

INDUSTRIAL DISPUTES (CENTRAL) RULES, 1957

PRELIMINARY

1. Title and application

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

1[***]

2. Interpretation

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

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

PART I : PROCEDURE FOR REFERENCE OF INDUSTRIAL DISPUTES TO BOARDS OF CONCILIATION, COURTS 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 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;

3[(c) in the case of an individual workman, by the workman himself or by any officer of the trade union of which he is a member or by another workman in the same establishment duly authorised by him in this behalf :

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

5. Notification of appointment of Board, court, Labour Court, Tribunal or National Tribunal

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

6. Notice to parties to nominate representatives

(1) If the Central Government proposes to appoint a Board, it shall send a notice in Form B to the parties requiring them to nominate within a reasonable time, persons to represent them on the Board.

(2) The notice to the employer shall be sent to the employer personally, or if the employer is an incorporated company or a body corporate, to the agent, manager or other principal officer of such company or body.

(3) The notice to the workmen shall be sent-

(a) in the case of workmen who are members of a trade union, to the President or Secretary of the trade union; and

(b) in the case of workmen who are not members of a trade union, to 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.

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 4[to the Secretary to the Government of Indian 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;
- 4[(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;]
- 5[(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.

6[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 : Powers, Procedure and Duties of Conciliation Officers, Boards, Courts, Labour Courts, Tribunals, National Tribunal and Arbitrators

9. Conciliation proceedings in public utility service

- (1) The Conciliation Officer, on receipt of a notice of a strike or lock-out given under rule 71 or rule 72, shall forthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.
- 7[(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 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 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.

8[10A. Parties to submit statements

The employer or the party representing workmen 9[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.]

10[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 hearing 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.
- (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 parte and decide the reference application in the absence of the defaulting party:

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

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

- (11) In respect of reference under section 2A, the Labour Court or Tribunal, National Tribunal, as the case maybe, 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.]

10[11.

The Conciliation Officer may hold a meeting of the representatives of both parties jointly or of each party separately.]

12.

The Conciliation Officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.

13. Place and time of hearing

11[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 a Board	<i>Quorum</i>
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, Tribunal or National 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, Tribunal or National Tribunal or an arbitrator may administer an oath.

17. Summons

A 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.

18. Service of summons or notice

Subject to the provisions contained in rule 20, an 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 Court, Tribunal or National Tribunal or an arbitrator, there are numerous persons arrayed on any side, such persons shall be described as follows-

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

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

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

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

21. Procedure at the first sitting

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

22. Board, court, Labour Court, Tribunal, National Tribunal or arbitrator may proceed ex parte

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

23. Power of entry and inspection

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

24. Power of Boards, courts, Labour Courts, Tribunals and National Tribunal

In addition to the powers conferred by the Act, Boards, courts, Labour Courts, Tribunals and National Tribunal 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 inspections;
- (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

- 12[(1) Fees for making a copy of an award or an order of a Labour Court, Tribunal or National Tribunal or any documents filed in any proceedings before a Labour Court, Tribunal or National Tribunal shall 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

A Board, Court, Labour Court, Tribunal, National 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.

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 to 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 shall be held in camera.

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

31. Travelling allowance

The Chairman or a Member of a Board or court or the Presiding Officer or an assessor of a Labour Court, Tribunal or National Tribunal, if a non-official, shall be entitled to draw travelling allowance and halting allowance, for any journey performed by him in connection with the performance of his duties, at the rates admissible and subject to the conditions applicable to a government servant of the first grade under the supplementary rules issued by the Central Government from time to time.

32. Fees

The Chairman and a Member of a Board or court, the Presiding Officer and an assessor of a Labour Court, Tribunal or National Tribunal wherever he is not a salaried officer of government may be granted such fees as may be sanctioned by the Central Government in each case.

33. Expenses of witnesses

Every person who is summoned and duly attends or otherwise appears as a witness before a Board, court, Labour Court, Tribunal or National Tribunal or an arbitrator shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil courts in the State where the investigation, enquiry, adjudication or arbitration is being conducted.

