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## THE INDUSTRIAL DISPUTES ACT, 1947

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[14 OF 1947]

[11th March, 1947]

An Act to make provision for the investigation and settlement of industrial disputes, and for certain other purposes.

WHEREAS it is expedient to make provision for the investigation and settlement of industrial disputes, and for certain other purposes hereinafter appearing;

It is hereby enacted as follows:

### CHAPTER-I PRELIMINARY

**1. Short title, extent and commencement.-** (1) This Act may be called The Industrial Disputes Act, 1947.

<sup>1</sup>[(2) It extends to the whole of India.]

<sup>2</sup>[\*\*\*]

(3) It shall come into force on the first day of April, 1947.

**2. Definitions.-** In this Act, unless there is anything repugnant in the subject or context,-

(a) “appropriate Government” means-

(i) in relation to any industrial dispute concerning <sup>3</sup>[\*\*\*] any industry carried on by or under the authority of the Central Government, <sup>4</sup>[\*\*\*] or by a railway company <sup>5</sup>[or concerning any such controlled industry as may be specified in this behalf by the Central Government <sup>6</sup>[\*\*\*] or in relation to an industrial dispute concerning <sup>7</sup>[<sup>8</sup>[<sup>9</sup>[<sup>10</sup>[a Dock Labour Board established under Section 5-A of the Dock Workers (Regulation of Employment) Act, 1948 or <sup>11</sup>[the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956 (1 of 1956)] or the Employees State Insurance Corporation established under Section 3 of the Employees State Insurance Act, 1948 (34 of 1948),

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1 Subs by Act No. 36 of 1956, sec. 2, for sub-section (2) (w.e.f. 29-8-1956).

2 Proviso omitted by Act 51 of 1970, sec. 2 and Sch. (w.e.f. 1-9-1971).

3 Certain words and figures ins. by Act 10 of 1963, S.47 and Sch.II, Pt. II have been omitted by Act 36 of 1964, S.2 (w.e.f. 19.12.1964)

4 The words “by the Federal Railway Authority” omitted by the A.O. 1948

5 Ins. by Act 65 of 1951, S.32

6 The words “operating a Federal Railway” omitted by the A.O. 1950

7 Ins. by Act 47 of 1961, S.51 (w.e.f. 1.1.1962)

8 Subs. by Act 36 of 1964, S.2, for “the Deposit Insurance Corporation established” (w.e.f. 19.12.1964)

9 Subs. by Act 45 of 1971, S.2 (w.e.f.15.12.1971)

10 Subs. by Act No.46 of 1982 (w.e.f.) 21.8.1984

11 Subs. by Act No.24 of 1996 dt. 16.8.1996, s. 2 deemed to have come into force from 11.10.1995

or the Board of Trustees constituted under Section 3-A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under Section 5A and Section 5B, respectively, of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), <sup>1</sup>[\*\*\*\*], or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or <sup>2</sup>[the Oil and Natural Gas Corporation Limited registered under the Companies Act, 1956 (1 of 1956) or the Deposit Insurance and Credit Guarantee Corporation established under Section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under Section 3 of the Warehousing Corporations Act, 1962 (58 of 1962), or the Unit Trust of India established under Section 3 of the Unit Trust of India Act, 1963 or the Food Corporation of India established under Section 3 or a Board of Management established for two or more contiguous States under Section 16 of the Food Corporations Act, 1964 (37 of 1964), or <sup>3</sup>[the Airports Authority of India constituted under Section 3 of the Airports Authority of India Act, 1994 (55 of 1994)] or a Regional Rural Bank established under Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976) or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Bank of India Limited], <sup>4</sup>[the National Housing Bank established under section 4 of the National Housing Bank Act, 1987 (53 of 1987), or <sup>5</sup>[<sup>6</sup>[an air transport service, or a banking or an insurance company], a mine, an oil-field], <sup>7</sup>[a Cantonment Board], or a major port, the the Central Government, and]]

(ii) in relation to any other industrial dispute, the State Government;

<sup>8</sup>[(aa) "arbitrator" includes an umpire;]

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1 Omitted by Act No.24 of 1996 dt. 16.8.1996, deemed to have come into force from 11.10.1995

2 Subs. by Act No.24 of 1996, sec. 2 for certain words (w.r.e.f 11-10-1195).

3 Subs. by Act No. 24 of 1996 dt. 16.8.1996, deemed to have come into force from 11.10.1995

4 Ins. by Act 53 of 1987, S.56 (w.e.f. 9.7.1988)

5 Subs. by Act No.24 of 1996 dt. 16.8.1996, deemed to have come into force from 11.10.1995

6 Subs. by Act No.24 of 1996, sec. 2 for certain words (w.r.e.f 11-10-1195).

7 Ins. by Act 36 of 1964, sec. 2 (w.e.f. 19.12.1964)

8 Ins. by Act 36 of 1964, S.2 (w.e.f. 19.12.1964)

- <sup>1</sup>2[(aaa)] “average pay” means the average of the wages payable to a workman-
- (i) in the case of monthly paid workman, in the three complete calendar months,
  - (ii) in the case of weekly paid workman, in the four complete weeks,
  - (iii) in the case of daily paid workman, in the twelve full working days, preceding the date on which the average pay becomes payable if the workman had worked for three complete calendar months or four complete weeks or twelve full working days, as the case may be, and where such calculation cannot be made, the average pay shall be calculated as the average of the wages payable to a workman during the period he actually worked;]

<sup>3</sup>[(b)] “award” means an interim or a final determination of any industrial dispute or of any question relating thereto by any Labour Court, Industrial Tribunal or National Industrial Tribunal and includes an arbitration award made under Section 10- A;]

<sup>4</sup>[(bb)] “banking company” means a banking company as defined in Section 5 of the <sup>5</sup>[Banking Companies Act, 1949 (10 of 1949), having branches or other establishments in more than one State, and includes <sup>6</sup>[the Export-Import Bank of India], <sup>7</sup>[the Industrial Industrial Reconstruction Bank of India], <sup>8</sup>[\*\*\*], <sup>9</sup>[the Small Industries Development Bank of India established under section 3 of the Small Industries Development Bank of India Act, 1989 (39 of 1989)] [the Reserve Bank of India, the State Bank of India, <sup>10</sup>[a corresponding new bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) <sup>11</sup>[a corresponding new bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980), and any subsidiary bank], as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);]

(c) “Board” means a Board of Conciliation constituted under this Act;

<sup>12</sup>[(cc)] “closure” means the permanent closing down of a place of employment or part thereof;

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1 Ins. by Act 43 of 1953, S.2 (w.e.f. 24.10.1953)

2 Re-lettered by Act No.36 of 1964

3 Subs. by Act No. 36 of 1956.

4 Subs. Act No.38 of 1959.

5 Now “the Banking Regulation Act, 1949”.

6 Ins. by Act No.28 of 1981.

7 Ins. by Act No.62 of 1984 (w.e.f.) 20.3.1985.

8 The words “The Industrial Development Bank of India”, ins. By Act 18 of 1964, sec. 38 and Sch. II, Pt. II (w.e.f. 1-7-1964) and omitted by Act 53 of 2003, sec. 12 and sch., Pt. III.

9 Inserted by Act 39 of 1989, sec. 53 and 2nd Sch.

10 Subs. by Act 5 of 1970, sec. 20, for “and any subsidiary bank” (w.r.e.f. 19-7-1969).

11 Subs. by Act 40 of 1980, sec. 20, for “and any subsidiary bank” (w.r.e.f. 15-4-1980).

12 Ins. by Act No. 46 of 1982.

- (d) “conciliation officer” means a conciliation officer appointed under this Act;
- (e) “conciliation proceeding” means any proceeding held by a conciliation officer or Board under this Act;
- <sup>1</sup>[(ee) “controlled industry” means any industry the control of which by the Union has been declared by any Central Act to be expedient in the public interest;]
- <sup>2</sup>[\*\*\*]
- (f) “Court” means a Court of Inquiry constituted under this Act;
- (g) “employer” means-
- (i) in relation to an industry carried on by or under the authority of any department of <sup>3</sup>[the Central Government Government or a State Government] the authority prescribed in this behalf, or where no authority is prescribed, the head of the department;
- (ii) in relation to an industry carried on by or on behalf of a local authority, the chief executive officer of that authority;
- <sup>4</sup>[(gg) “executive”, in relation to a trade union, means the body by whatever name called, to which the management of the affairs of the trade union is entrusted;]
- <sup>5</sup>[(h) \*\*\*]
- (i) a person shall be deemed to be “independent” for the purpose of his appointment as the chairman or other member of a Board, Court or Tribunal, if he is unconnected with the industrial dispute referred to such Board, Court or Tribunal or with any industry directly affected by such dispute;
- <sup>6</sup>[Provided that no person shall cease to be independent by reason only of the fact that he is a shareholder of an incorporated company which is connected with, or likely to be affected by, such industrial dispute; but in such a case, he shall disclose to the appropriate Government the nature and extent of the shares held by him in such company;]
- <sup>7</sup>(J) “INDUSTRY” MEANS ANY BUSINESS, TRADE, UNDERTAKING, MANUFACTURE OR CALLING OF EMPLOYERS AND INCLUDES ANY CALLING, SERVICE, EMPLOYMENT, HANDICRAFT, OR INDUSTRIAL OCCUPATION OR AVOCATION OF WORKMEN;**
- (k) “industrial dispute” means any dispute or difference between employers and employers, or between employers and workmen, or between workmen and workmen, which is connected with the

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<sup>1</sup> Ins. by Act No. 65 of 1951.

<sup>2</sup> Omitted by Act No. 36 of 1964 (w.e.f. 15.12.1964.)

<sup>3</sup> Subs. by the Indian Independence (Adaptation of Central Acts and Ordinance) Order, 1948.

<sup>4</sup> Ins. by Act 45 of 1971.

<sup>5</sup> Omitted by the A.O. 1950.

<sup>6</sup> Ins. by Act 18 of 1952.

<sup>7</sup> On the enforcement of clause (c) of section 2 of Act 46 of 1982, clause (j) of section 2 shall stand substituted as directed in clause (c) of Act 46 of 1982. For the text of clause (j) of section 2 see Appendix.

employment or non-employment or the terms of employment or with the conditions of labour, of any person;

<sup>1</sup>[(ka) “industrial establishment or undertaking” means an establishment or undertaking in which any industry is carried on:

Provided that where several activities are carried on in an establishment or undertaking and only one or some of such activities is or are an industry or industries, then,-

- (a) if any unit of such establishment or undertaking carrying on any activity, being an industry, is severable from the other unit or units of such establishment or undertaking, such unit shall be deemed to be a separate industrial establishment or undertaking;
- (b) if the predominant activity or each of the predominant activities carried on in such establishment or undertaking or any unit thereof is an industry and the other activity or each of the other activities carried on in such establishment or undertaking or unit thereof is not severable from and is, for the purpose of carrying on, or aiding the carrying on of, such predominant activity or activities, the entire establishment or undertaking or, as the case may be, unit thereof shall be deemed to be an industrial establishment or undertaking;]

<sup>2</sup>[(kk) “insurance company” means an insurance company as defined in section 2 of the Insurance Act, 1938 (4 of 1938), having branches or other establishments in more than one State;

<sup>3</sup>[(kka) “khadi” has the meaning assigned to it in clause (d) of Section 2 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956);

<sup>4</sup>[(kkb) “Labour Court” means a Labour Court constituted under Section 7];

<sup>5</sup>[(kkk) “lay-off” (with its grammatical variations and cognate expressions) means the failure, refusal or inability of an employer on account of shortage of coal, power or raw materials or the accumulation of stocks or the breakdown of machinery <sup>6</sup>[or natural calamity or for any other connected reason] to give employment to a workman whose name is borne on the muster rolls of his industrial establishment and who has not been retrenched;

*Explanation.-* Every workman whose name is borne on the muster rolls of the industrial establishment and who presents himself for work at the establishment at the time appointed for

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1 Subs. by Act 46 of 1982 (w.e.f. 21.8.1984)

2 Ins. by Act No.54 of 1949.

3 Ins. by I.D. (Amendment) Act 46 of 1982 (w.e.f. 21.8.1984)

4 Clause (kka) ins. by Act 36 of 1956, sec. 3 (w.e.f. 10-3-1957) and re-lettered as clause (kkb) by Act 46 of 1982, sec. 2 (w.e.f. 21.8.1984)

5 Ins. by Act 43 of 1953.

6 Subs. by Act No.46 of 1982 (w.e.f. 21.8.1984)

the purpose during normal working hours on any day and is not given employment by the employer within two hours of his so presenting himself shall be deemed to have been laid-off for that day within the meaning of this clause:

Provided that if the workman, instead of being given employment at the commencement of any shift for any day is asked to present himself for the purpose during the second half of the shift for the day and is given employment then, he shall be deemed to have been laid-off only for one-half of that day:

Provided further that if he is not given any such employment even after so presenting himself, he shall not be deemed to have been laid-off for the second half of the shift for the day and shall be entitled to full basic wages and dearness allowance for that part of the day;]

- (l) “lock-out” means the <sup>1</sup>[temporary closing of a place of employment] or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him;
- <sup>2</sup>[(la) “major port” means a major port as defined in clause (8) of section 3 of the Indian Ports Act, 1908 (15 of 1908);
- (lb) “mine” means a mine as defined in clause (j) of sub- section (1) of Section 2 of the Mines Act, 1952 (35 of 1952);]
- <sup>3</sup>[(ll) “National Tribunal” means a National Industrial Tribunal constituted under Section 7-B;]
- <sup>4</sup> [(lll) “office bearer”, in relation to a trade union, includes any member of the executive thereof, but does not include an auditor;]
- (m) “prescribed” means prescribed by rules made under this Act;
- (n) “public utility service” means-
- (i) any railway service <sup>5</sup>[or any transport service for the carriage of passengers or goods by air;]
  - <sup>6</sup>[(ia) any service in, or in connection with the working of, any major port or dock;]
  - (ii) any section of an industrial establishment, on the working of which the safety of the establishment or the workmen employed therein depends;
  - (iii) any postal, telegraph or telephone service;
  - (iv) any industry which supplies power, light or water to the public;
  - (v) any system of public conservancy or sanitation;
  - (vi) any industry specified in the <sup>7</sup>[First Schedule] which the appropriate Government may, if satisfied that public

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1 Subs. by Act No.46 of 1982 (w.e.f. 21.8.1982).

2 Ins. by Act 36 of 1964.

3 Ins. by Act 36 of 1956.

4 Ins. by Act 45 of 1971.

5 Ins. by Act 36 of 1964, S.2 (w.e.f. 19.12.1964)

6 Ins. by Act 36 of 1964 S.2 (w.e.f. 19.12.1971)

7 Subs. by Act 36 of 1964 (w.e.f. 19.12.1964).

emergency or public interest so requires, by notification in the Official Gazette, declare to be a public utility service for the purposes of this Act, for such period as may be specified in the notification:

Provided that the period so specified shall not, in the first instance, exceed six months but may, by a like notification, be extended from time to time, by any period not exceeding six months, at any one time, if in the opinion of the appropriate Government, public emergency or public interest requires such extension;

- (o) “railway company” means a railway company as defined in Section 3 of the Indian Railways Act, 1890 (9 of 1890);<sup>1</sup>
- <sup>2</sup>[(oo) “retrenchment” means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include-
  - (a) voluntary retirement of the workman; or
  - (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
  - <sup>3</sup>[(bb) termination of the service of the workman as a result of the on-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or]
  - (c) termination of the service of a workman on the ground of continued ill-health;]
- <sup>4</sup>[(p) “settlement” means a settlement arrived at in the course of conciliation proceeding and includes a written agreement between the employer and workmen arrived at otherwise than in the course of conciliation proceeding where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to <sup>5</sup>[an officer authorised in this behalf by] the appropriate Government and the conciliation officer;]
- (q) “strike” means a cessation of work by a body of persons employed in any industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment;
- <sup>6</sup>[(qq) trade union” means a trade union registered under the Trade Unions Act, 1926 (16 of 1926);]

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1 Now see the Railways Act, 1989 (24 of 1989).

