

Industrial Disputes (Central) Rules, 1957

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Industrial Disputes (Central) Rules, 1957

SRO 770, DATED 10-3-1957 in exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following Rules, the same having been previously published, as required by sub-section (1) of the said section namely:

1. Title and application :-

(1) These rules may be called the Industrial Disputes (Central) Rules, 1947.

(2) They extend to Union territories in relation to all industrial disputes, and to the States in relation only to an industrial dispute concerning-

(a) any industry carried on by or under the authority of the Central Government or by a railway company; or

(b) a banking or an insurance company, a mine, an oilfield, or a major port; or

(c) any such controlled industry as may be specified under section 2(a)(i) of the Act by the Central Government: 1 [* * *]

1 . Proviso omitted by the Industrial Disputes (Central) (Amendment) Rules, 1972.

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

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

(i) in relation to an industry, not being an industry referred to in sub-clause (ii), carried on by or under the authority of a Department of the Central or a State Government, the officer in charge of the industrial establishment shall be the employer in

respect of that establishment; and

(ii) in relation to an industry concerning railways, carried on by it 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.]

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

2 . Substituted by the Industrial Disputes (Central) (Third Amendment) Rules, 1959.

PART 1

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 1 [to the Secretary to the Government of India in the Ministry of Labour and Employment (in triplicate)], the Chief Labour Commissioner (Central), New Delhi, and the Regional Labour Commissioner (Central), and the 2 [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 disputes;

(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.

1. Substituted by the Industrial Disputes (Central) (Amendment) Rules, 1959

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

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 trade union of the workmen, or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose;

1 [(c) in the case of an individual workman, by the workman himself or by any officer of the trade union of which he is a member or by another workman in the same establishment duly authorised by him in this behalf: Provided that such workman is not a member of a different trade union.]

1. Inserted by the Industrial Disputes (Central) (Amendment) Rules, 1968.

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 person 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 2

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 in triplicate to the Secretary to the Government of India in the Ministry of Labour, 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.
(b) in the case of workmen, either by the President and Secretary of a trade union of the workmen or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.

1 [(c) in the case of an individual workman, by the workman himself or by any officer of a trade union of which he is member or by another workman in the same establishment duly authorised by him in this behalf: Provided that such workman is not a member of a different trade union.]

1. Inserted by the Industrial Disputes (Central) (Amendment) Rules, 1968.

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 3

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

9. Conciliation proceedings in public utility service :-

1[(1)] The Conciliation Officer, on receipt of a notice of a strike or lockout 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.

2 [(2) Where the Conciliation Officer receives no notice of a strike or lockout under rule 71 or rule 72 but he considers it necessary to intervene in the dispute, he may give formal intimation in writing to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be specified therein.]

1. Rule 9 renumbered as sub-rule (1) thereof by the Industrial Disputes (Central) (Amendment) Rules, 1960.

2. Inserted by the Industrial Disputes (Central) (Amendment) Rules, 1960.

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 proceeding with effect from such date as may be specified therein.

10A. Parties To Submit Statements :-

[The employer or the party representing workmen 1[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 2 [Conciliation Officer] concerned wherever his intervention in the dispute is required.]

1. Inserted by Industrial Disputes (Central) (Amendment) Rules, 1968.

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

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

(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 by 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 R.5Or.18 of 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, may 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 the order that the case shall proceed ex parte, if it is satisfied that the absence of the party was on justifiable grounds.

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

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

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

11. Section 11 :-

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

12. Section 12 :-

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

13. Place and time of hearing. :-

.1 [Subject to the provisions contained in rule 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.

1. Substituted for "The sittings of a Board, Court, Labour Court, Tribunal or National Tribunal or of an Arbitrator" by the Industrial Disputes (Central) (Amendment) Rules, 1957.

14. Quorum for Boards and Courts. :-

The quorum necessary to constitute a sitting of a Board or Court shall be as follows:

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, Labour 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, any notice, summons, process or order issued by a Board, Court, Labour Court, Tribunal, National Tribunal or an arbitrator empowered to issue such notice, summons, process or order, may be served either personally or by registered post and in the event of refusal by the party concerned to accept the said notice, summons, process or order, the same shall be sent again under certificate of positing.]

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 proceeding 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 proceedings before a Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator may proceed as if the party had duly attended or had been represented.

23. Power of entry and inspection. :-

A Board, or Court, or any member thereof, or a Conciliation Officer, a Labour Court, Tribunal or National Tribunal or any person authorised in writing by the Board, Court, Labour Court, Tribunal or National Tribunal in this behalf may, for the purposes of any conciliation, investigation, enquiry or adjudication entrusted to the Conciliation Officer, Board, Court, Labour Court, Tribunal or National Tribunal under the Act, at any time between the hours of sunrise and sunset and in the case of a person authorised in writing by a Board, Court, Labour Court, Tribunal or National Tribunal after he has given reasonable notice, enter any building, factory, workshop, or other place or premises whatsoever, and inspect the same or any

work machinery, appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject-matter of the conciliation, investigation, enquiry or adjudication.

