated* in Form O-I, I/We hereby inform you that the lay off in my/our establishment has ended on*.

Yours faithfully,

**

Copy forwarded to the Conciliation Officer(here specify the address of the Conciliation Officer of the local area concerned).

* Here insert the date.

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

²[FORM O-3]

[To be submitted in triplicate with additional number of copies for service on the workmen concerned].

[See Rule 74-B (I)]

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

To

.....

.....

(The authority specified under sub-section (1) of section 25M of the Act)

Sir,

Under Sub-section (i) sub-section (2) of section 25-M of Industrial Disputes Act, 1947 (14 of 1947) read with sub-rule (1) of rule 74B of the Industrial Disputes (Punjab) Rules 1958. I/We hereby apply for permission to Lay off/ permission to continue the lay off workmen of a total of workmen employed in my/our establishment with effect from..... for the reason set out in the Annexure.

1 Inserted vide Pb. Govt. Notification No. GSR-67/CA-14/47/S.38 (Amd I) 62.,7.5.1962.

2 Inserted vide Hr. Govt. Notification No. GSR-140/CA/14/47/S.38/Amd II/76, dated 27.5.1976.

The Industrial Disputes (Punjab) Rules, 1958

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

Yours faithfully,
(Signature)

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. (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 have 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 working and the wages drawn by them.
3. Product/products of the undertaking,
.....
4. Details relating to installed capacity, licensed
.....
capacity and utilised capacity.
.....
5. (i) Annual production, item-wise for preceding
three years.
ii) Production figures, month-wise for the
receding twelve months
.....
6. Work-in-progress, item-wise and value-wise.
.....
7. Any arrangements regarding off loading of
.....
sub-contracting of products or any components thereof.
8. Position of the order book, item-wise and value-wise for

The Industrial Disputes (Punjab) Rules, 1958

a period of six months, and one year next following and for the period after the expiry of the said one year.

-
9. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift.....
10. Balance-sheets profit and loss accounts and audit reports for the last three years.
11. Financial position of the company.
.....
12. Names of the inter-connected companies or companies under the same management.
.....
13. (i) The total number of work men 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.
14. Administrative, general and selling cost in absolute terms per year in the last three years and percentage thereof to the total cost.
15. Details of lay-off 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 therefore
.....
16. Anticipated savings due to the "proposed lay-off/lay-off for the continuance of which permission is sought.
.....
17. Any proposal for effecting/savings on account of reduction in :-
(i) managerial remuneration;
- (ii) sales promotion cost; and
- (iii) general administration expenses,
.....

The Industrial Disputes (Punjab) Rules, 1958

18. Position of stocks on last day of the month in the preceding twelve months.
.....
19. Annual sale figures for the last three years and month wise sales figures for the preceding twelve months, both item-wise and value-wise.
.....
20. Reason for the 'proposed lay-off/lay off for the continuance of which permission is sought
.....
21. Any specific attempts made so far to avoid the proposal lay-off /lay off for the continuance of which permission is sought.....
22. Any other relevant factors with details thereof:-
- *Strike out whatever is in applicable.

¹[FORM P]
[See rule 75]

Form of Notice of Retrenchment to be given by an employer under cause (C) of Section 25-F of the Industrial Disputes Act, 1947

Name of Employer.....
Address.....
Dated of.....day of.....19.....

To
Secretary of the Government Haryana,
Labour Department, Chandigarh.
Under clause (c) of section 25-F of the Industrial Disputes Act, 1974 (14 of 1947)

I/we hereby inform you that I/we have decided to retrench/..... workmen with effect from..... for me reason explained in Annexure.

¹ Subs. vide Hr. Govt. Notification No.GSR-94/CA-4/47/S.38/Amd (I) 76, dated 21.4.1976.

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

ANNEXURE
Statement of reasons

Copy to:

- (1) The labour-cum-Conciliation officer(here enter the office address of the Labour-cum-Conciliation Office in local area concerned).
- (2) The Labour Commissioner, Haryana, Chandigarh.
- (3) The Employment Officer, Employment Exchange (Here enter the office address of the Employment Exchange concerned).