PART V : NOTICE OF CHANGE

34. Notice of change

Any employer intending to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule 13[to the Act] shall give notice of such intention in Form E.

13[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.

[Omitted vide Notification No. G.S.R. 402, dated 31st. March, 1960]

PART VI : REPRESENTATION OF PARTIES

36. Form of authority under section 36

The authority in favour of a person or persons to represent a workman or group of workmen or an employer in any proceeding under the Act shall be in Form F.

37. Parties bound by acts of representative

A party appearing by 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 classes of workmen engaged in, and to the section, shops or departments of the establishment :

PROVIDED that the total number of members shall not exceed twenty:

PROVIDED FURTHER that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

40. Representatives of employer

Subject to the provisions of these rules, the representatives of the employer shall be nominated by the employer and shall as far as possible be officials in direct touch with or associated with the working of the establishment.

41. Consultation with trade unions

- (1) Where any workmen of an establishment are members of a registered trade union the employer shall ask the union to inform him in writing-
 - (a) how many of the workmen are members of the union; and
 - (b) how their membership is distributed among the sections, shops or departments of the establishment.
- (2) Where an employer has reason to believe that the information furnished to him under sub-rule (1) by any trade union is false, he may, after informing the union, refer the matter to the Assistant Labour Commissioner (Central) concerned for his decision; and the Assistant Labour Commissioner (Central), after hearing the parties, shall decide the matter and his decision shall be final.

42. Group of workmen's representatives

On receipt of the information called for under rule 41, the employer shall provide for the election of workmen's representative on the committee in two groups-

- (1) those to be elected by the workmen of the establishment who are members of the registered trade union or 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 propose of this rule be treated as if it did not exist:

PROVIDED ALSO that where any reference has been made by the employer under sub-rule (2) of rule 41, the election shall be held on receipt of the decision of Assistant Labour Commissioner (Central).

43. Electoral constituencies

Where under rule 42 the workmen's representatives are to be elected in two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of a registered trade union and the other of those who are not:

PROVIDED that the employer may, if he thinks fit, sub-divide the 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.

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 14[* * *] 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 or workmen.

15[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 also fix a date which shall not be earlier than three days and later than fifteen days after the closing date for receiving nominations.
- (3) The dates so fixed shall be notified at least seven days in advance to the workmen and the registered trade union or unions concerned. Such notice shall be affixed on the notice board or given adequate publicity amongst the workmen. The notice shall specify the number of seats to be elected by the groups, sections, shops or departments and the number to be elected by the 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 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.

15[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) 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.
- 16[(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:

17[PROVIDED FURTHER 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.]

17[(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

16[(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 from 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 ceasing to represent the trade of vocation he was representing or resignation or death, his successor shall be elected in accordance with the provisions of this part from the same category, 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) The employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Committee. The committee shall ordinarily meet during working hours of the establishment concerned on any working day and the representative of the workmen shall be deemed to be on duty while attending the meeting.
- (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.

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 had, 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 or other body corporate, by the agent, manager or other principal officer of the corporation;

- (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;
- (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 the 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 workmen making it or by some other person proved to the satisfaction of the Labour Court, Tribunal or National Tribunal to be acquainted with the facts of the case.
- (3) The person verifying shall specify, by references to the numbered paragraphs of the complaint, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.
- (4) The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

60. Application under section 33

- (1) An employer intending to obtain the express permission in writing of the Conciliation Officer, Board, Labour Court, Tribunal or National Tribunal, as the case may be, under sub-section (1) or sub-section (3) of section 33 shall present an application in Form ‘J’ in triplicate 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 18[30th April] every year, the names and addresses of such of the officers of the union who are employed in that establishment and who, in the opinion of the union should be recognised as "protected workmen". Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.
- (2) The employer shall, subject to section 33, sub-section (4) recognise such workmen to be "protected workmen" for the purposes of sub-section (3) of the said section and communicate to the union, in writing, within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workmen recognised as protected workmen 18[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 17[any Regional Labour Commissioner (Central) or] Assistant Labour Commissioner (Central) concerned, whose decision thereon shall be final.