24. Power of Boards, Courts, Labour Courts, Tribunals and National Tribunals. :-

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

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

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

25. Assessors. :-

Where assessors are appointed to advise a Tribunal or National Tribunal under sub-section (4) of section 7A or sub-section (4) of section 7B or by the Court, Labour Court, Tribunal or National Tribunal under sub-section (5) of section 11 , the Court, Labour Court, Tribunal or National Tribunal, as the case may be, shall, in relation to proceeding before it, obtain the advice of such assessors, but such advice shall not be binding on it.

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

1 [

(1) Fees for making a copy of an award or an order of a Labour Court, Tribunal or National Tribunal or any document filed in any proceedings before a Labour Court, Tribunal or National Tribunal shall be charged at the rate of Re. I per page.]

(2) For certifying a copy of any such award or order or document, a fee of Re. I 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.

1. Substituted by the Industrial Disputes (Central) (Amendment) Rules, 1987, w.e.f. 21-2-1987.

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 votes 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 motion or on the application of any of the parties.]

29. Right of representatives. :-

The representatives of the parties appearing before a Board, Court, Labour Court, Tribunal or National Tribunal or an arbitrator shall have the right of examination, cross-examination and of addressing the Board, Court, Labour Court, Tribunal or National Tribunal or arbitrator when an evidence has been called.

30. Proceedings before a Board, Court, Labour Court, Tribunal or National Tribunal. :-

The proceedings before a Board, Court, Labour Court, Tribunal or National Tribunal shall be held in public : Provided that the Board, Court, Labour Court, Tribunal or National Tribunal may at any stage direct that any witness shall be examined or its proceedings shall be held in camera.

PART 4

REMUNERATION OF CHAIRMEN AND MEMBERS OF COURTS, PRESIDING OFFICERS OF LABOUR COURTS, TRIBUNAL 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 5

NOTICE OF CHANGE

34. Notice of Change :-

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

35. Manner of service of notice of change. :-

[The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment in the managers 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]. [**** ** ***]

PART 6

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 7

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 sections, shops or departments of the establishment: Provided that the total number of members shall not exceed twenty: Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

40. Representatives of employer. :-

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

41. Consultation with trade unions. :-

(1) Where any workmen of an establishment are members of a registered trade union, the employer shall ask the union to inform

him in writing-

(a) how many of the workmen are members of the union; and
(b) how their membership is distributed among the sections, shops or departments of the establishment.

(2) Where an employer has reason to believe that the information furnished to him under sub-rule (1) by any trade union is false, he may, after informing the union, refer the matter [to the Assistant Labour Commissioner (Central) concerned for his decision; and the Assistant Labour Commissioner (Central)] after hearing the parties shall decide the matter and his decision shall be final.

42. Groups of workmens representatives. :-

On receipt of the information called for under rule 41, the employer shall provide for the election of workmens representatives 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) or rule 41 within one month of the date of the notice requiring it to furnish such information such union shall for the purpose of this rule be treated as if it did not exist : Provided further that where any reference has been made by the employer under sub-rule (2) of rule 41, the election shall be held on receipt of the decision of the [Assistant Labour Commissioner (Central)].

43. Electoral constituencies. :-

Where under rule 42 the workmens 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.

45. Qualifications for voters. :-

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

46. Procedure for election. :-

(1) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmens 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 depart- ments 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.

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.

1[(2) The Chairman shall be nominated by the employer from amongst the employers 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: 2[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: 3[Provided that the representatives of the employer shall not take part in the election of the secretary or joint secretary, as the case may be, from amongst the representatives of the workmen and only the representatives of the workmen shall be entitled to vote in such elections.]

4 (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.]

1. Substituted for sub-rule (2) by the Industrial Disputes (Central) (Amendment) Rules. 1962.

2. Substituted for "Provided further that" by the Industrial Disputes (Central)(Amendment) Rules. 1982.

3. Inserted by the Industrial Disputes (Central) (Amendment) Rules, 1982.

4. Substituted by the Industrial Disputes (Central) (Amendment) Rules, 1962.

52. Term of office. :-

. 1 [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.

1. Substituted by the Industrial Disputes (Central) (Amendment) Rules, 1962.

53. Vacancies. :-

[. In the event of workmens 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 or 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, class, section, shop or department to which the member vacating the seat belonged.]