* Delete the portion which is not applicable.

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

¹[FORM P-A]

(To be made in triplicate with additional number of copies for service on the workmen concerned)

[See rule 75 (A) (1)]

1 Inserted vide Hr. Govt. Notification No.GSR-140/CA/14/76S.38/Amd (II)/76, dated 27.5.1976

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**Form of notice for permission for retrenchment of workmen to be given by
an
employer under clause (c) of sub-section (1) of section 25N of the Industrial
Disputes Act, 1947 (14 of 1947).**

To

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

The State Government/authority specified under clause (c) of sub-section (1) of section 25N of the Act]

Sir,

Under 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 of the of the Act/have not been given notice since the retrenchment being proposed to be affected under an agreement (a 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 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 of the Industrial Disputes Act, 1947 (14 of 1947).

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) 25N of the Act.

Yours faithfully

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(Signature)

*Strike out whatever is in applicable.

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. Name and addresses to the workmen proposed to be retrenched and the nature of their duties, the units/ sections/shops where they are working and the wages drawn by them.
.....
3. Product/Products of the undertaking.
4. Details relating to installed capacity, licensed capacity and the utilized capacity.
.....
5. (i) Annual production, item-wise for preceding three years.
.....
(ii) Production figures month-wise and value-wise for the proceeding twelve months.
.....
6. Work in progress item-wise and value-wise.
.....
7. My arrangement regarding off-loading or sub-contracting of products or any components thereof.
.....
8. 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.
.....
9. Number of working days in a week with number of shifts per days and strength of workmen per each shift.

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10. Balance sheet; profit and loss account and audit reports for the last three years.
11. Financial position of the company.
12. Names of the inter-connected companies or companies under the same management.
13. (i) The total number of workmen 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 or production.
14. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof of the total cost.
15. Details of retrenchment resorted to in the last three years, including date of retrenchment, the number of workmen involved in each case, and the reasons there for.
16. Has any of the retrenched workmen been given re-employment and if so, when? Give details.
17. Are seniority lists maintained in respect of the categories of workmen proposed to be retrenched and if so, the details and the portion of the workmen affected indicating their length of service including broken periods of service?
18. Anticipated savings due to the proposed retrenchment.....
19. Any proposal for effecting saving on account of reduction in:
(i) managerial remuneration;
(ii) sales promotion cost; and

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- (iii) general administrative expenses.
- 20. Position of stock on the last day of the month in the preceding twelve months.
- 21. Annual sales figures for the last three years and month-wise sales figure for the preceding twelve months both item-wise and value-wise.
- 22. Reasons for the proposed retrenchment.
- 23. Any specific attempt made so far to avoid proposed retrenchment.
- 24. Any other relevant factors with details thereof.

FORM P-B

[See rule 75A (2)]

(To be made in triplicate with additional number of copies for service on the workman concerned)

Form of application for permission for retrenchment of workmen In cases where at the commencement of the Industrial Disputes (Amendment), Act, 1976 (Act 32 of 1976), the period of notice given under clause (a) of section 25F for the retrenchment has not expired.

To

.....
.....

(The State Government/Authority referred to in sub-section (2) of Section 25N of the Act).

Sir,

I/We have given notice on under clause (a) of section 25F for the retrenchment of the workman/workmen specified below (Attested copy/copies) of the notice is/are appended hereto):

| Name and addresses of workmen | Category and designation |
|-------------------------------|--------------------------|
| (1) | (2) |

- 2. The period of notice referred to above has not expired.
- 3. I/We hereby solicit permission for the retrenchment of the workmen referred to above under sub-section (4) of section 25N of the Industrial Disputes Act, 1947 (14 of 1947) for the reasons set out in the Annexure.