2 Ins. by Act 43 of 1953.

3 Ins. by Act 49 of 1984 (w.e.f. 18.8.1984)

4 Ins. by Act 36 of 1956 (w.e.f. 7.10.1956).

5 Ins. by Act 35 of 1965.

6 Ins. by Act 46 of 1982, s. 2 (w.e.f. 21.8.1984).

- <sup>1</sup>[(r) “Tribunal” means an Industrial Tribunal constituted under Section 7-A and includes an Industrial Tribunal constituted before the 10th day of March, 1957, under this Act;]
- <sup>2</sup>[(ra) “unfair labour practice” means any of the practices specified in the Fifth Schedule;
- (rb) village industries” has the meaning assigned to it in clause (h) of Section 2 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956);]
- <sup>3</sup>[(rr) “wages” means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a workman in respect of his employment, or of work done in such employment, and includes-
- (i) such allowances (including dearness allowance) as the workman is for the time being entitled to;
- (ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles;
- (iii) any travelling concession;
- <sup>4</sup>[(iv) any commission payable on the promotion of sales or business or both;]

but does not include-

- (a) any bonus;
- (b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the workman under any law for the time being in force;
- (c) any gratuity payable on the termination of his service;]
- <sup>5</sup>[(s) “workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person-
- (i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or
- (ii) who is employed in the police service or as an officer or other employee of a prison, or
- (iii) who is employed mainly in a managerial or administrative capacity, or

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1 Subs. by Act 18 of 1957.

2 Ins. by Act 46 of 1982, s. 2 (w.e.f. 21.8.1984).

3 Ins. by Act 43 of 195, S. 2 (w.e.f. 24-10-1953).

4 Ins. by Act 46 of 1982, s. 2 (w.e.f. 21.8.1984).

5 Ins. by Act 46 of 1982, s. 2 for clause (s) (w.e.f. 21.8.1984).



- (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.]

**<sup>1</sup>[2A. Dismissal etc., of an individual workman to be deemed to be an industrial dispute.-** Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.]

## CHAPTER II

### AUTHORITIES UNDER THIS ACT

**3. Works Committee:-** (1) In the case of any industrial establishment in which one hundred or more workmen are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute in the prescribed manner a Works Committee consisting of representatives of employers and workmen engaged in the establishment, so however that the number of representatives of workmen on the Committee shall not be less than the number of representatives of the employer. The representatives of the workmen shall be chosen in the prescribed manner from among the workmen engaged in the establishment and in consultation with their trade union, if any, registered under the Indian Trade Unions Act, 1926 (16 of 1926).

(2) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and workmen and, to that end, to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters.

**4. Conciliation Officers:-** (1) The appropriate Government may, by notification in the Official Gazette, appoint such number of persons as it thinks fit, to be Conciliation Officers, charged with the duty of mediating in and promoting the settlement of industrial disputes.

(2) A Conciliation Officer may be appointed for a specified area or for specified industries in a specified area or for one or more specified industries and either permanently or for a limited period.

**5. Board of Conciliation:-**(1) The appropriate Government may as occasion arises by notification in the Official Gazette, constitute a Board of Conciliation for promoting the settlement of an industrial dispute.

(2) A Board shall consist of a Chairman and two or four other members, as the appropriate Government thinks fit.

(3) The Chairman shall be an independent person and the other members shall be persons appointed in equal numbers to represent the parties to the dispute and any person appointed to represent a party shall be appointed on the recommendation of that party :

Provided that, if any party fails to make a recommendation as aforesaid within the prescribed time, the appropriate Government shall appoint such persons as it thinks fit to represent that party.

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<sup>1</sup> Ins. by Act 35 of 1965.

(4) A Board, having the prescribed quorum, may act notwithstanding the absence of the Chairman or any of its members or any vacancy in its number :

Provided that, if the appropriate Government notifies the Board that the services of the Chairman or of any other member have ceased to be available, the Board shall not act until a new chairman or member, as the case may be, has been appointed.

**6. Courts of Enquiry:-** (1) The appropriate Government may as occasion arises by notification in the Official Gazette, constitute a Court of Inquiry for enquiring into any matter appearing to be connected with or relevant to an industrial dispute.

(2) A Court may consist of one independent person or of such number of independent persons as the appropriate Government may think fit and where a Court consists of two or more members, one of them shall be appointed as the Chairman.

(3) A Court, having the prescribed quorum, may act, notwithstanding the absence of the Chairman or any of its members or any vacancy in its number:

Provided that, if the appropriate Government notifies the Court that the services of the Chairman have ceased to be available, the Court shall not act until a new Chairman has been appointed.

**1<sup>1</sup>7. Labour Courts.-** (1) The appropriate Government may, by notification in the Official Gazette, constitute one or more Labour Courts for the adjudication of industrial disputes relating to any matter specified in the Second Schedule and for performing such other functions as may be assigned to them under this Act.

(2) A Labour Court shall consist of one person only to be appointed by the appropriate Government.

(3) A person shall not be qualified for appointment as the presiding officer of a Labour Court, unless-

<sup>2</sup>[(a) he is, or has been, a Judge of a High Court; or

(b) he has, for a period of not less than three years, been a District Judge or an Additional District Judge;

(c) <sup>3</sup>[\*\*\*]

<sup>4</sup>[(d) he has held any judicial office in India for not less than seven years; or

<sup>5</sup>[(e) he has been the Presiding Officer of a Labour Court constituted under any Provincial Act or State Act for not less than five years.]

**7A. Tribunals.-** (1) The appropriate Government may, by notification in the Official Gazette, constitute one or more Industrial Tribunals for the adjudication of industrial disputes relating to any matter, whether specified in the Second Schedule or the Third Schedule <sup>6</sup>[and for performing such other functions as may be assigned to them under this Act].

(2) A Tribunal shall consist of one person only to be appointed by the appropriate Government.

1 Subs. by Act 36 of 1956.

2 Ins. by Act 36 of 1964.

3 Omitted by Act 46 of 1982, w.e.f. 21.8.1984.

4 Re-lettered by Act 36 of 1964.

5 Clauses (a) and (b) re-lettered as clauses (d) and (e) respectively by Act 36 of 1964, sec. 3 (w.e.f. 19-12-1964).

6 Ins. by Act 46 of 1982, sec. 4 (w.e.f. 21-8-1984).

(3) A person shall not be qualified for appointment as the presiding officer of a Tribunal unless-

(a) he is, or has been, a Judge of High Court ; or

<sup>1</sup>[(aa) he has, for a period of not less than three years, been a District Judge or an Additional District Judge; <sup>2</sup>[\*\*\*]

(b) <sup>3</sup>[\*\*\*]

(4) The appropriate Government may, if it so thinks fit, appoint two persons as assessors to advise the Tribunal in the proceeding before it.

**7B. National Tribunals.-** (1) The Central Government may, by notification in the Official Gazette, constitute one or more National Industrial Tribunals for the adjudication of industrial disputes which, in the opinion of the Central Government, involve questions of national importance or are of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by, such disputes.

(2) A National Tribunal shall consist of one person only to be appointed by the Central Government.

(3) A person shall not be qualified for appointment as the Presiding Officer of a National Tribunal <sup>4</sup> [unless he is, or has been, a Judge of a High Court.]

(4) The Central Government may, if it so thinks fit, appoint two persons as assessors to advise the National Tribunal in the proceeding before it.

**7C. Disqualifications for the presiding officers of Labour Courts, Tribunals and National Tribunals.-** No person shall be appointed to, or continue in, the office of the Presiding Officer of a Labour Court, Tribunal or National Tribunal, if-

(a) he is not an independent person; or

(b) he has attained the age of sixty-five years.

**<sup>5</sup>8. Filling of vacancies.-** If, for any reason a vacancy (other than a temporary absence) occurs in the office of the presiding officer of a Labour Court, Tribunal or National Tribunal or in the office of the Chairman or any other member of a Board or Court, then, in the case of a National Tribunal, the Central Government, and in any other case, the Appropriate Government, shall appoint another person in accordance with the provisions of this Act to fill the vacancy, and the proceeding may be continued before the Labour Court, Tribunal, National Tribunal, Board or Court, as the case may be, from the stage at which the vacancy is filled.

**9. Finality of orders constituting Boards, etc.-** (1) No order of the Appropriate Government or of the Central Government appointing any person as the Chairman or any other member of a Board or a Court or as the presiding officer of a Labour Court, Tribunal or National Tribunal shall be called in question in any manner; and no act or proceeding before any Board or Court shall be called in question in any manner on the ground merely of the existence of any vacancy in, or defect in the constitution of, such Board or Court.

1 Ins. by Act 36 of 1964, sec. 4 (w.e.f. 21-8-1984).

2 The word "or" omitted by the Industrial Disputes (Amendment) Act 46, 1982

3 Omitted by Act 46 of 1982, S.4 (w.e.f. 21.8.1984)

4 Subs. by Act 46 of 1982 (w.e.f. 21.8.1984).

5 Ss. by Act 36 of 1956, for Ss.8 and 9 (w.e.f. 10.3.1957)

(2) No settlement arrived at in the course of a conciliation proceeding shall be invalid by reason only of the fact that such settlement was arrived at after the expiry of the period referred to in sub-section (6) of Section 12 or sub section (5) of Section 13, as the case may be.

(3) Where the report of any settlement arrived at in the course of conciliation proceeding before a Board is signed by the Chairman and all the other members of the Board, no such settlement shall be invalid by reason only of the casual or unforeseen absence of any of the members (including the Chairman) of the Board, during any stage of the proceeding.]

### <sup>1</sup>[CHAPTER II-A

#### NOTICE OF CHANGE

**9A. Notice of change.-** No employer, who purposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change,-

- (a) without giving to the workman likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or
- (b) within twenty-one days of giving such notice:
  - Provided that no notice shall be required for effecting any such change—
  - (a) where the change is effected in pursuance of any <sup>2</sup>[settlement or award]; or
  - (b) where the workmen likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply.

**9B. Power of Government to exempt.-** Where the appropriate Government is of opinion that the application of the provisions of Section 9A to any class of industrial establishments or to any class of workmen employed in any industrial establishment affect the employers in relation thereto so prejudicially that such application may cause serious repercussion on the industry concerned and that public interest so requires, the appropriate Government may, by notification in the Official Gazette, direct that the provisions of the said section shall not apply, or shall apply, subject to such conditions as may be specified in the notification, to that class of industrial establishments or to that class of workmen employed in any industrial establishment.

### <sup>3</sup>[CHAPTER II-B

#### REFERENCE OF CERTAIN INDIVIDUAL DISPUTES TO GRIEVANCE SETTLEMENT AUTHORITIES

**9C. Setting up of Grievance Settlement Authorities and reference of certain individual disputes to such authorities.-** (1) The employer in relation to every industrial establishment in which fifty or more workmen are employed or

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1 Ins. by Act 36 of 1956.

2 Ins. by Act No.46 of 1982.

3 Ins. by Act No.46 of 1982, S.7 (yet to be enforced).

have been employed on any day in the preceding twelve months, shall provide for, in accordance with the rules made in that behalf under this Act, a Grievance Settlement Authority for the settlement of industrial disputes connected with an individual workman employed in the establishment.

(2) Where an industrial dispute connected with an individual workman arises in an establishment referred to in sub-section (1), a workman or any trade union of workmen of which such workman is a member, refer, in such manner as may be prescribed such dispute to the Grievance Settlement Authority provided for by the employer under that sub-section for settlement.

(3) The Grievance Settlement Authority referred to in sub-section (1) shall follow such procedure and complete its proceedings within such period as may be prescribed.

(4) No reference shall be made under Chapter III with respect to any dispute referred to in this section unless such dispute has been referred to the Grievance Settlement Authority concerned and the decision of the Grievance Settlement Authority is not acceptable to any of the parties to the dispute.]

### CHAPTER III

#### REFERENCE OF DISPUTES TO BOARDS, COURTS OR TRIBUNALS

**10. Reference of disputes to Boards, Courts or Tribunals.-** (1) <sup>1</sup>[Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time], by order in writing, -

- (a) refer the dispute to a Board for promoting a settlement thereof; or
- (b) refer any matter appearing to be connected with or relevant to the dispute, to a Court for inquiry; or
- <sup>2</sup>[(c) refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, if it relates to any matter specified in the Second Schedule, to a Labour Court for adjudication; or
- (d) refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, whether it relates to any matter specified in the Second Schedule or the Third Schedule, to a Tribunal for adjudication:

Provided that where the dispute relates to any matter specified in the Third Schedule and is not likely to affect more than one hundred workmen, the appropriate Government may, if it so thinks fit, make the reference to a Labour Court under Clause (c);]

<sup>3</sup>[Provided further that] where the dispute relates to a public utility service and a notice under Section 22 has been given, the appropriate Government shall, unless it considers that the notice has been frivolously or vexatiously given or that it would be inexpedient so to do, make reference under this sub-section notwithstanding that any other proceedings under this Act in respect of the dispute may have commenced:

<sup>4</sup>[Provided also that where the dispute in relation to which the Central Government is the appropriate Government, it shall be competent for the

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1 Subs. by Act 18 of 1952

2 Subs. by Act 36 of 1956 (w.e.f. 10.3.1957).

3 Subs. by Act 36 of 1956 (w.e.f. 10.3.1957).

4 Ins. by Act 46 of 1982 (w.e.f. 21.8.1984).

Government to refer the dispute to a Labour Court or an Industrial Tribunal, as the case may be, constituted by the State Government;]

<sup>1</sup>[(1-A) Where the Central Government is of opinion that any industrial dispute exists or is apprehended and the dispute involves any question of national importance or is of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by, such dispute and that the dispute should be adjudicated by a National Tribunal, then, the Central Government may, whether or not it is the appropriate Government in relation to that dispute, at any time, by order in writing, refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, whether it relates to any matter specified in the Second Schedule or the Third Schedule, to a National Tribunal for adjudication.]

(2) Where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, for a reference of the dispute to a Board, Court, <sup>2</sup>[Labour Court, Tribunal, or National Tribunal], the appropriate Government, if satisfied that the persons applying represent the majority of each party, shall make the reference accordingly.

<sup>3</sup>[(2-A) An order referring an industrial dispute to a Labour Court, Tribunal or National Tribunal under this section shall specify the period within which such Labour Court, Tribunal or National Tribunal shall submit its award on such dispute to the appropriate Government:

Provided that where such industrial dispute is connected with an individual workman, no such period shall exceed three months:

Provided further that where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, to the Labour Court, Tribunal or National Tribunal for extension of such period or for any other reason, and the presiding officer of such Labour Court, Tribunal or National Tribunal considers it necessary or expedient to extend such period, he may for reasons to be recorded in writing, extend such period by such further period as he may think fit:

Provided also that in computing any period specified in this sub-section, the period, if any, for which the proceedings before the Labour Court, Tribunal or National Tribunal had been stayed by any injunction or order of a Civil Court shall be excluded:

Provided also that no proceedings before a Labour Court, Tribunal or National Tribunal shall lapse merely on the ground that any period specified under this sub-section had expired without such proceedings being completed.]

(3) Where an industrial dispute has been referred to a Board, <sup>4</sup>[Labour Court, Tribunal or National Tribunal] under this section, the appropriate Government may by order prohibit the continuance of any strike or lock-out in connection with such dispute which may be in existence on the date of the reference.

<sup>5</sup>[(4) Where in an order referring an industrial dispute to <sup>6</sup>a Labour Court, Tribunal or National Tribunal] under this section or in a subsequent order, the appropriate Government has specified the points of dispute for adjudication,

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1 Ins. by Act 36 of 1936.

2 Subs. by Act 36 of 1956.

3 Ins. by Act 46 of 1982.

4 Subs. by Act 36 of 1956 (w.e.f) 10.3.1957

5 Ins. by Act 18 of 1952

6 Subs. by Act 36 of 1956

<sup>1</sup>[the Labour Court or the Tribunal or the National Tribunal, as the case may be], shall confine its adjudication to those points and matters incidental thereto.

(5) Where a dispute concerning any establishment or establishments has been, or is to be, referred to a <sup>2</sup>[Labour Court, Tribunal or National Tribunal] under this section and the appropriate Government is of opinion, whether on an application made to it in this behalf or otherwise, that the dispute is of such a nature that any other establishment, group or class of establishments of a similar nature is likely to be interested in, or affected by, such dispute, the appropriate Government may, at the time of making the reference or at any time thereafter but before the submission of the award, include in that reference such establishment, group or class of establishments, whether or not at the time of such inclusion any dispute exists or is apprehended in that establishment, group, or class of establishments].