54. Power to co-opt. :-

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

55. Meetings. :-

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

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

56. Facilities for meeting, etc. :-

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

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

1. Rule 56 renumbered as sub-rule (1) thereof by the Industrial Disputes (Central) (Amend ment) Rules, 1962.

2. Inserted by the Industrial Disputes (Central) (Amendment) Rules, 1962.

56A. Submission Of Returns :-

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

1 . Substituted for "Conciliation Officer (Central)" by the Industrial Disputes (Central) (Amend- ment) Rules, 1966.

57. Dissolution of Works Committee. :-

The Central Government, or where the power under section 3 has been dele- gated 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 Com- mittee 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 reason- able justification failed to attend three consecutive meetings of the Committee or that the Committee has, for any other reason, ceased to function: Provided that where a Works Committee is dissolved under this rule, the employer may, and if so required by the Central Government or, as the case may be, by such officer or authority shall, take steps to re-constitute the Committee in accordance with these rules.

PART 8

MISCELLANEOUS

58. Memorandum of settlement. :-

(1) A settlement arrived at in the course of conciliation proceedings or other- wise, shall be in form H.

(2) The settlement shall be signed by-

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

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

2[(c) in the case of the workman in an industrial dispute under section 2A of the Act, by the workman concerned.]

(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 other- wise 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 3 [Assistant Labour Commissioner (Cen- tral)] concerned.

1. Substituted by the Industrial Disputes (Central) (Amendment) Rules, 1959.

2. Inserted by the Industrial Disputes (Central) (Amendment) Rules, 1967.

3. Substituted for "Conciliation Officer (Central)" by the Industrial Disputes (Central) (Amend- ment) Rules, 1966.

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

(1) Every complaint under section 33-A of the Act shall be presented in triplicate in Form 1 and shall be accompanied by as many copies of the com- plaint as there are opposite parties to the complaint.

(2) Every complaint under sub-rule (1) shall be verified at the foot by the workmen making it or by some other persons 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 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 verified.

61. Protected workmen. :-

(1) Every registered trade union connected with an industrial establishment, to which the Act applies, shall communicate to the employer before the 1[30th April] every year, the names and 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 (a), the list of workmen recognised as protected workmen 2[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

(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 3[any Regional Labour Commissioner (Central) or] the 4 [Assistant Labour Commissioner (Central)] concerned whose decision thereon shall be final.

1. Substituted for "30th September" by the Industrial Disputes (Central)(Amendment) Rules, 1969.

2. Inserted by the Industrial Disputes (Central)(Amendment) Rules, 1969

3. Inserted by the Industrial Disputes (Central)(Amendment) Rules, 1982.

4. Substituted for "Conciliation Officer (Central)" by The Industrial Disputes (Central)(Amendment) Rules, 1966.

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 V-A or 1[Chapter V-B], 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 the 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:] 2 [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].

1. Inserted by the Industrial Disputes (Central) (First Amendment) Rules, 1977.

2. Inserted, Inserted by the Industrial Disputes (Central) (First Amendment) Rules, 1977.

63. Appointment of Commissioner. :-

Where it is necessary to appoint a Commissioner under sub-section (3) of section 33C of the Act, the Labour Court may appoint a person with experience in the particular industry, trade or business involved in the industrial dispute or a person with experience as a judge of 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 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 Commissioners fees and other incidental expenses and direct the payment thereof, into the nearest treasury, within a specified time, by such party or parties and in such proportion as it may consider fit. The Commission shall not issue until satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Labour Court:

(2) The Labour Court may, at any time, for reasons to be recorded in writing, vary the amount of the Commissioners 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 dates as it may consider fit.

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

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

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

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 Code of Civil Procedure, 1908 relating to the summoning, attendance, examination of witnesses and penalties to be imposed upon witnesses, shall apply to persons required to give evidence or to produce documents before the Commissioner under these Rules.

(2) Every person who is summoned and appears as a witness before the Commissioner shall be entitled to payment by the Labour Court out of the sum deposited under rule 64, of an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing in the civil courts.

70. Representation of parties before the Commissioner. :-

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

70A. Reservations 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 I of the Table below shall be preserved, for the periods specified in the corresponding entry in column 2 thereof after the proceedings are finally disposed of by such National Tribunals, Industrial Tribunals, Labour Courts.

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

71. Notice of strike :-

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

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

72. Notice of lock-out. :-

The notice of lock-out to be given by an employer carrying on a public utility service shall be in Form M. 1 [The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the Managers Office: Provided that where a registered trade union exists, a copy of the notice shall also be served on the Secretary of the Union.]

1. Inserted by the Industrial Disputes (Central) (Second Amendment) Rules, 1959.

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 1 [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.
1. Substituted for "Conciliation Officer (Central)" by the Industrial Disputes (Central) (Amend- ment) Rules, 1966.