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/ 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 :

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

63. Appointment of Commissioner

Where it is necessary to appoint a Commissioner under sub-section (3) of section 33-C of the Act, the Labour Court may appoint a person with experience in the particular industry, trade or business involved in the industrial dispute or a person with experience as a Judge of a 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 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 instalments 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 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 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 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.

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 (Act V 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 allowances to witnesses appearing in the Civil Courts.

70. Representation of parties before the Commissioner

The parties to the industrial dispute shall appear before the Commissioner, either in person or by any other person who is competent to represent them in the proceedings before the Labour Court.

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 Tribunal, Industrial Tribunals or Labour Courts.

TABLE

Records (1)	Number of years for which the records shall be preserved (2)
(i) Orders and judgements of National Industrial Tribunals , Industrial Tribunals or Labour Court	10 years
(ii) Exhibited documents in the above mentioned Tribunals or Courts	10 years
(iii) Other paper	7 year

- (2) Notwithstanding anything contained in sub-rule (1), the records of the National 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. 19[The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the Manager's office:

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

73. Report of lock- out or strike

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

74. Report of notice of strike or lock-out

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

20[75A. Notice of lay-off

- (1) If any workman 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 O-1 and O-2 respectively within seven days of such commencement or termination, as the case may be.

- (2) Such notices shall be given by an employer in every case irrespective of whether, in his opinion, the workman laid-off is or is not entitled to compensation under section 25C.]

75B. Application for permission for lay-off under section 25M

- (1) Application for permission to lay-off any workman under sub-section (1), or for permission to continue a lay-off under 21[sub-section (3)] 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 acknowledgement due and where the application is sent by registered post the date on which the same is delivered to the said authority shall be deemed to be the date on which the application is made, for the purposes of 22[sub-section (5)] of the said section.
- 23[(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 22[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 O-1 and O-2 respectively and where permission to continue a lay-off has been granted by the said authority, the employer shall give to the Regional Labour Commissioner (Central) concerned, a notice of commencement of such lay-off in Form O-1, in case such a notice has not already been given under sub-rule (1) of rule 75A, and a notice of termination of such lay-off in Form O-2.
- (5) The notice of commencement and termination of lay-off referred to in sub-rule (4) shall be given within the period specified in sub-rule (1) of rule 75A.]

76. Notice of retrenchment

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

- (a) where notice is given to the workman, notice of retrenchment shall be sent within three days from the date on which notice is given to the workman;
- (b) where no notice is given to the workman, and he is paid one month's wages in lieu thereof, notice of retrenchment shall be sent within three days from the date on which such wages are paid; and

- (c) where retrenchment is carried out under an agreement which specifies a date for the termination of service, notice of retrenchment shall be sent so as to reach the Central Government, the Regional Labour Commissioner (Central), the Assistant Labour Commissioner (Central), and the Employment Exchange concerned, at least one month before such date:

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

21[76A. Notice of, and application for possession for retrenchment

- (1) Notice 22[or, as the case maybe, 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 acknowledgement due and where the notice is served by registered post, the date on which the same is delivered to the Central Government or the authority shall be deemed to be the date of service of the notice for the purposes of 22[sub-section (4)] of the said section.

- 23[24[(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.]

- 24[(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.]]

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.

21[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 acknowledgement due.]

25[A copy of such application shall be served simultaneously by registered post on the President or Secretary of registered trade union(s) functioning in the establishment and a notice in this regard shall also be displayed conspicuously by the employer on a notice board at the main entrance to the establishment for the information of all the concerned workmen at the same time when applications are served on the Central Government.]

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

(3) The employer concerned shall furnish to the Central Government to whom the notice of intended closure has been given or the application for permission to close down has been made, such further information as that government considers necessary, for arriving at a decision on the notice, or, as the case may be, the application, and calls for from such employer.]

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 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 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:

27[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.