<sup>3</sup>[(6) Where any reference has been made under sub-section (1-A) to a National Tribunal, then notwithstanding anything contained in this Act, no Labour Court or Tribunal shall have jurisdiction to adjudicate upon any matter which is under adjudication before the National Tribunal, and accordingly,-

- (a) if the matter under adjudication before the National Tribunal is pending in a proceeding before a Labour Court or Tribunal, the proceeding before the Labour Court or the Tribunal, as the case may be, in so far as it relates to such matter, shall be deemed to have been quashed on such reference to the National Tribunal; and
- (b) it shall not be lawful for the appropriate Government to refer the matter under adjudication before the National Tribunal to any Labour Court or Tribunal for adjudication during the pendency of the proceeding in relation to such matter before the National Tribunal.

<sup>4</sup>[*Explanation.*- In this sub-section "Labour Court" or "Tribunal" includes any Court or Tribunal or other authority constituted under any law relating to investigation and settlement of industrial disputes in force in any State].

(7) Where any industrial dispute, in relation to which the Central Government is not the appropriate Government, is referred to a National Tribunal, then, notwithstanding anything contained in this Act, any reference in Section 15, Section 17, Section 19, Section 33-A, Section 33-B and Section 36-A to the appropriate Government in relation to such dispute shall be construed as a reference to the Central Government but, save as aforesaid and as otherwise expressly provided in this Act, any reference in any other provision of this Act to the Appropriate Government in relation to that dispute shall mean a reference to the State Government.]

<sup>5</sup>[(8) No proceedings pending before a Labour Court, Tribunal or National Tribunal in relation to an industrial dispute shall lapse merely by reason of the death of any of the parties to the dispute being a workman, and such Labour

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1 Subs. by Act 36 of 1956

2 Subs. by Act 36 of 1956

3 Ins. by Act 36 of 1956

4 Ins. by Act 36 of 1964 (w.e.f.) 19.12.1964

5 Ins. by Act 46 of 1982 (w.e.f. 21.8.1984).

Court, Tribunal or National Tribunal shall complete such proceedings and submit its award to the appropriate Government].

**<sup>1</sup>[10A. Voluntary reference of disputes to arbitration:-** (1) Where any industrial dispute exists or is apprehended and the employer and the workmen agree to refer the dispute to arbitration, they may, at any time before the dispute has been referred under Section 10 to a Labour Court or Tribunal or National Tribunal, by a written agreement, refer the dispute to arbitration and the reference shall be to such person or persons (including the presiding officer of a Labour Court or Tribunal or National Tribunal) as an arbitrator or arbitrators as may be specified in the arbitration agreement.

<sup>2</sup>[(1A) Where an arbitration agreement provides for a reference of the dispute to an even number of arbitrators, the agreement shall provide for the appointment of another person as umpire who shall enter upon the reference, if the arbitrators are equally divided in their opinion, and the award of the umpire shall prevail and shall be deemed to be the arbitration award for the purposes of this Act.]

(2) An arbitration agreement referred to in sub-section (1) shall be in such form and shall be signed by the parties thereto in such manner as may be prescribed.

(3) A copy of the arbitration agreement shall be forwarded to the appropriate Government and the Conciliation Officer and the appropriate Government shall, within <sup>3</sup>[one month] from the date of the receipt of such copy, publish the same in the Official Gazette.

<sup>4</sup>[(3A) Where an industrial dispute has been referred to arbitration and the appropriate Government is satisfied that the persons making the reference represent the majority of each party, the appropriate Government may, within the time referred to in sub-section (3), issue a notification in such a manner as may be prescribed; and when any such notification is issued, the employers and workmen who are not parties to the arbitration agreement but are concerned in the dispute, shall be given an opportunity of presenting their case before the arbitrator or arbitrators.]

(4) The arbitrator or arbitrators shall investigate the dispute and submit to the appropriate Government the arbitration award signed by the arbitrator or all the arbitrators, as the case may be.

<sup>5</sup>[(4-A) Where an industrial dispute has been referred to arbitration and a notification has been issued under sub-section (3-A), the appropriate Government may, by order, prohibit the continuance of any strike or lock out in connection with such dispute which may be in existence on the date of reference.]

(5) Nothing in the Arbitration Act, 1940 (10 of 1940)<sup>6</sup>, shall apply to arbitrations under this section.]

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1 Ins. by Act 36 of 1956 (w.e.f. 10.3.1957).

2 Ins. by Act 36 of 1964, sec. 6 (w.e.f. 19-12-1964).

3 Subs. by Act 36 of 1964

4 Subs. by Act 36 of 1964 (w.e.f. 19.12.1964).

5 Added by I.D. Amendment Act 36 of 1964.

6 Now see the Arbitration and Conciliation Act, 1996 (21 of 1996).



**CHAPTER IV**  
**PROCEDURE, POWERS AND DUTIES OF AUTHORITIES**

**11. Procedure and power of conciliation officers, Boards, Courts and Tribunals:-** <sup>1</sup>[(1) Subject to any rules that may be made in this behalf, an arbitrator, a Board, Court, Labour Court, Tribunal or National Tribunal shall follow such procedure as the arbitrator or other authority concerned may think fit].

(2) A conciliation officer or a member of a Board, <sup>2</sup>[or Court or the presiding officer of a Labour Court, Tribunal or National Tribunal] may, for the purpose of inquiry into any existing or apprehended industrial dispute, after giving reasonable notice, enter the premises occupied by any establishment to which the dispute relates.

(3) Every Board, Court, <sup>3</sup>[Labour Court, Tribunal and National Tribunal] shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit, in respect of the following matters, namely-

- (a) Enforcing the attendance of any person and examining him on oath;
- (b) Compelling the production of documents and material objects;
- (c) Issuing commissions for the examination of witnesses;
- (d) In respect of such other matters as may be prescribed;

and every inquiry or investigation by a Board, Court, <sup>4</sup>[Labour Court, Tribunal or or National Tribunal] shall be deemed to be a judicial proceeding, within the meaning of Sections 193 and 228 of the Indian Penal Code (45 of 1860).

(4) A Conciliation Officer <sup>5</sup>[may enforce the attendance of any person for the purpose of examination of such person or call for] and inspect any document which he has ground for considering to be relevant to the industrial dispute <sup>6</sup>[or to be necessary for the purpose of verifying the implementation of any award or carrying out any other duty imposed on him under this Act, and for the aforesaid purposes, the conciliation officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) <sup>7</sup>[in respect of enforcing the attendance of any person and examining him or of compelling the production of documents].]

<sup>8</sup>[(5) A Court, Labour Court, Tribunal or National Tribunal may, if it so thinks fit, appoint one or more persons having special knowledge of the matter under consideration as assessor or assessors to advise it in the proceeding before it.

[(6) All conciliation officers, members of a Board or Court and the presiding officers of a Labour Court, Tribunal or National Tribunal shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

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1 Subs. by Act 36 of 1956 (w.e.f. 10.3.1957).

2 Subs. by Act 36 of 1956 (w.e.f. 10.3.1957).

3 Subs. by Act 36 of 1956 (w.e.f.) 10.3.1957

4 Subs. by Act 36 of 1956 (w.e.f.) 10.3.1957

5 Subs. by Act 46 of 1982 (w.e.f. 21.8.1984

6 Ins. by Act 36 of 1956 (w.e.f.) 10.3.1957

7 Subs. by Act 46 of 1982, sec. 9, for "in respect of compelling the production of documents" (w.e.f. 21-8-1984).

8 Subs. by Act 36 of 1956 (w.e.f.) 10.3.1957

[(7) Subject to any rules made under this Act, the costs of, and incidental to, any proceeding before a Labour Court, Tribunal or National Tribunal shall be in the discretion of that Labour Court, Tribunal or National Tribunal and the Labour Court, Tribunal or National Tribunal, as the case may be, shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid, and to give all necessary directions for the purposes aforesaid and such costs may, on application made to the appropriate Government by the person entitled, be recovered by that Government in the same manner as an arrear of land revenue].

<sup>1</sup>[(8) Every <sup>2</sup>[Labour Court, Tribunal or National Tribunal] shall be deemed to be a Civil Court for the purposes of <sup>3</sup>[Sections 345, 346 and 348 of the Code of Criminal Procedure, 1973 (2 of 1974)]].

**<sup>4</sup>[11A. Powers of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen.-** Where an Industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require:

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter].

**12. Duties of conciliation officers:-** (1) Where any industrial dispute exists or is apprehended, the conciliation officer may, or where the dispute relates to a public utility service and a notice under Section 22 has been given, shall, hold conciliation proceedings in the prescribed manner.

(2) The Conciliation Officer shall, for the purpose of bringing about a settlement of the dispute, without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(3) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings the conciliation officer shall send a report thereof to the appropriate Government <sup>5</sup>[or an officer authorised in this behalf by the appropriate Government] together with a memorandum of the settlement signed by the parties to the dispute.

(4) If no such settlement is arrived at, the conciliation officer shall, as soon as practicable after the close of the investigation, send to the appropriate Government a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about settlement

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1 Ins. by Act 48 of 1950

2 Subs. by Act 36 of 1956 (w.e.f. 10.3.1957)

3 Subs. by Act 46 of 1982 (w.e.f. 21.8.1984)

4 Ins. by Act 45 of 1971

5 Ins. by Act 35 of 1965 (w.e.f.) 1.12.1965

thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at.

(5) If, on a consideration of the report referred to in sub-section (4), the appropriate Government is satisfied that there is a case for reference to a Board, <sup>1</sup>[Labour Court, Tribunal or National Tribunal], it may make such reference. Where the appropriate Government does not make such a reference it shall record and communicate to the parties concerned its reasons therefor.

(6) A report under this section shall be submitted within fourteen days of the commencement of the conciliation proceedings or within such shorter period as may be fixed by the appropriate Government:

<sup>2</sup>[Provided that, <sup>3</sup>[subject to the approval of the conciliation officer] the time for the submission of the report may be extended by such period as may be agreed upon in writing by all the parties to the dispute].

**13. Duties of Board:-** (1) Where a dispute has been referred to a Board under this Act, it shall be the duty of the Board to endeavour to bring about a settlement of the same and for this purpose the Board shall, in such manner as it thinks fit and without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as it thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(2) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings, the Board shall send a report thereof to the appropriate Government together with a memorandum of the settlement signed by the parties to the dispute.

(3) If no such settlement is arrived at, the Board shall, as soon as practicable after the close of the investigation, send to the appropriate Government a full report setting forth the proceedings and steps taken by the Board for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, its finding thereon, the reasons on account of which, in its opinion, a settlement could not be arrived at and its recommendations for the determination of the dispute.

(4) If, on the receipt of a report under sub-section (3) in respect of a dispute relating to public utility service, the appropriate Government does not make a reference to a <sup>4</sup>[Labour Court, Tribunal or National Tribunal] under Section 10, it shall record and communicate to the parties concerned its reasons therefor.

(5) The Board shall submit its report under this section within two months of the date <sup>5</sup>[on which the dispute was referred to it] or within such shorter period as may be fixed by the appropriate Government:

Provided that the appropriate Government may from time to time extend the time for the submission of the report by such further periods not exceeding two months in the aggregate:

Provided further that the time for the submission of the report may be extended by such period as may be agreed on in writing by all the parties to the dispute.

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1 Subs. by Act 36 of 1956 (w.e.f.) 10.3.1957

2 Ins. by Act 36 of 1956 (w.e.f.) 10.3.1957

3 Ins. by Act 36 of 1964 (w.e.f.) 19.12.1964

4 Subs. by Act 36 of 1956 (w.e.f.) 10.3.1957

5 Subs. by Act 40 of 1951

**14. Duties of Courts:-** A Court shall inquire into the matters referred to it and report thereon to the appropriate Government ordinarily within a period of six months from the commencement of its inquiry.

**<sup>1</sup>15. Duties of Labour Courts, Tribunals and National Tribunals:-** Where an industrial dispute has been referred to a Labour Court, Tribunal or National Tribunal for adjudication, it shall hold its proceedings expeditiously and shall, <sup>2</sup>[within the period specified in the order referring such industrial dispute or the further period extended under the second proviso to sub-section (2-A) of Section 10], submit its award to the appropriate Government.]

**16. Form of Report or Award:-** (1) The report of a Board or Court shall be in writing and shall be signed by all the members of the Board or Court, as the case may be:

Provided that nothing in this section shall be deemed to prevent any member of the Board or Court from recording any minute of dissent from a report or from any recommendation made therein.

(2) The award of a Labour Court or Tribunal or National Tribunal shall be in writing and shall be signed by its presiding officer.]

**17. Publication of reports and awards:-** (1) Every report of a Board or Court together with any minute of dissent recorded therewith, every arbitration award and every award of the Labour Court, Tribunal or National Tribunal shall, within a period of thirty days from the date of its receipt by the appropriate Government, be published in such manner as the appropriate Government thinks fit.

(2) Subject to the provisions of Section 17-A, the award published under sub-section (1) shall be final and shall not be called in question by any Court in any manner whatsoever.

**17A. Commencement of the award:-** (1) An award (including an arbitration award) shall become enforceable on the expiry of thirty days from the date of its publication under Section 17:

Provided that-

- (a) if the appropriate Government is of opinion, in any case where the award has been given by a Labour Court or Tribunal in relation to an industrial dispute to which it is a party; or
- (b) if the Central Government is of opinion, in any case where the award has been given by a National Tribunal,

that it will be inexpedient on public grounds affecting national economy or social justice to give effect to the whole or any part of the award, the appropriate Government, or as the case may be, the Central Government may, by notification in the Official Gazette, declare that the award shall not become enforceable on the expiry of the said period of thirty days.

(2) Where any declaration has been made in relation to an award under the proviso to sub-section (1), the appropriate Government or the Central Government may, within ninety days from the date of publication of the award under Section 17, make an order rejecting or modifying the award, and shall, on the first available opportunity, lay the award together with a copy of the order before the Legislature of the State, if the order has been made by a State

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1 Subs. by Act 36 of 1956 (w.e.f. 10.3.1957)

2 Subs. by Act 46 of 1982 (w.e.f. 21.8.1984)

Government, or before Parliament, if the order has been made by the Central Government.

(3) Where any award as rejected or modified by an order made under sub-section (2) is laid before the Legislature of a State or before Parliament, such award shall become enforceable on the expiry of fifteen days from the date on which it is so laid; and where no order under sub-section (2) is made in pursuance of a declaration under the proviso to sub-section (1), the award shall become enforceable on the expiry of the period of ninety days referred to in sub-section (2).

(4) Subject to the provisions of sub-section (1) and sub-section (3) regarding the enforceability of an award, the award shall come into operation with effect from such date as may be specified therein, but where no date is so specified, it shall come into operation on the date when the award becomes enforceable under sub-section (1) or sub-section (3), as the case may be.]

**<sup>1</sup>[17B. Payment of full wages to workman pending proceedings in higher Courts.-** Where in any case, a Labour Court, Tribunal or National Tribunal by its award directs reinstatement of any workman and the employer prefers any proceedings against such award in a High Court or the Supreme Court, the employer shall be liable to pay such workman, during the period of pendency of such proceedings in the High Court or the Supreme Court, full wages last drawn by him, inclusive of any maintenance allowance admissible to him under any rule if the workman had not been employed in any establishment during such period and an affidavit by such workman had been filed to that effect in such Court:

Provided that where it is proved to the satisfaction of the High Court or the Supreme Court that such workman had been employed and had been receiving adequate remuneration during any such period or part thereof, the Court shall order that no wages shall be payable under this section for such period or part, as the case may be.

**18. Persons on whom settlements and awards are binding.-** <sup>2</sup>[(1) A settlement arrived at by agreement between the employer and workman otherwise than in the course of conciliation proceeding shall be binding on the parties to the agreement.

(2) <sup>3</sup>[Subject to the provisions of sub-section (3), an arbitration award] which has become enforceable shall be binding on the parties to the agreement who referred the dispute to arbitration.]

<sup>4</sup>[(3) A settlement arrived at in the course of conciliation proceedings under this Act <sup>5</sup>[or an arbitration award in a case where a notification has been issued under sub-section (3A) of Section 10A] or <sup>6</sup>[an award <sup>7</sup>[of a Labour Court, Tribunal or National Tribunal] which has become enforceable] shall be binding on-

- (a) all parties to the industrial dispute;
- (b) all other parties summoned to appear in the proceedings

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1 Ins. by Act 46 of 1982 S.11 (w.e.f. 21.8.1984)

2 Ins. by Act 36 of 1956, S.13 (w.e.f.7.10.1956)

3 Subs. by Act 36 of 1964

4 Renumbered by Act 36 of 1956

5 Ins. by Act 36 of 1964

6 Sub. by Act 48 of 1950

7 Ins. by Act 36 of 1956

as parties to the dispute, unless the Board, <sup>1</sup>[arbitrator,] <sup>2</sup>[Labour Court, Tribunal or National Tribunal], as the case may be, records the opinion that they were so summoned without proper cause;

- (c) where a party referred to in clause (a) or clause (b) is an employer, his heirs, successors or assigns in respect of the establishment to which the dispute relates;
- (d) where a party referred to in clause (a) or clause (b) is composed of workmen, all persons who were employed in the establishment or part of the establishment, as the case may be, to which the dispute relates on the date of the dispute and all persons who subsequently become employed in that establishment or part.