75. Register of settlements. :-

The 1 [Conciliation Officer] shall file all settlements effected under this Act in respect of disputes in the area within his jurisdiction in a register maintained for the purpose as in Form O.

1. Substituted for "Conciliation Officer (Central)" by the Industrial Disputes (Central) (Amend- ment) Rules, 1966.

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 0-1 and 0-2 respectively within seven days of such commencement or termination, as the case may be.

(2) Such notices shall be given by an employer in every case irrespective of whether, in his opinion, the workman laid off is or is not entitled to compensation under section 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 1[sub-section (3)] of section 25M shall be made in Form 0-3 and delivered to the authority specified under sub- section (1) either personally or by registered post 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 2[sub-section (5)] of the said section.

3[(2) The application for permission shall be made in triplicate and copies of such application shall be served by the employer on the workmen concerned and a proof to that effect shall also be submitted by the employer along with the application.]

(3) The employer concerned shall furnish to the authority to whom the application for permission has been made such further information as the authority considers necessary for arriving at a decision on the application, as and when called for by such authority, so as to enable the authority to communicate the permission or refusal to grant permission within the period specified in 4 [sub-section (5)] of section 25M .

(4) Where the permission to lay-off has been granted by the said authority, the employer concerned shall give to the Regional Labour Commissioner (Central), concerned, a notice of commencement and termination of such lay-off in Forms 0-1 and 0-2 respectively and where permission to continue a lay-off has been granted by the said authority, the employer shall give to the Regional Labour Commissioner (Central) concerned, a notice of commencement of such lay-off in Form 0-1, in case such a notice has not already been given under sub-rule (1) of rule 75A, and a notice of termination of such lay-off in Form 0-2.

(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.]

1. Substituted for "sub-section (2)" by the Industrial Disputes (Central) (Amendment) Rules, 1985, w.e.f. 1-6-1985.

2. Substituted for "sub-section (4)", w.e.f. 1-6-1985.

3. Substituted by the Industrial Disputes (Central) (Amendment) Rules, 1982.

4 . Substituted for "sub-section (4)" by the Industrial Disputes (Central) (Amendment) Rules, 1985, w.e.f. 1-6-1985.

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 rule 77 and rule 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 months wages in lieu thereof, notice of retrenchment shall be sent within three days from the date on which such wages are paid; and

(c) where retrenchment is carried out under an agreement which specifies a date for the termination of service, notice of retrenchment shall be sent so as to reach the Central Government, the Regional Labour Commissioner (Central), the Assistant Labour Commissioner (Central), and the Employment Exchange concerned, at least one month before such date: Provided that if the date of termination of service agreed upon is within 30 days of the agreement, the notice of retrenchment shall be sent to the Central Government, the Regional Labour Commissioner (Central), the Assistant Commissioner (Central), and the Employment Exchange

concerned, within 3 days of the agreement.]

76A. Notice Of, And Application For Permission For, Retrenchment :-

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

4[(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

5[6 (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 .]

1. Substituted for "under clause (c) of" by the Industrial Disputes (Central) (Amendment) Rules, 1985, w.e.f. 1-6-1985.

2 . Substituted for "sub-section (3)" by the Industrial Disputes (Central) (Amendment) Rules, 1985, w.e.f. 1-6-1985.

3. Sub-rule (2) omitted, w.e.f. 1-6-1985 .

4. Sub-rule (3) renumbered as sub-rule (2) by the Industrial Disputes (Central) (Amendment) Rules, 1985, w.e.f. 1-6-1985.

5. Substituted by the Industrial Disputes (Central) (Amendment) Rules, 1985, w.e.f. 1 -6-1985. Earlier sub-rule (3) was substituted by the Industrial Disputes (Central) (Amendment) Rules, 1982.

6. Sub-rule (4) renumbered as sub-rule (3) by the Industrial Disputes (Central) (Amendment) Rules, 1985, w.e.f. 1-6-1985.

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.]

76C. Notice Of, And Application For Permission For, Closure :-

(1) Notice under sub-section (1) of section 25-0 of intended closure shall be given in Form QA and served on the Central Government either personally or by registered post acknowledgement due. 1[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.] 2[***]

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

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

1. Inserted by the Industrial Disputes (Central) (Amendment) Rules, 1985, w.e.f. 1-6-1985.

2. Sub-rule (2) omitted, w.e.f. 1-6-1985 .

3. Existing sub-rules (3) and (4) renumbered as sub-rules (2) and (3), respectively, w.e.f. 1-6-1985.

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 seniormost retrenched workmen in the list referred to in rule 77 the number of such seniormost workmen being double the number of such vacancies: Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen: 1 [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.

1. Inserted by the Industrial Disputes (Central) (Amendment) Rules, 1958.

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.