SCHEDULE

FORM A : APPLICATION FOR THE REFERENCE OF AN INDUSTRIAL DISPUTE TO A BOARD OF CONCILIATION / COURT OF INQUIRY / LABOUR COURT / TRIBUNAL / NATIONAL TRIBUNAL

(Rule 3)

[Section 10(2)]

WHEREAS an industrial dispute is apprehended / exists between _____ and _____ and it is expedient that the dispute / investigation and settle the matters specified in the enclosed statement which are connected with or relevant to the dispute should be referred for enquiry / adjudicating by a Board of Conciliation / Court of Inquiry / Labour Court / Tribunal / National Tribunal, 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 / Court of Inquiry / Labour Court / Tribunal / National Tribunal.

This application is made by the undersigned who has / have 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 the _____ held on the _____ 19 _____ .

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

Signature

Dated

Employer / agent / manager / principal

officer of the corporation _____

President of the trade union _____

Secretary of the trade union _____

OR

Five authorised representatives _____

OR

Workman _____

Workman in the same establishment
Duly authorised _____

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) 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.

Copy to :

- (i) The Assistant Labour Commissioner (Central) _____ (here enter office address of the Asstt. Labour Commissioner (Central) in the local area concerned.
- (ii) The Regional Labour Commissioner (Central)]
- (iii) The Chief Labour Commissioner (Central).

FORM B : NOTICE TO PARTIES TO NOMINATE REPRESENTATIVES

(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.

Signature

Secretary to the Government of India

Ministry of Labour

FORM C : AGREEMENT UNDER SECTION 10A

(Rule 1)

Between

_____ representing employers

and

_____ representing workmen / workman

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

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

We further agree that the majority decisions of the arbitrator (s) be binding on us / in case the arbitrator (s) 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) from the date of publication of this agreement in the official gazette by the appropriate gazette 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

Employer _____

Workmen _____

Witnesses

(1)

(2)

Copy to :-

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

FORM D :SUMMONS

(Rule 17)

WHEREAS an industrial dispute between _____ and _____ has been referred to this Board of Conciliation for investigation and settlement / court of inquiry 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 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

Signature

Chairman / Secretary / Presiding Officer

Board of Conciliation / Court of Inquiry /
Labour Court / Tribunal / National Tribunal

FORM E: NOTICE OF CHANCE OF SERVICE CONDITIONS PROPOSED BY AN EMPLOYER

(Rule 34)

Name of employer _____

Address _____

Dated the _____ day of _____ 19 _____

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

Signature _____

Designation _____

ANNEXURE

(Specify the change / changes intended to be effected)

Copy forwarded to :

- (i) The Secretary of registered trade union, if any;
- (ii) Asstt. Labour Commissioner (Central) of local area _____
- (iii) Regional Labour Commissioner (Central) _____ Zone ;
- (iv) Chief Labour Commissioner (Central) _____

FORM F : REPRESENTATION OF PARTIES

(Rule 36)

Before _____ (Mention the authority concerned)

Ref. No _____ of _____ Workmen

Versus

_____ Employer

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

Dated this _____ day of _____ 19 _____

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

Address _____

Accepted.

Signature of representative (s) _____

Address _____

FORM G : NOMINATION PAPER

(Rule 47)

Name of industrial establishment _____

Group/ section / shop / deptt. _____

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

Date _____

Signature of proposer _____

I agree to the proposed nomination.

Signature of candidate _____

Date _____

Attested by :

(1)

(2)

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

FORM G1 : SUBMISSION OF RETURNS

(Rule 56A)

*Progress report on constitution and functioning of Works Committee for the
half-year ending 30th June / 31st December, _____*

1. Name and address of the establishment _____
2. Name of the employer _____
3. (a) Number of workmen employed _____
(b) Names of the Unions, if any _____
(c) Affiliation of the Union(s) to the Central Organisations of workers _____
4. If the Works Committee has been functioning-
 - (a) Date of its Constitution _____
 - (b) Number of workmen's representatives (elected members) _____
 - (c) Number of employer's representatives (nominated members) _____
 - (d) Number of meetings held during the half-year (with dates) _____
5. If the works committee had not been functioning, the difficulties encountered in its constitution/ functioning.
6. General remarks, if any.