**19. Period of operation of settlements and awards.**- (1) A settlement <sup>3</sup>[\*\*\*] <sup>3</sup>[\*\*\*] shall come into operation on such date as is agreed upon by the parties to the dispute, and if no date is agreed upon, on the date on which the memorandum of the settlement is signed by the parties to the dispute.

(2) Such settlement shall be binding for such period as is agreed upon by the parties, and if no such period is agreed upon, for a period of six months <sup>4</sup>[from the date on which the memorandum of settlement is signed by the parties to the dispute], and shall continue to be binding on the parties after the expiry of the period aforesaid, until the expiry of two months from the date on which a notice in writing of an intention to terminate the settlement is given by one of the parties to the other party or parties to the settlement.

<sup>5</sup>[(3) An award shall, subject to the provisions of this section, remain in operation for a period of one year <sup>6</sup>[from the date on which the award becomes enforceable under Section 17A]:

Provided that the appropriate Government may reduce the said period and fix such period as it thinks fit:

Provided further that the appropriate Government may, before the expiry of the said period, extend the period of operation by any period not exceeding one year at a time as it thinks fit, so, however, that the total period of operation of any award does not exceed three years from the date on which it came into operation.

(4) Where the appropriate Government, whether of its own motion or on the application of any party bound by the award, considers that since the award was made, there has been a material change in the circumstances on which it was based, the appropriate Government may refer the award or a part of it <sup>7</sup>[to a Labour Court, if the award was that of a Labour Court or to a Tribunal, if the award was that of a Tribunal or of a National Tribunal] for decision whether the period of operation should not, by reason of such change, be shortened and the decision of <sup>8</sup>[Labour Court or the Tribunal, as the case may be], on such reference shall <sup>9</sup>[\*\*\*] be final.

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1 Ins. by Act 36 of 1964

2 Subs. by Act 36 of 1956

3 Omitted by Act 36 of 1956, S.14 (w.e.f. 7.10.1956)

4 Ins. by Act 36 of 1956, S.14 (w.e.f. 7.10.1956)

5 Subs. by Act 48 of 1950

6 Inserted by Act 36 of 1956

7 Subs. by Act 36 of 1956, S.14 (w.e.f. 7.10.1956)

8 Substituted by Act 36 of 1956

9 Omitted by Act 36 of 1956

(5) Nothing contained in sub-section (3) shall apply to any award which by its nature, terms or other circumstances does not impose, after it has been given effect to, any continuing obligation on the parties bound by the award.

(6) Notwithstanding the expiry of the period of operation under sub-section (3), the award shall continue to be binding on the parties until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award.

<sup>1</sup>[(7) No notice given under sub-section (2) or sub-section (6) shall have effect, unless it is given by a party representing the majority of persons bound by the settlement or award, as the case may be.]

**20. Commencement and conclusion of proceedings.-** (1) A conciliation proceeding shall be deemed to have commenced on the date on which a notice of strike or lock-out under Section 22 is received by the conciliation officer or on the date of the order referring the dispute to a Board, as the case may be.

(2) A conciliation proceeding shall be deemed to have concluded-

- (a) where a settlement is arrived at, when a memorandum of the settlement is signed by the parties to the dispute;
- (b) where no settlement is arrived at, when the report of the conciliation officer is received by the appropriate Government or when the report of the Board is published under Section 17, as the case may be; or
- (c) when a reference is made to a Court, <sup>2</sup>[Labour Court, Tribunal or or National Tribunal] under Section 10 during the pendency of conciliation proceedings.

(3) Proceedings <sup>3</sup>[before an arbitrator under Section 10-A or before a Labour Labour Court, Tribunal or National Tribunal] shall be deemed to have commenced on the date of the <sup>4</sup>[reference of the dispute for arbitration or adjudication, as the case may be,] and such proceedings shall be deemed to have concluded <sup>5</sup>[on the date on which the award becomes enforceable under Section 17-A.]

**21. Certain matters to be kept confidential.-** There shall not be included in any report or award under this Act any information obtained by a conciliation officer, Board, Court, <sup>6</sup>[Labour Court, Tribunal, National Tribunal or an arbitrator], in the course of any investigation or inquiry as to a trade union or as to any individual business (whether carried on by a person, firm or company) which is not available otherwise than through the evidence given before such officer, Board, Court, <sup>7</sup>[Labour Court, Tribunal, National Tribunal or an arbitrator], if the trade union, person, firm or company in question has made a request in writing to the conciliation officer, Board, Court <sup>8</sup>[Labour Court, Tribunal, National Tribunal, or arbitrator] as the case may be, that such

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1 Inserted by Act 36 of 1964

2 Subs. by Act 36 of 1956 (w.e.f. 10.3.1957)

3 Subs. by Act 36 of 1956 (w.e.f. 10.3.1957)

4 Subs. by Act 36 of 1956 (w.e.f. 10.3.1957)

5 Subs. by Act 18 of 1952

6 Substituted for words "or Tribunal" by the Industries Disputes (Amendment and Miscellaneous Provisions) Act 36 of 1956 w.e.f. 10-3-1957.

7 Subs. by Act 36 of 1956 (w.e.f. 10.3.1957)

8 Subs. by Act 36 of 1956 (w.e.f. 10.3.1957)

information shall be treated as confidential; nor shall such conciliation officer or any individual member of the Board, <sup>1</sup>[or Court or the presiding officer of the Labour Court, Tribunal or National Tribunal or the arbitrator] or any person present at or concerned in the proceedings disclose any such information without the consent in writing of the secretary of the trade union or the person, firm or company in question, as the case may be:

Provided that nothing contained in this section shall apply to a disclosure of any such information for the purposes of a prosecution under Section 193 of the Indian Penal Code (45 of 1860).

#### **CHAPTER-V STRIKES AND LOCK-OUTS**

**22. Prohibition of strikes and lock-outs.-** (1) No person employed in a public utility service shall go on strike in breach of contract-

- (a) without giving to the employer notice of strike, as hereinafter provided, within six weeks before striking; or
- (b) within fourteen days of giving such notice; or
- (c) before the expiry of the date of strike specified in any such notice as aforesaid; or
- (d) during the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.

(2) No employer carrying on any public utility service shall lock-out any of his workmen-

- (a) without giving them notice of lock-out as hereinafter provided, within six weeks before locking-out; or
- (b) within fourteen days of giving such notice; or
- (c) before the expiry of the date of lock-out specified in any such notice as aforesaid; or
- (d) during the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.

(3) The notice of lock-out or strike under this section shall not be necessary where there is already in existence a strike or, as the case may be, lock-out in the public utility service, but the employer shall send intimation of such lock-out or strike on the day on which it is declared, to such authority as may be specified by the appropriate Government either generally or for a particular area or for a particular class of public utility services.

(4) The notice of strike referred to in sub-section (1) shall be given by such number of persons to such person or persons and in such manner as may be prescribed.

(5) The notice of lock-out referred to in sub-section (2) shall be given in such manner as may be prescribed.

(6) If on any day an employer receives from any person employed by him any such notices as are referred to in sub-section (1) or gives to any persons employed by him any such notices as are referred to in sub-section (2), he shall within five days thereof report to the appropriate Government or to such authority as that Government may prescribe, the number of such notices received or given on that day.

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<sup>1</sup> Subs. by Act 36 of 1956 (w.e.f. 10.3.1957)



**23. General prohibition of strikes and lock-outs.-** No workman who is employed in any industrial establishment shall go on strike in breach of contract and no employer of any such workman shall declare a lock-out-

- (a) during the pendency of conciliation proceedings before a Board and seven days after the conclusion of such proceedings;
- (b) during the pendency of proceedings before <sup>1</sup>[a Labour Court, Tribunal or National Tribunal] and two months after the conclusion of such proceedings; <sup>2</sup>[\*\*\*]
- <sup>3</sup>[(bb) during the pendency of arbitration proceedings before an arbitrator and two months after the conclusion of such proceedings, where a notification has been issued under sub-section (3-A) of Section 10-A; or]
- (c) during any period in which a settlement or award is in operation in respect of any of the matters covered by the settlement or award.

**24. Illegal strikes and lock-outs.-** (1) A strike or a lock-out shall be illegal if-

- (i) it is commenced or declared in contravention of Section 22 or Section 23; or
- (ii) it is continued in contravention of an order made under sub-section (3) of Section 10 <sup>4</sup>[or sub-section (4-A) of Section 10-A]

(2) Where a strike or lock-out in pursuance of an industrial dispute has already commenced and is in existence at the time of the reference of the dispute to a Board, <sup>5</sup>[an arbitrator,] <sup>6</sup>[a Labour Court, Tribunal or National Tribunal], the continuance of such strike or lock-out shall not be deemed to be illegal, provided that such strike or lock-out was not at its commencement in contravention of the provisions of this Act or the continuance thereof was not prohibited under sub-section (3) of Sec.10 <sup>7</sup>[or sub- section 4(A) of Section 10-A].

(3) A lock-out declared in consequence of an illegal strike or a strike declared in consequence of an illegal lock-out shall not be deemed to be illegal.

**25. Prohibition of financial aid to illegal strikes and lock-outs.-** No person shall knowingly expend or apply any money in direct furtherance or support of any illegal strike or lock-out.

#### <sup>8</sup>[CHAPTER V-A

#### LAY-OFF AND RETRENCHMENT

**25A. Application of Sections 25-C to 25-E.-** (1) Sections 25-C to 25-E inclusive <sup>9</sup>[shall not apply to industrial establishments to which Chapter V-B applies,] or

- (a) to industrial establishments in which less than fifty workmen on an average per working day have been employed in the preceding calendar month; or

1 Subs. by Act 36 of 1956 (w.e.f. 10.3.1957)

2 Omitted by Act 36 of 1964 (w.e.f. 19.12.1964)

3 Inserted by Act 36 of 1964 (w.e.f. 19-12-1964).

4 Ins. by Act 36 of 1964 (w.e.f. 19.12.1964)

5 Ins. by Act 36 of 1964

6 Subs. by Act 36 of 1956

7 Ins. by Act 36 of 1964

8 Ins. by Act 43 of 1953

9 Subs. by Act 32 of 1976

- (b) to industrial establishments which are of a seasonal character or in which work is performed only intermittently.

(2) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the appropriate Government thereon shall be final

<sup>1</sup>[*Explanation.*- In this section and in Sections 25-C, 25-D and 25-E, “industrial establishment” means-

- (i) a factory as defined in clause (m) of Section 2 of the Factories Act, 1948 (63 of 1948); or
- (ii) a mine as defined in clause (f) of Section 2 of the Mines Act, 1952 (35 of 1952); or
- (iii) a plantation as defined in clause (f) of Section 2 of the Plantations Labour Act, 1951 (69 of 1951).]

<sup>2</sup>[**25B. Definition of continuous service.**- For the purposes of this Chapter,--

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer-

- (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than-
  - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
  - (ii) two hundred and forty days, in any other case;
- (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than-
  - (i) ninety-five days, in the case of a workman employed below ground in a mine; and
  - (ii) one hundred and twenty days, in any other case.

*Explanation.*- For the purpose of clause (2), the number of days on which a workman has actually worked under an employer shall include the days on which-

- (i) he has been laid-off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), or under this Act or under any other law applicable to the industrial establishment;
- (ii) he has been on leave with full wages, earned in the previous year;
- (iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

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1 Substituted by Act 48 of 1954.

2 Substituted by Act 36 of 1964.

- (iv) in the case of a female, she has been on maternity leave; so, however, that the total period of such maternity leave does not exceed twelve weeks.]

**1[25C. Right of workmen laid off for compensation.-** Whenever a workman (other than a badli workman or a casual workman) whose name is borne on the muster-rolls of an industrial establishment and who has completed not less than one year of continuous service under an employer is laid-off, whether continuously or intermittently, he shall be paid by the employer for all days during which he is so laid-off, except for such weekly holidays as may intervene, compensation which shall be equal to fifty per cent of the total of the basic wages and dearness allowance that would have been payable to him had he not been so laid-off:

Provided that if during any period of twelve months, a workman is so laid-off for more than forty-five days, no such compensation shall be payable in respect of any period of the lay-off after the expiry of the first forty-five days, if there is an agreement to that effect between the workman and the employer:

Provided further that it shall be lawful for the employer in any case falling within the foregoing proviso to retrench the workman in accordance with the provisions contained in Section 25-F at any time after the expiry of the first forty-five days of the lay-off and when he does so, any compensation paid to the workman for having been laid-off during the preceding twelve months may be set off against the compensation payable for retrenchment.

*Explanation.*—“Badli workman” means a workman who is employed in an industrial establishment in the place of another workman whose name is borne on the muster rolls of the establishment, but shall cease to be regarded as such for the purposes of this section, if he has completed one year of continuous service in the establishment.]

**25D. Duty of an employer to maintain muster rolls of workmen.-** Notwithstanding that workmen in any industrial establishment have been laid-off, it shall be the duty of every employer to maintain for the purposes of this Chapter a muster-roll, and to provide for the making of entries therein by workmen who may present themselves for work at the establishment at the appointed time during normal working hours.

**25E. Workmen not entitled to compensation in certain cases.-** No compensation shall be paid to a workman who has been laid off-

- (i) if he refuses to accept any alternative employment in the same establishment from which he has been laid-off, or in any other establishment belonging to the same employer situate in the same town or village or situate within a radius of five miles from the establishment to which he belongs, if, in the opinion of the employer, such alternative employment does not call for any special skill or previous experience and can be done by the workman, provided that the wages which would normally have been paid to the workman are offered for the alternative employment also;
- (ii) if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day;

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1 Substituted by Act 35 of 1965.

- (iii) if such laying-off is due to a strike or slowing-down of production on the part of workmen in another part of the establishment.

**25F. Conditions precedent to retrenchment of workmen.-** No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until-

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

<sup>1</sup>[\*\*\*]

- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay <sup>2</sup>[for every completed year of continuous service] or any part thereof in excess of six months; and

- (c) notice in the prescribed manner is served on the appropriate Government <sup>3</sup>[or such authority as may be specified by the appropriate Government by notification in the Official Gazette.]

**<sup>4</sup>[25FF. Compensation to workmen in case of transfer of undertakings.-**

Where the ownership or management of an undertaking is transferred, whether by agreement or by operation of law, from the employer in relation to that undertaking to a new employer, every workman who has been in continuous service for not less than one year in that undertaking immediately before such transfer shall be entitled to notice and compensation in accordance with the provisions of Section 25-F, as if the workman had been retrenched:

Provided that nothing in this section shall apply to a workman in any case where there has been a change of employers by reason of the transfer, if-

- (a) the service of the workman has not been interrupted by such transfer;
- (b) the terms and conditions of service applicable to the workman after such transfer are not in any way less favourable to the workman than those applicable to him immediately before the transfer; and
- (c) the new employer is, under the terms of such transfer or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation on the basis that his service has been continuous and has not been interrupted by the transfer.]

**<sup>5</sup>[25FFA. Sixty days' notice to be given of intention to close down any undertaking.-** (1) An employer who intends to close down an undertaking shall serve, at least sixty days before the date on which the intended closure is to become effective, a notice, in the prescribed manner, on the appropriate Government stating clearly the reasons for the intended closure of the undertaking:

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1 Proviso to clause (a) omitted by the Industrial Disputes (amendment) Act 49 of 1984 w.e.f. 18-8-1984.

2 Substituted by Act 36 of 1964.

3 Inserted by Act 36 of 1964.

4 Substituted by Act 18 of 1957.

5 Inserted by Act 32 of 1972.

Provided that nothing in this section shall apply to-

- (a) an undertaking in which -
  - (i) less than fifty workmen are employed, or
  - (ii) less than fifty workmen were employed on an average per working day in the preceding twelve months,
- (b) an undertaking set up for the construction of buildings, bridges, roads, canals, dams or for other construction work or project.

(2) Notwithstanding anything contained in sub-section (1), the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order].