Yours faithfully,
(Signature)

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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. (a) Names of the workmen proposed to be retrenched and the nature of their duties, the units/sections/ shops where they are working and the wages drawn by them.
.....
(b) Date of the notice of retrenchment given to the workman concerned under section 25F (a) and the dates on which the said notice was served on each workman concerned.
.....
3. Product/products of the undertaking.
4. Details relating to installed capacity; licensed capacity and the utilized capacity.
.....
5. (i) Annual product item-wise for preceding three years.
.....
(ii) Production figures month-wise for the preceding twelve months.
6. Work in progress-item-wise and value-wise.
.....
7. Any arrangement regarding off loading or sub-contracting of products or any components thereof
8. 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

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expiry of the said one year.
.....

9. Number of working days in a week with number of shifts per day and strength of workmen per each shift
10. Balance sheet; profit and loss account and audit reports for the last three years.
.....
11. Financial position of the company.
.....
12. Names of the inter-connected companies or companies under the same management.
.....
13. (i) The total number of workmen 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.
14. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
.....
15. Details of retrenchment resorted to in the last three years, including the dates of retrenchment, the number of workmen involved in each cases and the reasons therefore.....
16. Has any of the retrenched workman been given re-employment and if so, when? Give details?
17. Are seniority lists maintained in respect of the categories of workmen proposed to be retrenched and if so the details and the position of the workmen affected indicating their length

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of service including broken periods of service?
.....

- 18. Anticipated savings due to the proposed retrenchment.
- 19. Any proposal for effecting savings on account of reduction in:
 - (i) managerial remuneration:
 - (ii) sales promotion; and
 - (iii) general administration expenses.
- 20. Position of stock on the lastly day of the month in the preceding twelve months.
.....
- 21. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months-both item-wise and value-wise.
.....
- 22. Reasons for the proposed retrenchment.
.....
- 23. Any specific attempt made so far to avoid the proposed retrenchment.
.....
- 24. Any other relevant factors with details thereof.
.....

FORM Q

[See rule 75-A]

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

Name of the employer

Address..... Dated the.....day of.....19....

To

The Secretary to Government Haryana.

Labour Department. Chandigarh.

Sir,

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Under section 25-FFA 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) w.e.f..... for the reasons explained in the Annexure. The number of persons whose services would be terminated on account of the closure of the undertaking is..... (number of workmen).

Yours faithfully.

*

**ANNEXURE
Statement of Reasons**

Copy to:

1. The Labour Commissioner, Haryana.
2. The Labour-cum-Conciliation Officer.....
3. The Employment Exchange
(Here enter the office address of the Labour Commissioner, Haryana, Labour-cum-Conciliation officer, and the Employment Exchange in the local area concerned).

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

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¹FORM QA

(To be submitted In triplicate)

[See rule 75C(1)]

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

Dated.....

To

The Secretary to Government of Haryana,
Labour Department,
Chandigarh.

Sir,

Under section 25-O 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 proposed closure.

4. I/We hereby declare that in the event of approval for the closure being granted, every workman in the undertaking to whom sub-section (7) of the said section 25-O applies will be given notice and paid compensation as specified in section 25N of the Industrial Disputes. Act, 1947(14 of 1947) as if the workman had been retrenched under that section.

Yours faithfully,
(Signature)

¹ Inserted vide Hr. Govt. Notification No. 140/CA/14/47S.38/Amd. (2)/76. dated 25.5.1976.

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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. The total number and categories of workmen affected by the proposed closure, along with the addresses of the workmen and details of wages drawn by them.
.....

3. Product/Products of the undertaking.

4. Details, relating to licensed capacity, installed capacity and the utilised capacity.
.....

5. (i) Annual production item-wise for the preceding three years.
.....
(ii) Production figures month-wise for the preceding twelve months.

6. Work in progress item-wise and value-wise.
.....

7. Any arrangement regarding off lodging or sub-contracting of products or any component thereof
.....

8. Details of persons or the organisation to whom the job(s) is (are) being entrusted relationship/ interest of the persons/organisations with the

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directors) or the officer (s) of the company.

.....