Date _____

Signature of employer or his representatives _____

Place _____

FORM H : MEMORANDUM OF SETTLEMENT

(Rule 58)

Parties to the settlement

_____ Representing employer (s)

_____ Representing ;workmen (s);

short recital of the case _____

Terms of settlement _____

Signature of the parties _____

Witnesses :

(1)

(2)

Signature of Conciliation Officer / Board of Conciliation.

Copy to :

(i) 28[Asstt. Labour Commissioner (Central) of local area _____]

(ii) Regional Labour Commissioner (Central)

(iii) Chief Labour Commissioner (Central), New Delhi

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

FORM I : COMPLAINTS REGARDING CHANGE OF CONDITIONS OF SERVICE

(Rule 59)

Before the Labour Court / Tribunal / National Tribunal

Complaint under section 33A

A _____ Complainant (s)

Versus

B _____ Opposite party (ies)

Address :

In the matter of Ref. No _____

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

(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 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 Disputes (Central) Rules, 1957 are submitted herewith.

Signature of complainant(s) _____

Dated this the _____ day of _____ 19 _____

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 stated upon information received and believed by me to be true. This verification is signed by me at _____ on _____ day of _____ 19 _____ .

Signature or Thumb impression of the person verifying _____

FORM J : CONDITIONS OF SERVICE, ETC. PENDING PROCEEDINGS

(Rule 60 (1))

Before _____ (Conciliation Officer / Board / Labour Court / Tribunal / National Tribunal)

Application for permission under sub-section (1) / sub-section (3) of section 33 of the industrial Disputes Act, 1947 (14 of 1947), in the matter of Reference No _____

_____ Applicant

Versus

_____ Opposite party (ies)

The abovementioned applicant begs to state as follows :

(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 :

(Mention the action specified in clause (a) or clause (b) of sub-section (1) / (3) of section 33)

Signature of the applicant _____

Dated this the _____ day of _____ 19 _____

Verification _____

Signature of the person verifying _____

Date (on which the verification was signed) _____

Place (at which the verification was signed) _____

FORM K : DISCHARGE, DISMISSAL, ETC. PENDING PROCEEDINGS

[Rule 60(2)]

Before _____ (Mention Conciliation Officer / Board / Labour Court / Tribunal or National Tribunal)

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

_____ Applicant

Address _____

Versus

_____ Opposite Party (ies)

Address _____

The above-mentioned applicant begs to state as follows:

(Set out the relevant facts and circumstances of the case)

The workman / workmen discharged / dismissed under cl. (b) of sub-section (2) of section 33 has / have 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 :

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

Signature of the applicant _____

Verification _____

Signature of the person verifying _____

Dated this _____ day of _____ 19 _____

Date (on which the verification was signed) _____

Place (at which the verification was signed) _____

FORM K1 : RECOVERY OF MONEYS DUE FROM EMPLOYER

[Rule 62(1)]

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

To

- (i) Secretary to the Govt. of India Ministry of Labour and Employment, New Delhi.
- (ii) The Regional Labour Commissioner (Central) _____ (Name of the region).

Sir,

I / We have to state that I am / we are entitled to receive from M/s _____ a sum of Rs. _____ on account of under the provisions of Chapter V-A / Chapter V-B of the Industrial Disputes Act, 1947 / in terms of the award dated the _____ given by _____ / in terms of the settlement dated the _____ arrived at between the said M/s _____ and their workmen through _____ the duly elected representatives.

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

I / We request that the said sum may kindly be recovered from the management under subsection (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) _____

Station _____ 1.
Date _____ 2.
3.
4.

ANNEXURE

(Indicate the details for the amount(s) claimed)

FORM K2 : RECOVERY OF MONEYS DUE FROM EMPLOYER

[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

- (i) The Secretary to the Govt. of India, Ministry of Labour and Employment, New Delhi.
- (ii) The Regional Labour Commissioner (Central), _____ (Name of the region)

Sir,

I Sh. / Smt. / Kumari _____ have to state that Sh. / Smt. / Kumari _____ is/was entitled to receive from M/s. _____ a sum of Rs. _____ on account of _____ under the provisions of Chapter V-A / Chapter V-B of the Industrial Disputes Act, 1947 / in terms of the award dated the _____ given by _____ in terms of the settlement dated the _____ arrived at between the said M/s _____ and their workmen through _____ the duly elected representatives.