**<sup>1</sup>25FFF. Compensation to workmen in case of closing down of undertaking.-** (1) Where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall, subject to the provisions of sub-section (2), be entitled to notice and compensation in accordance with the provisions of Section 25-F, as if the workman had been retrenched:

Provided that where the undertaking is closed down on account of unavoidable circumstances beyond the control of the employer, the compensation to be paid to the workman under clause (b) of Section 25-F shall not exceed his average pay for three months.

<sup>2</sup>[*Explanation.*-An undertaking which is closed down by reason merely of-

- (i) financial difficulties (including financial losses); or
- (ii) accumulation of undisposed of stocks; or
- (iii) the expiry of the period of the lease or licence granted to it; or
- (iv) in a case where the undertaking is engaged in mining operations, exhaustion of the minerals in the area in which such operations are carried on,

shall not be deemed to be closed down on account of unavoidable circumstances beyond the control of the employer within the meaning of the proviso to this sub-section.]

<sup>3</sup>[(1-A) Notwithstanding anything contained in sub-section (1), where an undertaking engaged in mining operations is closed down by reason merely of exhaustion of the minerals in the area in which such operations are carried on, no workman referred to in that sub-section shall be entitled to any notice or compensation in accordance with the provisions of Section 25-F, if-

- (a) the employer provides the workman with alternative employment with effect from the date of closure at the same remuneration as he was entitled to receive, and on the same terms and conditions of service as were applicable to him, immediately before the closure;
- (b) the service of the workman has not been interrupted by such alternative employment; and
- (c) the employer is, under the terms of such alternative employment or otherwise, legally liable to pay to the workman, in the event of

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1 Ins. by Act 18 of 1956, sec. 3 (w.e.f. 28.11.1956)

2 Substituted by Act 45 of 1971.

3 Inserted by Act 45 of 1971.

his retrenchment, compensation on the basis that his service has been continuous and has not been interrupted by such alternative employment.

(1-B) For the purposes of sub-sections (1) and (1-A), the expressions “minerals” and “mining operations” shall have the meanings respectively assigned to them in clauses (a) and (d) of Section 3 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957).]

(2) Where any undertaking set-up for the construction of buildings, bridges, roads, canals, dams or other construction work is closed down on account of the completion of the work within two years from the date on which the undertaking had been set up, no workman employed therein shall be entitled to any compensation under clause (b) of Section 25-F, but if the construction work is not so completed within two years, he shall be entitled to notice and compensation under that section for every <sup>1</sup>[completed year of continuous service] or any part thereof in excess of six months.]

**25G. Procedure for retrenchment.-** Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

**25H. Re-employment of retrenched workmen.-** Where any workmen are retrenched and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity <sup>2</sup>[to the retrenched workmen who are citizens of India to offer themselves for re-employment, and such retrenched workmen] who offer themselves for re-employment shall have preference over other persons.

**25I. [Recovery of moneys due from employers under this Chapter.-** Repealed by the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956 section 19 w.e.f. 10-3-1957.

**25J. Effect of laws inconsistent with this Chapter.-** (1) The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other law including standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946):

<sup>3</sup>[Provided that where under the provisions of any other Act or Rules, orders or notifications issued thereunder or under any standing orders or under any award, contract of service or otherwise, a workman is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the workman shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.]

(2) For the removal of doubts, it is hereby declared that nothing contained in this Chapter shall be deemed to affect the provisions of any other law for the time being in force in any State in so far as that law provides for the settlement of

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1 Subs. by Act 36 of 1964.

2 Substituted by Act 36 of 1964.

3 Substituted by Act 36 of 1964.

industrial disputes, but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment shall be determined in accordance with the provisions of this Chapter.]

**<sup>1</sup>[CHAPTER V-B**

**SPECIAL PROVISIONS RELATING TO LAY-OFF, RETRENCHMENT AND CLOSURE IN CERTAIN ESTABLISHMENTS**

**25K. Application of Chapter V-B.-** (1) The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than <sup>2</sup>[one hundred] workmen were employed on an average per working day for the preceding twelve months.

(2) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the appropriate Government thereon shall be final.

**25L. Definitions.-** For the purposes of this Chapter,-

- (a) "industrial establishment" means-
  - (i) a factory as defined in clause (m) of Section 2 of the Factories Act, 1948 (63 of 1948);
  - (ii) a mine as defined in clause (j) of sub-section (1) of Section 2 of the Mines Act, 1952 (35 of 1952); or
  - (iii) a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (69 of 1951);
- (b) notwithstanding anything contained in sub-clause (ii) of clause (a) of Section 2,-
  - (i) in relation to any company in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government, or
  - (ii) in relation to any corporation not being a corporation referred to in sub-clause (i) of clause (a) of section 2] established by or under any law made by Parliament,

the Central Government shall be the appropriate Government.

**25M. Prohibition of lay-off.-** (1) No workman (other than a badli workman or a casual workman) whose name is borne on the muster rolls of an industrial establishment to which this Chapter applies shall be laid-off by his employer except <sup>3</sup>[with the prior permission of the appropriate Government or such authority as may be specified by that Government by notification in the Official Gazette (hereafter in this section referred to as the specified authority), obtained on an application made in this behalf, unless such lay-off is due to shortage of power or to natural calamity, and in the case of a mine, such lay-off is due also to fire, flood, excess of inflammable gas or explosion].

<sup>4</sup>[(2) An application for permission under sub-section (1) shall be made by the employer in the prescribed manner stating clearly the reasons for the intended lay-off and a copy of such application shall also be served simultaneously on the workmen concerned in the prescribed manner.

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1 Ins. by Act 32 of 1976.

2 Substituted by Act No.46 of 1982 (w.e.f.) 7.4.1984.

3 Subs. by the Industrial Disputes (Amendment) Act 49 of 1984 (w.e.f. 18.8.1984).

4 Subs. by Act No.49 of 1984 (w.e.f. 18.8.1984)

(3) Where the workmen (other than badli workmen or casual workmen) of an industrial establishment, being a mine, have been laid-off under sub-section (1) for reasons of fire, flood or excess of inflammable gas or explosion, the employer, in relation to such establishment, shall, within a period of thirty days from the date of commencement, of such lay-off, apply, in the prescribed manner, to the appropriate Government or the specified authority for permission to continue the lay-off.

(4) Where an application for permission under sub-section (1) or sub-section (3) has been made, the appropriate Government or the specified authority, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen concerned and the persons interested in such lay-off, may, having regard to the genuineness and adequacy of the reasons for such lay-off, the interests of the workmen and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(5) Where an application for permission under sub-section (1) or sub-section (3) has been made and the appropriate Government or the specified authority does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(6) An order of the appropriate Government or the specified authority granting or refusing to grant permission shall, subject to the provisions of sub-section (7), be final and binding on all the parties concerned and shall remain in force for one year from the date of such order.

(7) The appropriate Government or the specified authority may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (4) or refer the matter or, as the case may be, cause it to be referred, to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(8) Where no application for permission under sub-section (1) is made, or where no application for permission under sub-section (3) is made within the period specified therein, or where the permission for any lay-off has been refused, such lay-off shall be deemed to be illegal from the date on which the workmen had been laid-off and the workmen shall be entitled to all the benefits under any law for the time being in force as if they had not been laid-off.

(9) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the establishment or death of the employer or the like, it is necessary so to do, by order, direct that the provisions of sub-section (1), or, as the case may be, sub-section (3) shall not apply in relation to such establishment for such period as may be specified in the order.]

<sup>1</sup>[(10) The provisions of Section 25-C (other than the second proviso thereto) shall apply to cases of lay-off referred to in this section.

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1 Sub-S. (6) re-numbered as sub-sec.(10) by Act No.49 of 1984 (w.e.f. 18.8.1984).



*Explanation.-* For the purposes of this section, a workman shall not be deemed to be laid-off by an employer if such employer offers any alternative employment (which in the opinion of the employer does not call for any special skill or previous experience and can be done by the workman) in the same establishment from which he has been laid-off or in any other establishment belonging to the same employer, situate in the same town or village, or situate within such distance from the establishment to which he belongs that the transfer will not involve undue hardship to the workman having regard to the facts and circumstances of his case, provided that the wages which would normally have been paid to the workman are offered for the alternative appointment also.

**1[25N. Conditions precedent to retrenchment of workmen.-** (1) No workman employed in any industrial establishment to which this Chapter applies, who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until,-

- (a) the workman has been given three months' notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice; and
- (b) the prior permission of the appropriate Government or such authority as may be specified by that Government by notification in the Official Gazette (hereafter in this section referred to as the specified authority) has been obtained on an application made in this behalf.

(2) An application for permission under sub-section (1) shall be made by the employer in the prescribed manner stating clearly the reasons for the intended retrenchment and a copy of such application shall also be served simultaneously on the workmen concerned in the prescribed manner.

(3) Where an application for permission under sub-section (1) has been made, the appropriate Government or the specified authority, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen concerned and the person interested in such retrenchment, may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the workmen and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(4) Where an application for permission has been made under sub-section (1) and the appropriate Government or the specified authority does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(5) An order of the appropriate Government or the specified authority granting or refusing to grant permission shall, subject to the provisions of sub-section (6), be final and binding on all the parties concerned and shall remain in force for one year from the date of such order.

(6) The appropriate Government or the specified authority may, either on its own motion or on the application made by the employer or any workman, review

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1 Subs. by Act No.49 of 1984 (w.e.f. 18.8.1984).

its order granting or refusing to grant permission under sub-section (3) or refer the matter or, as the case may be, cause it to be referred, to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(7) Where no application for permission under sub-section (1) is made, or where the permission for any retrenchment has been refused, such retrenchment shall be deemed to be illegal from the date on which the notice of retrenchment was given to the workman and the workman shall be entitled to all the benefits under any law for the time being in force as if no notice had been given to him.

(8) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the establishment or death of the employer or the like, it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such establishment for such period as may be specified in the order.

(9) Where permission for retrenchment has been granted under sub-section (3) or where permission for retrenchment is deemed to be granted under sub-section (4), every workman who is employed in that establishment immediately before the date of application for permission under this section shall be entitled to receive, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months.]

**1[250. Procedure for closing down an undertaking.-** (1) An employer who intends to close down an undertaking of an industrial establishment to which this Chapter applies shall, in the prescribed manner, apply, for prior permission at least ninety days before the date on which the intended closure is to become effective, to the appropriate Government, stating clearly the reasons for the intended closure of the undertaking and a copy of such application shall also be served simultaneously on the representatives of the workmen in the prescribed manner:

Provided that nothing in this sub-section shall apply to an undertaking set up for the construction of buildings, bridges, roads, canals, dams or for other construction work.

(2) Where an application for permission has been made under sub-section (1), the appropriate Government, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen and the persons interested in such closure may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the general public and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(3) Where an application has been made under sub-section (1) and the appropriate Government does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

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1 Subs. by Act No.46 of 1982 (w.e.f. 21.8.1984).

(4) An order of the appropriate Government granting or refusing to grant permission shall, subject to the provisions of sub-section (5) be final and binding on all the parties and shall remain in force for one year from the date of such order.

(5) The appropriate Government may, either on its own motion or on application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (2) or refer the matter to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(6) Where no application for permission under sub-section (1) is made within the period specified therein, or where the permission for closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure and the workmen shall be entitled to all the benefits under any law for the time being in force as if the undertaking had not been closed down.

(7) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.

(8) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3), every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months.]

**25P. Special provisions as to restarting of undertakings closed down before commencement of the Industrial Disputes (Amendment) Act, 1976.-** If the appropriate Government is of opinion in respect of any undertaking or an industrial establishment to which this Chapter applies and which closed down before the commencement of the Industrial Disputes (Amendment) Act, 1976 (32 of 1976),-

- (a) that such undertaking was closed down otherwise than on account of unavoidable circumstances beyond the control of the employer;
- (b) that there are possibilities of restarting the undertaking;
- (c) that it is necessary for the rehabilitation of the workmen employed in such undertaking before its closure or for the maintenance of supplies and services essential to the life of the community to restart the undertaking or both; and
- (d) that the restarting of the undertaking will not result in hardship to the employer in relation to the undertaking,

it may, after giving an opportunity to such employer and workmen, direct, by order published in the Official Gazette, that the undertaking shall be restarted within such time (not being less than one month from the date of the order) as may be specified in the order.

**25Q. Penalty for lay-off and retrenchment without previous permission.-** Any employer who contravenes the provisions of Section 25M or

<sup>1</sup>[\*\*\*] of Section 25-N shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

**25R. Penalty for closure.-** (1) Any employer who closes down an undertaking without complying with the provisions of sub-section (1) of Section 25-O shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

(2) Any employer who contravenes <sup>2</sup>[an order refusing to grant permission to close down an undertaking under sub-section (2) of Section 25-O or a direction given under Section 25-P] shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both, and where the contravention is a continuing one, with a further fine which may extend to two thousand rupees for every day during which the contravention continues after the conviction.

(3) <sup>3</sup>[\*\*\*]

**25S. Certain provisions of Chapter V-A to apply to an industrial establishment to which this Chapter applies.-** The provisions of Sections 25B, 25D, 25FF, 25G, 25H and 25J in Chapter V-A shall, so far as may be, apply also in relation to an industrial establishment to which the provisions of this Chapter apply.]

#### **<sup>4</sup>[CHAPTER V-C**

#### **UNFAIR LABOUR PRACTICES**

**25T. Prohibition of Unfair Labour Practice.-** No employer or workman or a trade union, whether registered under the Trade Unions Act, 1926 (16 of 1926) or not shall commit any unfair labour practice.

**25U. Penalty for committing unfair labour practices.-** Any person who commits any unfair labour practice shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.]

#### **CHAPTER VI PENALTIES**

**26. Penalty for illegal strikes and lock-outs.-** (1) Any workman who commences, continues or otherwise acts in furtherance of, a strike which is illegal under this Act, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

(2) Any employer who commences, continues, or otherwise acts in furtherance of a lock-out which is illegal under this Act, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

**27. Penalty for instigation etc.-** Any person who instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which is illegal under this Act, shall be punishable with imprisonment for a term

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1 Omitted by Act No. 49 of 1984, (w.e.f. 18.8.1984).

2 Subs. by Act No. 46 of 1982 (w.e.f. 21.8.1984)

3 Omitted by Act 46 of 1982, s. 15 (w.e.f. 21.8.1984).

4 Inserted Act No. 46 of 1982.

which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**28. Penalty for giving financial aid to illegal strikes and lock-outs.-** Any person who knowingly expends or applies any money in direct furtherance or support of any illegal strike or lock-out shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

<sup>1</sup>**29. Penalty for breach of settlement or award.-** Any person who commits a breach of any term of any settlement or award, which is binding on him under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both <sup>2</sup>[and where the breach is a continuing one, with a further fine which may extend to two hundred rupees for every day during which the breach continues after the conviction for the first] and the Court trying the offence, if it fines the offender, may direct that the whole or any part of the fine realised from him shall be paid by way of compensation, to any person who, in its opinion, has been injured by such breach.]

**30. Penalty for disclosing confidential information.-** Any person who wilfully discloses any such information as is referred to in Section 21 in contravention of the provisions of that section shall, on complaint made by or on behalf of the trade union or individual business affected, be punishable with imprisonment for a term which may extend to six months, or with fine, which may extend to one thousand rupees, or with both.]

<sup>3</sup>**30A. Penalty for closure without notice.-** Any employer who closes down any undertaking without complying with the provisions of Section 25FFA shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.]

**31. Penalty for other offences.-** (1) Any employer who contravenes the provisions of Section 33 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever contravenes any of the provisions of this Act or any rule made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to one hundred rupees.

## CHAPTER VII MISCELLANEOUS

**32. Offences by companies, etc.-** Where a person committing an offence under this Act is a company or other body corporate, or an association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

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1 Subs. by Act 36 of 1956.

2 Ins. by Act 35 of 1965.

3 Ins. by Act 32 of 1972.

**<sup>1</sup>[33. Conditions of service, etc. to remain unchanged under certain circumstances during pendency of proceedings.-** During the pendency of any conciliation proceedings before a conciliation officer or a Board or of any proceeding before <sup>2</sup>[an arbitrator or] a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall,

- (a) in regard to any matter connected with dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceedings; or
- (b) for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workmen concerned in such dispute,

save with the express permission in writing of the authority before which the proceeding is pending.