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 shifts.
11. Balance sheet and profit and loss account and audit reports for the last three years.
12. Financial position of the company.
13. (i) Names of any interconnected company or companies under the same management.
(ii) Details about intercorporate investments and charges during the last one year
.....
(iii) Interest of any of the directors officers of undertaking producing same or similar type of product.
14. 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 cost.
16. Inventory position item-wise and value-wise for the preceding twelve months (Inventories to

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be shown in respect of finished products,
components and raw material to be shown
separately item-wise and value-wise).

.....

- 17. Selling arrangement for the last three years
and any change in the selling arrangement
in preceding twelve months.
- 18. Full details of the interests of the directors
and officers of the company in the organisations
/persons involved in sailing products of the
undertaking.
- 19. Buying arrangements for raw materials and
components.
- 20. Interests of the directors and officers with
the organisation/persons involved in buying
raw materials and components for the
undertaking.
- 21. Annual sales figures for the last three years
and month-wise sales figures for the preceding
twelve months both item-wise and value-wise.
.....
- 22. Reasons for the proposed closure.
.....
- 23. Any specific attempts made so far to avoid
the closure.
.....
- 24. Any other relevant factor with details thereof.
.....

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FORM QB

(To be submitted in triplicate)

[See Rule 75B (2)]

Form of application for permission to close down an undertaking in cases where at the commencement of the Industrial Disputes (Amendment Act, 1976) (Act 32 of 1976), the period of notice given under sub-section (1) of Section 25 FFA of Intention to close down an undertaking has not expired.

Dated.....

To

The Secretary to Government of Haryana,
Labour Department, Chandigarh.

Sir,

I/We have given notice on under section (1) of section 25FFA or our intention to close down an undertaking specified below.

(Name of Industrial establishment)

(Attested copy of the notice is appended hereto)

(Give details of the undertaking)

2. The period of notice referred to above has not expired.
3. I/We hereby solicit permission to close down the said undertaking under sub-section (3) of section 25-O of the Industrial Disputes Act, 1947 (14 of 1947) for the reasons set out in the Annexure.
4. I/We hereby declare that in the event of permission for the closure being granted every workman in the undertaking to whom sub-section (7) of the said section 25-O applies will be given notice and paid compensation as specified in section 25N of the Industrial Disputes Act, 1947 (14 of 1947) as if the workman had been retrenched under the section.

Yours faithfully.

(Signature)

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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. Date of the notice sub-section (I) of Section 2FFA and the date on which the said note was served on the appropriate Government.
.....
3. The total number and categories of workmen office by the proposed closure along with the addresses of the workmen and the details of wages drawn by them.....
4. Product/Products of the undertaking.
5. Details relating to licensed capacity, installed capacity and the utilised capacity.
6. (i) Annual production month-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

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9. Details of persons or the organisations to whom the job(s) is/are being entrusted relationship/interest of the persons/organisations with the directors) or the 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 a 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 any interconnected company or companies under the same management.
.....
(ii) Details about intercorporate investments 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.

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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 material 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 officer of the company in the organisations/persons involved in selling products of the undertaking.
.....

20. Buying arrangement for raw materials and components.

21. Interests of directors and officers with the organisations /persons involved in buying raw materials and components for the undertaking.
.....

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 closure.
.....

24. Any specified attempts made so far to avoid the closure.

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25. Any other relevant factors with details thereof.

.....



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POWER DELEGATION

In exercise of the power conferred by sub-section (i) of Section 25-M of the Industrial Disputes Act, 1947 (Central Act, 14 of 1947), and all other powers enabling him in this behalf the Governor of Haryana, has specified the **Joint Labour Commissioner, Haryana** as the authority for the purpose of the said sub-section, vide Haryana Government Notification No. 2882-4 Lab-76715541, dated 31st May, 1976.

In exercise of the power conferred by clause (b) of Section 25-N of the Industrial Disputes Act and all other powers enabling him in this behalf and in supersession of Haryana Government, Labour Department Notification No. 2882-4 Lab-76/15538, dated 31st May, 1976, the Governor of Haryana has specified the **Joint Labour Commissioner, Haryana** as the authority for the purpose of the said sub clause vide notification No. 11/93/94-Lab. dated 8th April, 1985.

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