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

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

I have been duly authorised in writing by _____ (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

(Indicate the details of the amount claimed)

FORM K3 : RECOVERY OF DUES

[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

_____ Applicant (s)

And

_____ Employer

The petitioner, _____ a workman of _____ M/s ,
_____ of _____ The petitioners 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.

Station _____

Date _____

ANNEXURE

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

FORM K4 : RECOVERY OF DUES

[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

Before the Central Government Labour Court at _____

_____ Applicant (s)

_____ Employer

I / We am / 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.

Address of workman

Signature or thumb- impression of the applicant (s)

Address of the applicant (s)

Station _____

Date _____

ANNEXURE

(Set out the details of the money due or the benefits accrued together with the case for the admissibility)

FORM L : NOTICE OF STRIKE TO BE GIVEN BY UNION / WORKMEN IN PUBLIC UTILITY SERVICE

(Rule 71)

Name of Union _____

Name of five elected representatives of workmen _____

Dated this the _____ day of _____ 19 _____

To

(Name of the employer)

Sir / Sirs,

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 propose to call a strike / we propose to go on strike on _____ 19_____, for the reasons explained in the annexure.

Yours faithfully,

(Secretary of the Union)

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

ANNEXURE

Statement of the case

Copy to :

- (i) Asstt. Labour Commissioner (Central) of local area _____
- (ii) Regional Labour Commissioner (Central) _____ Zone.
- (iii) Chief Labour Commissioner (Central) _____

**FORM M-B : NOTICE OF LOCK-OUT TO BE GIVEN BY AN EMPLOYER
CARRYING ON A PUBLIC UTILITY SERVICE**

(Rule 72)

Name of the employer _____

Address _____

Dated the _____ day of _____ 19 _____

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 _____ deptt.(s), section(s), of my / our establishment w.e.f. _____ for the reasons explained in the annexure.

Signature _____

Designation _____

Note :

Col. (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.

Col. (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.

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

FORM-O :REGISTER OF SETTLEMENTS

(Rule 75)

PART I

Sl. No.	Industry	Parties to the settlement	Date of settlement	Remarks

Indicate here whether the settlement was effected at the intervention of the conciliation machinery, or by mutual negotiations between the parties.

PART II

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

FORM- O1: NOTICE OF COMMENCEMENT OF LAY-OFF

(Rule 75A)

To

The Regional Labour Commr. (Central), _____ (specify the region concerned)

Sir,

1. 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 w.e.f. _____ 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 :

Asstt. Labour Commissioner (Central) of local area _____

ANNEXURE

Statement Of reasons

FORM-O2 : NOTICE OF TERMINATION OF LAY-OFF

(Rule 75 A)

To

The Regional Labour Commissioner (Central) _____
(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 O-1, I / we hereby inform you that the lay-off in my / our establishment has ended on _____ .

Yours faithfully

Copy forwarded to :

The Asstt. Labour Commissioner (Central) of local area _____

FORM-O3 :APPLICATION FOR PERMISSION /TO CONTINUE LAY-OFF IN ESTABLISHMENTS TO WHICH CHAPTER V-B APPLIES

[Rule 75B(1)]

*(To be submitted in triplicate 29[***])*

To

(Authority specified under sub-section (1) of section 25M)

Sir,

Under sub-section (1) / 30[sub-section (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.

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 they are entitled under sub-section (6) of section 25M, r/w section 25C, of the Industrial Disputes Act, 1947.

Yours faithfully

Signature

ANNEXURE

(Give details against the following items)

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. (i) 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.