(2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute <sup>3</sup>[or, where there are no such standing orders, in accordance with the terms of the contract, whether express or implied between him and the workman]-

- (a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceeding; or
- (b) for any misconduct not connected with the dispute, discharge or punish whether by dismissal or otherwise, that workman:

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

(3) Notwithstanding anything contained in sub-section (2) no employer shall, during the pendency of any such proceeding in respect of an industrial dispute, take any action against any protected workman concerned in such dispute-

- (a) by altering, to the prejudice of such protected workman, the conditions of service applicable to him immediately before the commencement of such proceeding; or
- (b) by discharging or punishing, whether by dismissal or otherwise such protected workman,

save with the express permission in writing of the authority before which the proceeding is pending.

*Explanation.-* For the purposes of this sub-section, a “protected workman” in relation to an establishment, means a workman, who being <sup>4</sup>[a member of the executive or other office bearer] of a registered trade union connected with the establishment, is recognized as such in accordance with rules made in this behalf.

(4) In every establishment, the number of workmen to be recognized as protected workmen for the purposes of sub-section (3) shall be one per cent of the total number of workmen employed therein subject to a minimum number of

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1 Subs. by Act 36 of 1956 (w.e.f. 10.3.1957).

2 Ins. by Act 36 of 1964.

3 Ins. by Act 36 of 1964.

4 Subs. by Act 45 of 1971.

five protected workmen and a maximum number of one hundred protected workmen and for this aforesaid purpose, the appropriate Government may make rules providing for the distribution of such protected workmen among various trade unions, if any, connected with the establishment and the manner in which the workmen may be chosen and recognised as protected workmen.

(5) Where an employer makes an application to a conciliation officer, Board, <sup>1</sup>[an arbitrator], a Labour Court, Tribunal or National Tribunal under the proviso to sub-section (2) for approval of the action taken by him, the authority concerned shall, without delay, hear such application and pass, <sup>2</sup>[within a period of three months from the date of receipt of such application] such order in relation thereto as it deems fit]:

<sup>3</sup>[Provided that where any such authority considers it necessary or expedient so to do, it may, for reasons to be recorded in writing extend such period by such further period as it may think fit:

Provided further that no proceedings before any such authority shall lapse merely on the ground that any period specified in this sub-section had expired without such proceedings being completed.]

**<sup>4</sup>[33A. Special provision for adjudication as to whether conditions of service etc. changed during pendency of proceeding.-** Where an employer contravenes the provisions of Section 33 during the pendency of proceedings <sup>5</sup>[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal] any employee aggrieved by such contravention, may make a complaint in writing <sup>6</sup>[in the prescribed manner,-

- (a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and
- (b) to such arbitrator, Labour Court, Tribunal, or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.]

**<sup>7</sup>[33B. Power to transfer certain proceedings-** (1) The appropriate Government may, by order in writing and for reasons to be stated therein, withdraw any proceeding under this Act pending before a Labour Court, Tribunal, or National Tribunal and transfer the same to another Labour Court, Tribunal or National Tribunal, as the case may be, for the disposal of the proceeding and the Labour Court, Tribunal or National Tribunal to which the proceeding is so transferred may, subject to special directions in the order of transfer, proceed either de novo or from the stage at which it was so transferred:

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1 Ins. by Act 36 of 1964.

2 Subs. by Act No.46 of 1982.

3 Ins. by Act No.46 of 1982.

4 Ins. by Act No.48 of 1950.

5 Subs. by Act No.46 of 1982.

6 Subs. by Act No.46 of 1982.

7 Ins. by Act No.36 of 1956 (w.e.f. 10.3.1957).

Provided that where a proceeding under Section 33 or Section 33A is pending before a Tribunal or National Tribunal, the proceeding may also be transferred to a Labour Court.

(2) Without prejudice to the provisions of sub-section (1), any Tribunal or National Tribunal, if so authorized by the appropriate Government, may transfer any proceeding under Section 33 or Section 33A pending before it to any one of the Labour Courts specified for the disposal of such proceedings by the appropriate Government by notification in the Official Gazette and the Labour Court to which the proceeding is so transferred shall dispose of the same.

**<sup>1</sup>[33C. Recovery of money due from an employer.-** (1) Where any money is due to a workman from an employer under a settlement or an award or under the provisions of <sup>2</sup>[Chapter V-A or Chapter V-B], the workman himself or any other person authorised by him in writing in this behalf, or, in the case of the death of the workman, his assignee or heirs may, without prejudice to any other mode of recovery, make an application to the appropriate Government for the recovery of the money due to him, and if the appropriate Government is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover the same in the same manner as an arrear of land revenue:

Provided that every such application shall be made within one year from the date on which the money became due to the workman from the employer :

Provided further that any such application may be entertained after the expiry of the said period of one year, if the appropriate Government is satisfied that the applicant had sufficient cause for not making the application within the said period.

(2) Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government <sup>3</sup>[within a period not exceeding three months:]

<sup>4</sup>[Provided that where the presiding officer of a Labour Court considers it necessary or expedient so to do, he may, for reasons to be recorded in writing, extend such period by such further period as he may think fit.]

(3) For the purposes of computing the money value of a benefit, the Labour Court may, if it so thinks fit, appoint a Commissioner who shall after taking such evidence as may be necessary, submit a report to the Labour Court and the Labour Court shall determine the amount after considering the report of the Commissioner and other circumstances of the case.

(4) The decision of the Labour Court shall be forwarded by it to the appropriate Government and any amount found due by the Labour Court may be recovered in the manner provided for in sub-section (1).

(5) Where workmen employed under the same employer are entitled to receive from him any money or any benefit capable of being computed in terms of money, then, subject to such rules as may be made in this behalf, a single

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1 Subs. by Act No.36 of 1964 (w.e.f. 15.12.1964).

2 Subs. by Act No.32 of 1976 (w.e.f. 5.3.1976).

3 Subs. by Act No.46 of 1982.

4 Inserted by the Industries Disputes (Amendment) Act 46 of 1982.



application for the recovery of the amount due may be made on behalf of or in respect of any number of such workmen.

*Explanation.*- In this section "Labour Court" includes any Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State.]

**34. Cognizance of offences-** (1) No Court shall take cognizance of any offence punishable under this Act, or of the abetment of any such offence, save on complaint made by or under the authority of the appropriate Government.

(2) No Court inferior to that of <sup>1</sup>[a Metropolitan Magistrate or a Judicial Magistrate of the first class] shall try any offence punishable under this Act.

**35. Protection of persons.-** (1) No person refusing to take part or to continue to take part in any strike or lock-out which is illegal under this Act shall, by reason of such refusal or by reason of any action taken by him under this section, be subject to expulsion from any trade union or society, or to any fine or penalty, or to deprivation of any right or benefit to which he or his legal representatives would otherwise be entitled, or be liable to be placed in any respect, either directly or indirectly, under any disability or at any disadvantage as compared with other members of the union or society anything to the contrary in the rules of a trade union or society notwithstanding.

(2) Nothing in the rules of a trade union or society requiring the settlement of disputes in any manner shall apply to any proceeding for enforcing any right or exemption secured by this section, and in any such proceeding the Civil Court may, in lieu of ordering a person who has been expelled from membership of a trade union or society to be restored to membership, order that he be paid out of the funds of the trade union or society such sum by way of compensation or damages as that Court thinks just.

**<sup>2</sup>[36. Representation of parties.-** (1) A workman who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by-

- (a) <sup>3</sup>[any member of the executive or other office bearer] of a registered trade union of which he is a member;
- (b) <sup>4</sup>[any member of the executive or other office bearer] of a federation of trade unions to which the trade union referred to in clause (a) is affiliated;
- (c) where the worker is not a member of any trade union, by <sup>5</sup>[any member of the executive or other office bearer] of any trade union connected with, or by any other workman employed in the industry in which the worker is employed and authorized in such manner as may be prescribed.

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

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

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1 Subs. by Act No.46 of 1982.

2 Subs. by Act No.48 of 1950, S.34 and sch. for the original section.

3 Subs. by Act No.45 of 1971.

4 Subs. by Act 45 of 1971.

5 Subs. by Act 45 of 1971, S.6 for "an officer" (w.e.f. 5.12.1971).

- (b) an officer of a federation of associations of employers to which the association referred to in Clause (a) is affiliated;
- (c) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed.

(3) No party to a dispute shall be entitled to be represented by a legal practitioner in any conciliation proceeding under this Act or in any proceeding before a Court.

(4) In any proceeding <sup>1</sup>[before a Labour Court, Tribunal or National Tribunal] a party to a dispute may be represented by a legal practitioner with the consent of the other parties to the proceedings and <sup>2</sup>[with the leave of the Labour Court, Tribunal, or National Tribunal as the case may be.

**<sup>3</sup>36A. Power to remove difficulties.-** (1) If, in the opinion of the appropriate Government, any difficulty or doubt arises as to the interpretation of any provision of an award or settlement, it may refer the question to such Labour Court, Tribunal or National Tribunal as it may think fit.

(2) The Labour Court, Tribunal or National Tribunal to which such question is referred shall, after giving the parties an opportunity of being heard, decide such question and its decisions shall be final and binding on all such parties.]

**<sup>4</sup>36B. Power to exempt.-** Where the appropriate Government is satisfied in relation to any industrial establishments or undertaking or any class of industrial establishment or undertakings carried on by a department of that Government that adequate provisions exist for the investigation and settlement of industrial disputes in respect of workmen employed in such establishment or undertaking or class of establishments or undertakings, it may, by notification in the Official Gazette, exempt, conditionally or unconditionally such establishment or undertaking or class of establishments or undertakings from all or any of the provisions of this Act.]

**37. Protection of action taken under the Act.-** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

**38. Power to make rules.-** (1) The appropriate Government may, subject to the condition of previous publication, make rules for the purpose of giving effect to the provisions of this Act.

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

- (a) the powers and procedure of conciliation officers, Boards, Courts <sup>5</sup>[Labour Courts, Tribunals, and National Tribunals] including rules as to the summoning of witnesses, the production of documents relevant to the subject-matter of an inquiry or

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1 Subs. by Act 36 of 1956, sec. 24, for "before a Tribunal" (w.e.f. 10.3.1957).

2 Subs. by Act 36 of 1956, sec. 24, for "with the leave of the Tribunal" (w.e.f. 10.3.1957).

3 Ins. by Act No.36 of 1956 (w.e.f. 10.3.1957)

4 Ins. by Act No.46 of 1982.

5 Subs. by Act No.36 of 1956 (w.e.f. 10.3.1957)

- investigation, the number of members necessary to form a quorum and the manner of submission of reports and awards;
- <sup>1</sup>[(aa) the form of arbitration agreement, the manner in which it may be signed by the parties, <sup>2</sup>[the manner in which a notification may be issued under sub-section (3-A) of section 10A] the powers of the arbitrator named in the arbitration agreement and the procedure to be followed by him;
- (aaa) the appointment of assessors in proceedings under this Act;]
- <sup>3</sup>[(ab) the constitution of Grievance Settlement Authorities referred to in Section 9C, the manner in which industrial disputes may be referred to such authorities for settlement, the procedure to be followed by such authorities in the proceedings in relation to disputes referred to them and the period within which such proceedings shall be completed;]
- (b) the constitution and functions of and the filling of vacancies in Works Committees, and the procedure to be followed by such Committees in the discharge of their duties;
- (c) the allowances admissible to members of Court <sup>4</sup>[and Boards and presiding officers of Labour Courts, Tribunals and National Tribunals] and to assessors and witnesses;
- (d) the ministerial establishment which may be allotted to a Court, Board, <sup>5</sup>[Labour Court, Tribunal or National Tribunal] and the salaries and allowances payable to members of such establishment;
- (e) the manner in which and the persons by and to whom notice of strike or lock-out may be given and the manner in which such notices shall be communicated;
- (f) the conditions subject to which parties may be represented by legal practitioners in proceedings under this Act before a Court, <sup>6</sup>[Labour Court, Tribunal or National Tribunal];
- (g) any other manner which is to be or may be prescribed.

(3) Rules made under this section may provide that a contravention thereof shall be punishable with fine not exceeding fifty rupees.

<sup>7</sup>[(4) All rules made under this section shall, as soon as possible after they are made, be laid down before the State Legislature or, where the appropriate Government is the Central Government, before both the Houses of Parliament.]

<sup>8</sup>[(5) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in <sup>9</sup>[two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid]

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1 Ins. by Act No.36 of 1956 (w.e.f. 10.3.1957)

2 Ins. by Act No.36 of 1964 (w.e.f. 15.12.1964)

3 Ins. by Act 46 of 1982.

4 Subs. by Act 36 of 1956, sec. 26, for "Boards and Tribunals" (w.e.f. 10.3.1957).

5 Subs. by Act 36 of 1956, sec. 24, for "or Tribunal" (w.e.f. 10.3.1957).

6 Ins. by Act 36 of 1956, sec. 26 (w.e.f. 10.3.1957).

7 Ins. by Act 36 of 1956, sec. 26 (w.e.f. 10.3.1957).

8 Ins. by Act 36 of 1956, sec. 20 (w.e.f. 19.12.1964).

9 Subs. by Act No. 32 of 1976 , sec. 5, for certain words (w.e.f. 5.3.1976).

both Houses agree in making any modifications in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

**<sup>1</sup>[39. Delegation of powers.-** The appropriate Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also,--

- (a) where the appropriate Government is Central Government, by such officer or authority subordinate to the Central Government or by the State Government, or by such officer or authority subordinate to the State Government, as may be specified in the notification; and
- (b) where the appropriate Government is a State Government by such officer or authority subordinate to the State Government as may be specified in the notification.]

**<sup>2</sup>[40. Power to amend Schedules.-** (1) The appropriate Government may, if it is of opinion that it is expedient or necessary in the public interest so to do, by notification in the Official Gazette, add to the First Schedule any industry, and on any such notification being issued, the First Schedule shall be deemed to be amended accordingly.

(2) The Central Government may, by notification in the Official Gazette, add to or alter or amend the Second Schedule or the Third Schedule and on any such notification being issued, the Second Schedule or the Third Schedule, as the case may be, shall be deemed to be amended accordingly.

(3) Every such notification shall, as soon as possible after it is issued, be laid before the Legislature of the State, if the notification has been issued by a State Government, or before Parliament, if the notification has been issued by the Central Government.]

**<sup>3</sup>[THE FIRST SCHEDULE  
[SEE SECTION 2(N) (VI)]**

**Industries which may be declared to be Public Utility Services under sub-clause (vi) of clause (n) of section 2**

1. Transport (other than railways) for the carriage of passengers or goods, <sup>4</sup>[by land or water];
2. Banking;
3. Cement;
4. Coal;
5. Cotton textiles;
6. Food stuffs;
7. Iron and Steel;
8. Defence establishments;

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1 Subs. by Act No. 36 of 1956 (w.e.f. 10.3.1957)

2 Subs. by Act No. 36 of 1956. (w.e.f. 10.3.1957)

3 Subs. by Act 36 of 1956, sec. 29, for the Schedule (w.e.f. 10.3.1957).

4 Subs. by Act 36 of 1964, sec. 22 for "by land, water or air" (w.e.f. 19.12.1964).

9. Service in hospitals and dispensaries;
10. Fire Brigade Service;
- <sup>1</sup>[11. India Government Mints;
12. India Security Press;]
- <sup>2</sup>[13. Copper Mining;
14. Lead Mining;
15. Zinc Mining;]
- <sup>3</sup>[16. Iron Ore Mining;]
- <sup>4</sup>[17. Service in any oilfield;]
- <sup>5</sup>[\*\*\*].
- <sup>6</sup>[19. Service in the Uranium Industry;]
- <sup>7</sup>[20. Pyrites Mining;
21. Security Paper Mill, Hoshangabad;]
- <sup>8</sup>[22. Services in the Bank Note Press, Dewas;]
- <sup>9</sup>[23. Phosphorite Mining;]
- <sup>10</sup>[24. Magnesite Mining;]
- <sup>11</sup>[25. Currency Note Press;]
- <sup>12</sup>[26. Manufacture or production of mineral oil (crude oil), motor and aviation spirit, diesel oil, Kerosene oil, fuel oil, diverse hydrocarbon oils and their blends including synthetic fuels, lubricating oils and the like;]
- <sup>13</sup>[27. Service in the International Airports Authority of India.]
- <sup>14</sup>[28. Industrial establishments manufacturing or producing Nuclear Fuel and components, Heavy Water and Allied Chemicals and Atomic Energy.]]
- <sup>15</sup>[29. Processing or Production of Fuel Gases (Coal Gas, Natural Gas and the like).]