(ii) The nature of the duties of the workmen referred to in sub-item (a) the units / sections / shops where they are or were working and the wages drawn by them.
4. Items of manufacture and scheduled industry / industries under which they fall :
5. Details relating to installed capacity, licensed capacity and utilised capacity :
6. (i) Annual production, 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 components thereof :
9. Position of the order book : Item-wise and value-wise for a period of six months, and one year next following, and for the period after the expiry of the said one year :
10. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift :
11. Balance sheets, profit and loss accounts and audit reports for the last three years :
12. Financial position of the company :
13. Names of the inter-connected companies or companies under the same management:
14. (i) The total number of workmen (category-wise), and the number of employees other than workmen as defined under the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking :

(ii) Percentage of wages of workmen to the total cost of production.
15. Administrative, general and selling cost in absolute terms per year in the last three years and percentage thereof to the total cost :
16. Details of lay-offs resorted to in the last three years (other than the lay-off for which permission is sought), including the periods of such lay-offs, the number of workmen involved in each such lay-off and the reasons therefor :
17. Anticipated savings due to the proposed 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 costs, 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 :NOTICE OF RETRENCHMENT UNDER CLAUSE (C) OF SECTION 25F

(Rule 76)

Name of the employer _____

Address _____

Dated the _____ day of _____ 19 _____

To

The Secretary to the Government of India,

Ministry of Labour, New Delhi.

Sir,

1. Under clause (c) of section 25F of the Industrial Disputes Act, 1947, I / we hereby inform you that I / we have decided to retrench _____ workmen w.e.f. _____ for the reasons explained in the annexure.
2. The workmen concerned were given on the _____ 19 _____ one month's notice in writing as required under clause (a) of section 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 _____ 19 _____ one month's 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:

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

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 _____ / expiry of the notice period.

Yours faithfully

Signature

ANNEXURE

Statement of reasons

Copy to :

(i) Assistant Labour Commissioner (Central) of local area _____

(ii) Regional Labour Commissioner (Central) _____ Zone.

(iii) Employment Officer, Employment Exchange _____

(Full address of the Employment Exchange concerned)

FORM PA : NOTICE FOR PERMISSION FOR RETRENCHMENT UNDER SECTION 25N (1)(b)

[Rule 76A(1)]

(To be made in triplicate)

To

(The Central Govt. / authority specified under clause (b) of the sub-section (1) of section 25N).

Sir,

1. Under 30[clause (b)] 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) w.e.f. _____ 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 :

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

4. Permission is solicited for the proposed retrenchment under clause(b) 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

ANNEXURE

(Give details against each item)

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. Names and addresses 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:
4. Items of manufacture and scheduled industry / industries under which they fall :
5. Details relating to installed capacity, licensed capacity and utilised capacity :
6. (i) Annual production, 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 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 retrenchment resorted in the last three years including dates of retrenchment, the number of workmen involved in each case, and the reasons therefor :
17. Has any of the retrenched workmen been given re-employment and if so, when ? Give details.
18. Are seniority lists maintained in respect of the categories of workmen proposed to be 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 costs and

(iii) general administration expenses :

21. Position of stock on last day of each of the months 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 :

[Omitted by the Amendment Rules of 1985, w.e.f. 1-1985]

FORM Q : NOTICE OF CLOSURE UNDER SECTION 25FFA

(Rule 76A)

Name of the employer _____

Address _____

Dated the _____ day of _____ 19 _____

To

The Secretary to the Government of India,

Department of Labour and Employment,

New Delhi

Sir,

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

Yours faithfully

Signature

ANNEXURE

Statement of reasons

Copy to :

(i) Regional Labour Commissioner (Central) _____

(ii) Asstt. Labour Commissioner (Central) _____

(iii) Employment Exchange _____

FORM QA : NOTICE FOR PERMISSION OF CLOSURE UNDER SECTION 25-O (1)

(Rule 76C(1))

(To be submitted in triplicate)

To

The Secretary to the Government of India,

Ministry of Labour, New Delhi.

Sir,

1. Under section 25C of the Industrial Disputes Act, 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)

w.e.f. _____ 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 30[sub-section (8) of the said section 25-O applies shall be paid compensation as specified in that section.]