### **THE SECOND SCHEDULE**

#### **(SEE SECTION 7)**

#### **Matters within the Jurisdiction of Labour Courts**

1. The propriety or legality of an order passed by an employer under the standing orders;
2. The application and interpretation of standing orders;
3. Discharge or dismissal of workmen including re-instatement of, or grant of relief to, workmen wrongfully dismissed;
4. Withdrawal of any customary concession or privilege;

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<sup>1</sup> Ins. by S. O. 2193, dated 30th June, 1965.

<sup>2</sup> Added by S.O. 1444, dated 3rd May, 1966.

<sup>3</sup> Ins. by S. O. 726, dated 25th February, 1967.

<sup>4</sup> Ins. by S. O. 1776, dated 10th May, 1967.

<sup>5</sup> Entry 18 omitted by Act 45 of 1971, sec 7 (w.e.f. 15-12-1971).

<sup>6</sup> Ins. by S.O. 1471, dated 10th April, 1968.

<sup>7</sup> Ins. by S. O. 2061, dated 30th May, 1970.

<sup>8</sup> Ins. by S. O. 4697, dated 26th November, 1976.

<sup>9</sup> Ins. by S. O. 47, dated 17th December, 1976.

<sup>10</sup> Ins. by S. O. 2474, dated 4th September, 1980.

<sup>11</sup> Ins. by S. O. 946, dated 7th March, 1981.

<sup>12</sup> Ins. by S. O. 4207, dated 20th November, 1984.

<sup>13</sup> Ins. by S. O. 1919, dated 8th July, 1987.

<sup>14</sup> Ins. by S. O. 967, dated 8th April, 1995.

<sup>15</sup> Added by S. O. 997 (E), dated 29th August, 2003.

5. Illegality or otherwise of a strike or lock-out; and
6. All matters other than those specified in the Third Schedule.]

**THE THIRD SCHEDULE**

**(SEE SECTION 7A)**

**Matters within the Jurisdiction of Industrial Tribunals**

1. Wages, including the period and mode of payment;
2. Compensatory and other allowances;
3. Hours of work and rest intervals;
4. Leave with wages and holidays;
5. Bonus, profit sharing, provident fund and gratuity;
6. Shift working otherwise than in accordance with standing orders;
7. Classification by grades;
8. Rules of discipline;
9. Rationalisation;
10. Retrenchment of workmen and closure of establishment; and
11. Any other matter that may be prescribed.]

**THE FOURTH SCHEDULE**

**(SEE SECTION 9A)**

**Conditions of Service for change of which Notice is to be given**

1. Wages, including the period and mode of payment;
2. Contribution paid, or payable, by the employer to any provident fund or pension fund or for the benefit of the workmen under any law for the time being in force;
3. Compensatory and other allowances;
4. Hours of work and rest intervals;
5. Leave with wages and holidays;
6. Starting alteration or discontinuance of shift working otherwise than in accordance with standing orders;
7. Classification by grades;
8. Withdrawal of any customary concession or privilege or change in usage;
9. Introduction of new rules of discipline, or alteration of existing rules, except in so far as they are provided in standing orders;
10. Rationalisation, standardisation or improvement of plant or technique which is likely to lead to retrenchment of workmen;
11. Any increases or reduction (other than casual) in the number of persons employed or to be employed in any occupation or process or department or shift, <sup>1</sup>[not occasioned by circumstances over which the employer has no control].]

**<sup>2</sup>[THE FIFTH SCHEDULE**

**(SEE SECTION 2(RA))**

**UNFAIR LABOUR PRACTICES**

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

1. To interfere with, restrain from, or coerce, workmen in the exercise of their right to organise, form, join or assist a trade union or to engage in concerted activities for the purposes of collective bargaining or other mutual aid or protection, that is to say—

- (a) threatening workmen with discharge or dismissal, if they join a trade union;

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1 Subs. by Act 36 of 1964, sec. 23 for “not due to forced matters” (w.e.f. 19.12.1964).

2 Ins. by Act 46 of 1982, sec. 23 (w.e.f. 21-8-1984).

- (b) threatening a lock-out or closure, if a trade union is organised;
  - (c) granting wage increase to workmen at crucial periods of trade union organisation, with a view to undermining the efforts of the trade union organisation.
2. To dominate, interfere with or contribute support, financial or otherwise, to any trade union, that is to say—
- (a) an employer taking an active interest in organising a trade union of his workmen; and
  - (b) an employer showing partiality or granting favour to one of several trade unions attempting to organise his workmen or to its members, where such a trade union is not a recognised trade union.
3. To establish employer sponsored trade unions of workmen.
4. To encourage or discourage membership in any trade union by discriminating against any workman, that is to say—
- (a) discharging or punishing a workman, because he urged other workmen to join or organise a trade union;
  - (b) discharging or dismissing a workman for taking part in any strike (not being a strike which is deemed to be an illegal strike under this Act);
  - (c) changing seniority rating of workmen because of trade union activities;
  - (d) refusing to promote workmen to higher posts on account of their trade union activities;
  - (e) giving unmerited promotions to certain workmen with a view to creating discord amongst other workmen, or to undermine the strength of their trade union;
  - (f) discharging office-bearers or active members of the trade union on account of their trade union activities.
5. To discharge or dismiss workmen—
- (a) by way of victimisation;
  - (b) not in good faith, but in the colourable exercise of the employer's rights;
  - (c) by falsely implicating a workman in a criminal case on false evidence or on concocted evidence;
  - (d) for patently false reasons;
  - (e) on untrue or trumped up allegations of absence without leave;
  - (f) in utter disregard of the principles of natural justice in the conduct of domestic enquiry or with undue haste;
  - (g) for misconduct of a minor or technical character, without having any regard to the nature of the particular misconduct or the past record or service of the workman, thereby leading to a disproportionate punishment.
6. To abolish the work of a regular nature being done by workmen, and to give such work to contractors as a measure of breaking a strike.
7. To transfer a workman mala fide from one place to another, under the guise of following management policy.
8. To insist upon individual workmen, who are on a legal strike to sign a good conduct bond, as a pre-condition to allowing them to resume work.
9. To show favouritism or partiality to one set of workers regardless of merit.

10. To employ workmen as “badlis”, casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent workmen.

11. To discharge or discriminate against any workman for filing charges or testifying against an employer in any enquiry or proceeding relating to any industrial dispute.

12. To recruit workmen during a strike which is not an illegal strike.

13. Failure to implement award, settlement or agreement.

14. To indulge in acts of force or violence.

15. To refuse to bargain collectively, in good faith with the recognised trade unions.

16. Proposing or continuing a lock-out deemed to be illegal under this Act.

## **II.—ON THE PART OF WORKMEN AND TRADE UNION OF WORKMEN.**

1. To advise or actively support or instigate any strike deemed to be illegal under this Act.

2. To coerce workmen in the exercise of their right to self-organisation or to join a trade union or refrain from joining any trade union, that is to say—

(a) for a trade union or its members to picketing in such a manner that non-striking workmen are physically debarred from entering the work places;

(b) to indulge in acts of force or violence or to hold out threats of intimidation in connection with a strike against non-striking workmen or against managerial staff.

3. For a recognised union to refuse to bargain collectively in good faith with the employer.

4. To indulge in coercive activities against certification of a bargaining representative.

5. To stage, encourage or instigate such forms of coercive actions as wilful “go slow”, squatting on the work premises after working hours or “gherao” of any of the members of the managerial or other staff.

6. To stage demonstrations at the residences of the employers or the managerial staff members.

7. To incite or indulge in wilful damage to employer’s property connected with the industry.

8. To indulge in acts of force or violence or to hold out threats of intimidation against any workman with a view to prevent him for attending work.]



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**THE INDUSTRIAL TRIBUNAL (PROCEDURE)  
RULES, 1949<sup>1</sup>**

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

1. These rules may be called The Industrial Tribunal (Procedure) Rules, 1949.
2. The Industrial Tribunal constituted under the Ministry of Labour, Notification No.LR-2 (205), dated the 13<sup>th</sup> June, 1949, may entrust such cases or matters referred to it as it deems fit to one or more members for enquiry and report.
3. The report under rules 2 shall be submitted to the Chairman of the Tribunal. The Tribunal may withdraw any case or matter referred to one or more members under rule 2 and transfer the same to any other member or members.
4. The Tribunal shall, after considering the report and making such further enquiry as it deems fit, deliver its award.
5. For the purpose of making any enquiry under these rules the member or members, as the case may be, shall have all the powers of the Tribunal under section 11 and the provisions of rules 14 to 21, 24, 30 and 31 shall apply to such enquiry as if the member or members were the Tribunal.

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1 Vide Ministry of Labour, Notification No. LR-2 (245), dated 3rd September, 1949, published in the Gazette of India, Extra., dated 3rd December, 1949.

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**THE INDUSTRIAL TRIBUNAL (CENTRAL PROCEDURE)  
RULES, 1954<sup>1</sup>**

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

1. These rules may be called The Industrial Disputes (Central Procedure) Rules, 1954.

2. In these rules—

- (a) “the Act” means the Industrial Disputes Act, 1947 (14 of 1947);
- (b) “Chairman” means the Chairman of the Tribunal;
- (c) “member” means a member of the Tribunal;
- (d) “section” means a section of the Act;
- (e) “Tribunal” means the Industrial Tribunal constituted under section 7 consisting of two or more members.

<sup>2</sup>3. In the case of a Tribunal where it consists of two or more members, the Chairman may sit alone or with one or more members to hear an application or complaint in writing under section 33 or section 33A, as the case may be, for inquiry and report to the Tribunal or entrust any such application or complaint to one or more members, as he deems fit, for such enquiry and report.

4. The Chairman may withdraw any case or matters referred to one or more members, under rule 3 and transfer the same to himself or any other member or members.

5. The report under rule 3, where the enquiry is made by one or more members, shall be submitted to the Chairman and where the enquiry is by the Chairman sitting alone or with one or more members, the report shall be submitted to the Tribunal:

Provided that in all cases, the final order on such application or complaint shall be passed by the Tribunal after taking into consideration the report submitted to it by the Chairman sitting singly or with one or more members or by any other member or members.

6. The Tribunal shall, after considering the report submitted to the Chairman under rule 5 and making such further enquiry, if any, as it thinks fit, give its decision or award as the case may be.

7. For the purposes of making an enquiry under these rules the Chairman or member or members, as the case may be, shall have all the powers of the Tribunal under section 11 and the provisions of rules 14 to 21, 24, 30 and 31 of the Industrial Disputes (Central) Rules, 1947, shall apply to such enquiry as if the Chairman or member or members by themselves constituted the Tribunal.]

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1 Vide S.R.O. 1793, dated 27th May, 1954, published in the Gazette of India, Extra., Pt. II S. 3, p. 925, dated 27th May, 1954.

2 Subs. by S.R.O. 3534, dated 1st December, 1954.

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## THE INDUSTRIAL DISPUTES (CENTRAL) RULES, 1957<sup>1</sup>

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

### PRELIMINARY

**1. Title and application:-**(1) These rules may be called The Industrial Disputes (Central) Rules, 1957.

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

- (a) any industry carried on by or under the authority of the Central Government or by a railway company; or
- (b) a banking or an insurance company, a mine, an oilfield, or a major port; or
- (c) any such controlled industry as may be specified under section 2(a)(i) of the Act by the Central Government:

<sup>2</sup>[\*\*\*]

**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), <sup>3</sup>[Assistant Labour Commissioner (Central)] shall be construed as reference to the appropriate authority, appointed in that behalf by the Administrator of the territory;
- <sup>4</sup>[(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

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

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

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

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

- (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 in 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 <sup>1</sup>[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 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.

**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;
- <sup>2</sup>(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

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<sup>1</sup> Subs. by G.S.R. 811, dated 3rd July, 1959.

<sup>2</sup> Ins. by G.S.R. 1959, dated 30th May, 1968.

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 <sup>1</sup>[to the Secretary to the Government of India in the Ministry of Labour, (in triplicate)] the Chief Labour Commissioner (Central), New Delhi, and the Regional Labour Commissioner (Central) and the [Assistant Labour Commissioner (Central)] concerned. The agreement shall be accompanied by the consent, in writing, of the arbitrator or arbitrators.

**8. Attestation of the Arbitration Agreement:**-The arbitration agreement shall be signed:—

- (a) in the case of an employer, by the employer himself, or when the employer is an incorporated Company or other body corporate, by the agent, manager, or other principal officer of the Corporation.
- <sup>2</sup>(b) in the case of the workmen, by any officer of a trade union of the workmen or by representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.
- <sup>3</sup>(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

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

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

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

another workman in the same establishment duly authorised by him in this behalf:

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

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

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

**1[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 TRIBUNALS AND ARBITRATORS**

**9. Conciliation proceedings in public utility service:-**<sup>2</sup>[(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.

<sup>3</sup>[(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.]

**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.

**4[10A. Parties to submit statements:-**The employer or the party representing workmen <sup>5</sup>[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 wherever his intervention in the dispute is required.]

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

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

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

4 Subs. by G.S.R. 857, dated 22nd June, 1961.

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

**<sup>1</sup>[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 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 rule 5 of order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 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.

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

(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.** 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:-**<sup>1</sup>[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:

		Quorum
(i)	In the case of a Board—	
	where the number of members is 3	2
	where the number of members is 5	3
(ii)	In the case of a Court—	
	where the number of members is not more than 2	1
	where the numbers 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.

<sup>1</sup> Ins. by G.S.R. 141, dated 31st December, 1957.



**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 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 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 proceedings 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 the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit, in respect of the following matters, namely:—

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

and the Board, Court, Labour Court, Tribunal, or National Tribunal may summon and examine any person whose evidence appears to it to be material and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898)<sup>1</sup>.

**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:**<sup>-2</sup>[(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. 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.

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<sup>1</sup> Now see the Code of Criminal Procedure, 1973 (2 of 1974).

<sup>2</sup> Subs. by G.S.R. 116, dated 3rd February, 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.

**1[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 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 IV**

#### **REMUNERATION OF CHAIRMEN 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.

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1 Subs. by G.S.R. 1151, dated 11th October, 1974.

**PART V  
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 <sup>1</sup>[to the Act] shall give notice of such intention in Form E.

<sup>2</sup>[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].

<sup>3</sup>[\*\*\*]

**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 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.

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

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

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

**42. Groups of workmen's representatives:-**On receipt of the information called for under rule 41, the employer shall provide for the election of workmen's 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 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 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 <sup>1</sup>[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.

<sup>2</sup>[*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, <sup>3</sup>[\*\*\*] who are not less than 18 years of age and who have put in not less than 6 months' <sup>4</sup>[continuous] service in the establishment shall be entitled to vote in the election of the representative of workmen.

<sup>5</sup>[*Explanation:* A workman who has put in a 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.]

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1 Subs. by G.S.R. 1253, dated 3rd August, 1966.

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

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

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

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

**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.

**1[48A. Withdrawal of candidates validly nominated:-**Any candidate whose nomination for election has been accepted may withdraw his candidature within 48 hours of the completion of scrutiny of nomination papers].

**49. Voting in election:-**(1) 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:

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

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.

<sup>1</sup>[(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:

<sup>2</sup>[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.]

<sup>3</sup>[(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:-**<sup>4</sup>[(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.

**<sup>5</sup>[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 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, 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

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

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

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

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

5 Subs. by G.S.R. 1151, dated 11th October, 1974.

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.:-**<sup>1</sup>[(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.

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

**3**[**56A. Submission of returns:-**The employer shall submit half-yearly returns as in Form G-I in triplicate to the Assistant Labour Commissioner (Central) concerned not later than the 20th day of the month following the half-year.]

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

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

## PART VIII MISCELLANEOUS

**58. Memorandum of settlement:-**(1) A settlement arrived at in the course of conciliation proceedings or otherwise, shall be in form 'H'.

(2) The settlement shall be signed by—

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

<sup>4</sup>[(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

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

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

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

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



authorised in this behalf at a meeting of the workmen held for the purpose;]

- <sup>1</sup>[(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 T and shall be accompanied by as many copies of the complaint as there are opposite parties to the complaint.

(2) Every complaint under sub-rule (1) shall be verified at the foot by the workmen making it or by some other 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 alongwith 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 alongwith the application as many copies thereof as there are opposite parties.

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<sup>1</sup> Ins. by G.S.R. 908, dated 2nd June, 1967.

(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 <sup>1</sup>[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 <sup>2</sup>[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 <sup>3</sup>[any Regional Labour Commissioner (Central) or] the Assistant Labour Commissioner (Central) concerned, whose decision thereon shall be final.