Yours faithfully, _____

Date _____

Signature _____

ANNEXURE

(Give details against each item)

1. Name of the industrial establishment 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. 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 installed capacity, licensed capacity and 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 organisations to whom the job / jobs is / are being entrusted –relationship / interest of the persons/organisations with the director / directors or the officer / officers of the company:
10. Position of the order book : Item-wise and value-wise for a period of six months, and one year next following, and for the period after the expiry of the said one year:
11. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift :
12. Balance sheets, profit and loss accounts and audit reports for the last three years.
13. Financial position of the company.
14. (i) Names of the inter-connected companies or companies under the same management:
 - (ii) Details about inter corporate investments and changes during the last one year:

(iii) Interest of any of the directors / officer of the under taking 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 in the last three years and percentage thereof to the total cost:
17. Inventory position : Item-wise and value-wise for the preceding twelve months (Inventories to be shown in respect of finished products, components and raw-materials to be shown separately item-wise and value-wise) :
18. Selling arrangement for the last three years and any change in the selling arrangement in preceding twelve months :
19. Full details of the interests of the directors and officers of the company in the organisations / persons involved in selling products of the undertaking:
20. Buying arrangements for raw materials and components :
21. Interests of the directors and officers with the organisations / persons involved in buying raw materials and components for the undertaking:
22. Annual sales figures for the 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 specific attempts made so far to avoid the proposed closure :
25. Any other relevant factors with details thereof :

FORM QB

[Omitted by the Industrial Disputes (Amendment) Rules, 1985, w.e.f. 1st. June, 1985]

Foot Notes

1. Proviso omitted by the Industrial Disputes (Central) (Amendment) Rules, 1972.
2. Substituted by GSR 1182, dated 19th. October, 1959.
3. Inserted by GSR 1959, dated 30th. May, 1968.
4. Substituted by GSR 398, dated 21st. March, 1959.
5. Inserted by GSR 1059, dated 30th. May, 1968
6. Inserted by GSR 488, dated 16th. March, 1965.

7. Original rule 9 renumbered as sub-rule (1) and sub-rule (2) added by GSR No. 1220, dated 7th. October, 1990.
8. Substituted by GSR 857, dated 22nd. June, 1961.
9. Inserted by GSR 1059, dated 30th. May, 1959.
10. Substituted by Industrial Disputes (Central) (Amendment) Rules, 1984, w.e.f. 18th. August, 1984.
11. Substituted by SRO 141, dated 31st. March, 1957.
12. Substituted by GSR 116, dated 3rd. February, 1987.
13. Inserted by GSR 402, dated 31st. March, 1960.
14. Omitted by GSR 1078, dated 4th. July, 1962.
15. Added by GSR 1078, dated 4th. July, 1962.
16. Substituted by GSR 1078, dated 4th. July, 1962.
17. Inserted by GSR 289, dated 2nd. March, 1982 w.e.f. 13th. March, 1982.
18. Substituted by GSR 1283, dated 28th. May, 1969.
19. Inserted by GSR 1151, dated 10th. October, 1959.
20. Inserted by GSR 229, dated 22nd. February, 1960.
21. Inserted by GSR 111(E), dated 5th. March, 1976.
22. Substituted by SO 2485, dated 20th. May, 1985.
23. Substituted by GSR 289, dated 2nd. March, 1982 w.e.f. 13th. March, 1982.
24. Sub-rule (2) omitted, sub-rules (3) & (4) re-numbered as sub-rules (2) & (3), substituted by SO 2485, dated 20th. May, 1985.
25. Inserted by SO 2485, dated 20th. May, 1985.
26. Re-numbered by SO 2485, dated 20th. May, 1985 as sub-rules (2) and (3).
27. Inserted by GSR 40, dated 31st. December, 1958.
28. In case, where settlements are arrived at between the employer and his workmen otherwise than in the course of conciliation proceedings.
29. Omitted by GSR 289, dated 2nd. March, 1982, w.e.f. 13th. March, 1982.
30. Substituted by GSR 761, dated 2nd. August, 1985.