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

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

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

**<sup>1</sup>[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 <sup>2</sup>[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:]

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

**63. Appointment of Commissioner:-**Where it is necessary to appoint a Commissioner under sub-section (3) of section 33C of the Act, the Labour Court may appoint a person with experience in the particular industry, trade or business involved in the industrial dispute or a person with experience as a Judge of 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 Commission shall not issue until satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Labour Court:

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

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

(2) The Labour Court may, at any time, for reasons to be recorded in writing, vary the amount of the Commissioner's fees in consultation with the parties.

(3) The Labour Court may direct that the fees shall be disbursed to the Commissioner in such 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.

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

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

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

**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 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 had made the investigation.

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

**68. Powers of Commissioner:-**Any Commissioner appointed under these rules, may unless otherwise directed by the order of appointment—

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

**69. Summoning of witnesses, etc.:-**(1) The provisions of the Code of Civil Procedure, 1908 (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 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.

**<sup>1</sup>[70A. Preservations of records by the National Industrial Tribunals, Industrial Tribunals or Labour Courts:-**(1) The records of the National Industrial Tribunals, Industrial Tribunals or Labour Courts specified in Column 1 of the Table below shall be preserved, for the periods specified in the corresponding entry in column 2 thereof after the proceedings are finally disposed of by such National Tribunals, Industrial Tribunals, Labour Courts.

**TABLE**

	<b>Records</b>	<b>Number of years for which the records shall be preserved</b>
	<b>1</b>	<b>2</b>
(i)	Orders and judgments of National Industrial Tribunals, Industrial Tribunals or Labour Courts	10 years
(ii)	Exhibited documents in the above mentioned Tribunals or Courts.	10 years
(iii)	Other papers	7 years

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

**71. Notice of strike:-**(1) The notice of strike to be given by workmen in 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. <sup>2</sup>[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.

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

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

**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.

**1[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.]

**2[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 <sup>3</sup>[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 <sup>4</sup>[sub-section (5)] of the said section.

<sup>5</sup>(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 <sup>6</sup>[sub-section (5)] of section 25M.

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

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

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

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

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

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

(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.]

**<sup>1</sup>[76A. Notice of, and application for permission for, retrenchment:-**(1) Notice <sup>2</sup>[or, as the case may be, the application under] sub-section (1) of section 25N for retrenchment shall be served in Form PA and served on the Central Government or such authority as may be specified by the Government under the said clause either personally or by registered post 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 [sub-section (4)] of the said section.

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

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

<sup>1</sup>[(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.]

<sup>3</sup>[(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.

**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 Q-A and served on the Central Government either personally or by registered post acknowledgement due.

<sup>4</sup>[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.]

<sup>5</sup>[(2)] The notice, or, as the case may be, the application shall be made in triplicate.

<sup>6</sup>[(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 to be 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

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

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

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

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

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

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



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:

<sup>1</sup>[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.

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<sup>1</sup> Ins. by G.S.R. 40, dated 31st December, 1958.

**<sup>1</sup>[SCHEDULE  
[FORM A  
[SEE RULE 3]**

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

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

This application is made by the undersigned who have/has been duly authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the .....held on the .....20.....

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

Dated the.....

Signature of employer\*\* .....  
or agent.....  
or manager.....  
or principal officer of the Corporation.....

Signature of the President of the trade union \*\*.....  
Secretary of the trade union .....

Or

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

<sup>2</sup>[Or

\*\*Signature of the workman .....

Or

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

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

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1 Subs.by G.S.R. 302, dated April, 1958.  
2 Ins. by G.S.R. 1059, dated 30th May, 1968.

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

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

<sup>1</sup>[Copy to—

- (i) The Assistant Labour Commissioner (Central).....  
[here enter office address of the Assistant Labour Commissioner (Central) in the local area concerned];
- (ii) The Regional Labour Commissioner (Central);
- (iii) The Chief Labour Commissioner (Central), New Delhi.]

\*\*Delete whichever is not applicable.

**FORM B**  
**[SEE RULE 6]**

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

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

Secretary to the Government of India  
Ministry of Labour

**<sup>2</sup>[FORM C**  
**[SEE RULE 7]**  
**AGREEMENT**

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

Names of the Parties.

Representing employers:

Representing workmen/workman.

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

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

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

- (v) Estimated number of workmen affected or likely to be affected by the dispute.

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

The arbitrator(s) shall make his (their) award within a period of .....(here specify the period agreed upon by the parties) <sup>1</sup>[from the date of publication of this agreement in the Official Gazette by the appropriate Government] or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.]

Signature of the parties.  
Representing employer.

\*\*Workman/Representing workman/workmen.

Witnesses.

- (1)
- (2)

Copy to:

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

\* Where applicable.

\*\* Delete whichever is not applicable.]

**FORM D**  
**[SEE RULE 17]**  
**SUMMONS**

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

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

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1 Ins. by G.S.R. 1157, dated, 11th October, 1974

Tribunal  
Presiding Officer/Secretary, .....  
National Tribunal

**<sup>1</sup>[FORM E  
[SEE RULE 34]  
Notice of Change of Service Condition Proposed by an Employer**

Name of employer.....

Address .....

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

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

Signature.....  
Designation.....

**ANNEXURE  
(HERE SPECIFY THE CHANGE/CHANGES INTENDED TO BE EFFECTED)**

Copy forwarded to:

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

**FORM F  
[SEE RULE 36]  
REPRESENTATION OF PARTIES**

Before

(Here mention the authority concerned)

In the matter of.

Reference No. ....of.....

.....workmen

Versus

.....Employer

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

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

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

Accepted  
Signature of representative(s)  
Address

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<sup>1</sup> Subs. by G.S.R. 402, dated 31st March, 1960.

**FORM G**  
**[SEE RULE 47]**

**Form of nomination paper**

**Name of Industrial Establishment** **Group/Section/Shop/Department**

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

Date..... Signature of proposer.

I agree to the proposed nomination. Signature of candidate.

Date.....

Attested by: (1)  
(2)

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

**<sup>1</sup>[FORM G-I]**  
**[SEE RULE 56A]**

**Progress Report on constitution and functioning of Works Committee for the half-year ending the 30th June/\*31st December.....**

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

Date.....

Place.....

Signature of employer or his representative.

\*Strike out the portion not applicable.]

**FORM H**  
**[SEE RULE 58]**

**Form for memorandum of settlement**

Names of Parties:

Representing employer(s):  
Representing workmen:

Short recital of the case  
Terms of settlement  
Signature of the parties .....

.....  
Witnesses:

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

(1) .....

(2) .....

.....

\*Signature of Conciliation Officer.

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Board of Conciliation.

Copy to:

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

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

(2) Regional Labour Commissioner (Central).....;

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

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

+In case of settlements effected by. Conciliation Officer.

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Board of Conciliation.

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

**FORM I**

**[SEE RULE 59]**

**COMPLAINTS REGARDING CHANGE OF CONDITIONS OF SERVICE**

Labour Court .....

Tribunal

Before the ..... Complaint under section 33A of

the National Tribunal

Industrial Disputes Act, 1947.

In the matter of:

Reference No. ....

A.....

Complainant(s)

Versus

B.....

Opposite Party (ies)

Address:

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

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

Labour Court

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The complainant(s) accordingly prays/pray that the

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 the complainant(s).

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

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.....20.....

Signature or Thumb impression of the person verifying

**FORM J**

**[SEE RULE 60 (1)]**

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

Application for permission under-----of section 33 of the Industrial Disputes Act, 1947 (14 of 1947), sub-section (1) sub-section (3)

In the matter of: A..... Address:

Reference No..... Applicant

versus

B..... Address:

Opposite Party(ies).

The above mentioned applicant begs to state as follows.

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

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

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

Signature of the applicant.

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

**SPACE FOR VERIFICATION**

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

(Signature of the person verifying).

**\*FORM K**

**[SEE RULE 60 (2)]**

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

Application under sub-section (2) of section 33 of the Industrial Disputes Act, 1947 (14 of 1947)

In the matter of: A..... Address:

Reference No. .... Applicant.

versus

B..... Address

Opposite Party(ies).

The above mentioned applicant begs to state as follows: —



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

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

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

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

Signature of the applicant.

**SPACE FOR VERIFICATION**

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

Date (on which the verification was signed).....

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

\*Delete, if not applicable.

**<sup>1</sup>[FORM K-1**

**[SEE RULE 62(1)]**

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

To

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

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

Sir,

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

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

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

Signature of the applicant(s) Address(es)

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

Station:

Date:

**ANNEXURE**

**[HERE INDICATE THE DETAILS OF THE AMOUNT(S) CLAIMED]**

---

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

**<sup>1</sup>[FORM K-2  
[SEE RULE 62(1)]**

**Application by a person authorised by a workman or by the assignee or heir of a deceased workman under sub-section (1) of section 33C of the Industrial Disputes Act, 1947**

To

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

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

Sir,

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

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

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

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

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

Station .....  
Date .....

Signature of the applicant.....  
Address .....

**ANNEXURE  
[HERE INDICATE THE DETAILS OF THE AMOUNT CLAIMED]]**

\*Strike out the portions inapplicable.

**<sup>2</sup>[FORM K-3  
[SEE RULE 62(2)]**

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

Before the Central Government Labour Court at ..... between.....and.....

(1) Name of the applicant(s).

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

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

(2) Name of the employer.

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

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

Signature or Thumb-  
Impression(s) of  
the applicant(s)

Address(es)

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

Station .....

Date .....

**ANNEXURE**

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

<sup>1</sup>[**FORM K-4**

**[SEE RULE 62(2)]**

**APPLICATION BY A PERSON WHO IS AN ASSIGNEE OR HEIR OF A DECEASED WORKMAN UNDER SUB-SECTION (2) OF SECTION 33C OF THE INDUSTRIAL DISPUTES ACT, 1947 (14 OF 1947)**

Before the Central Government Labour Court at .....

Between

(1) Name of the applicant/applicants

(2) Name of the employer

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

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

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

Name and Address of workman....

Signature or thumb impression of the applicant(s).....

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

Station:.....

Date:.....

**ANNEXURE**

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

---

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

**FORM L**  
**[SEE RULE 71]**  
**FORM OF NOTICE OF STRIKE TO BE GIVEN BY <sup>1</sup>[UNION/WORKMEN] IN**  
**PUBLIC UTILITY SERVICE**  
**NAME OF UNION**

<sup>2</sup>[Names of five elected representatives of workmen.]

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

To

(The name of the employer)

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of section 22 of the Industrial Disputes Act, 1947, I/We hereby give you notice that I propose to call a strike/ We propose to go on strike on .....20....., for the reasons explained in the annexure.

Yours faithfully,  
Secretary of the Union

-----

<sup>3</sup>[Five representatives of the workmen duly elected at a meeting held on.....(date), vide resolution attached]

**ANNEXURE**

Statement of the case.

Copy to :

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

**<sup>4</sup>[FORM M**  
**[SEE RULE 72]**  
**FORM OF NOTICE OF LOCK-OUT TO BE GIVEN BY AN EMPLOYER**  
**CARRYING ON A PUBLIC UTILITY SERVICE**

Name of employer.....

Address.....

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

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

Signature.....

Designation.....

**ANNEXURE**  
**STATEMENT OF REASONS**

Copy forwarded to

---

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

- (1) The Secretary of the Registered Union, if any.
- (2) Assistant Labour Commissioner (Central).....  
(Here enter office address of the Assistant Labour Commissioner (Central) in the local area concerned.)
- (3) Regional Labour Commissioner (Central).....Zone
- (4) Chief Labour Commissioner (Central), New Delhi.]

**FORM N**  
**[SEE RULE 73]**

**FORM OF REPORT OF STRIKE OR LOCK-OUT IN A PUBLIC UTILITY SERVICE**

Information to be supplied in this form immediately on the occurrence of a strike or lock-out in a public utility service to the Assistant Labour Commissioner (Central) for the local area concerned

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

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

Column.-(4) If, say, 200 workers in a factory strike work and in consequence the whole factory employing 1,000 workers has to be closed then, 200 should be shown under "directly" and the remaining under "indirectly". If the strike of 200 workers does not

affect the working of the other departments of the factory, the number of workers involved would only be 200, which figure should appear under 'directly' and column 'indirectly' would be blank.

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

**FORM O**  
**[SEE RULE 75]**  
**REGISTER**  
**PART I**

<b>Serial No.</b>	<b>Industry</b>	<b>Parties to the Settlement</b>	<b>Date of Settlement</b>	<b>Remarks*</b>

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

**PART II**

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

<sup>1</sup>**[FORM O-1]**  
**[SEE RULE 75A]**

To

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

Sir,

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

2. Such of the workmen concerned as are entitled to compensation under section 25C of the Industrial Disputes Act, 1947, will be paid compensation due to them.

\*\*

Yours faithfully,

Copy forwarded to Assistant Labour Commissioner (Central)].....

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

+Here insert the number of workmen.

++Here insert the date.

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

**ANNEXURE**  
**STATEMENT OF REASONS**

<sup>2</sup>**[FORM O-2]**  
**[SEE RULE 75A]**

To

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

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

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



(here specify the region concerned)

Sir,

As required by rule 75A of the Industrial Disputes (Central) Rules, 1957, and in continuation of my/our notice dated†..... in Form O-1, I/we hereby inform you that the lay-off in my/our establishment has ended on†.....

Yours faithfully,  
++

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

+Here insert the date.

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

**<sup>1</sup>[FORM O-3  
(TO BE SUBMITTED IN TRIPLICATE <sup>2</sup>[\*\*\*)]**

**[SEE RULE 75B (1)]**

**FORM OF APPLICATION FOR PERMISSION TO LAY-OFF, TO CONTINUE THE LAY-OFF OF WORKMEN IN INDUSTRIAL ESTABLISHMENTS TO WHICH PROVISIONS OF CHAPTER V-B OF THE INDUSTRIAL DISPUTES ACT, 1947 (14 OF 1947) APPLY**

To

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

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

Sir,

Under \*sub-section (1)/sub-section <sup>3</sup>[(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 <sup>4</sup>[(6)] of section 25M, read with section 25C, of the Industrial Disputes Act, 1947 (14 of 1947).

Yours faithfully.  
(Signature).

\*Strike out whatever is inapplicable.

**ANNEXURE**

(Please give replies against each item)

Item No.

---

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

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

\*Strike out whatever is inapplicable].

**FORM P**  
**[SEE RULE 76]**  
**FORM OF NOTICE OF RETRENCHMENT TO BE GIVEN BY AN EMPLOYER**  
**UNDER CLAUSE (C) OF SECTION 25F OF THE INDUSTRIAL DISPUTES ACT,**  
**1947**

Name of employer.....

Address.....

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

To

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

Sir,

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

2. †The workmen concerned were given on the ..... 20..... one month's notice in writing as required under clause (a) of section 25F of the Act. Retrenchment is being effected in pursuance of an agreement, a copy of which is enclosed. The workmen were given on the \*\*..... 20 ..... one 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:-

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

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

Yours faithfully,  
++

\*Here insert the number of workmen.

\*\*Here insert the date.

†Delete the portion which is not applicable.

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

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

**ANNEXURE  
STATEMENT OF REASONS**

Copy to:

- (1) Assistant Labour Commissioner (Central)  
(Here enter office address of the Assistant Labour Commissioner (Central) in local area concerned).
- (2) Regional Labour Commissioner (Central),
- <sup>1</sup>(3) Employment Officer, Employment Exchange .....  
[Enter the full address of the Employment Exchange concerned.]

**<sup>2</sup>[FORM PA  
(TO BE MADE IN TRIPLICATE <sup>3</sup>[\*\*\*)]  
[SEE RULE 76A(1)]**

Form of notice for permission for retrenchment of workmen to be given by an employer under clause <sup>4</sup>[(d)] of sub-section (1) of section 25N of the Industrial Disputes Act, 1947 [14 of 1947]

Date .....

To

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

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

Sir,

Under clause (c)] of sub-section (1) of section 25N of the Industrial Disputes Act, 1947 (14 of 1947), I/we hereby inform you that \*I/we propose to retrench ..... workmen [being workmen to whom sub-section (1) of section 25N applies] with effect from ..... for the reasons set out in the Annexure.

2. The workmen \*concerned have been given notice in writing as required under clause (a) of sub-section (1) of section 25N/have not been given notice since the retrenchment is under an agreement (copy of which is enclosed) as provided in the proviso to the said clause.

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

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

---

1 Ins. by G.S.R. 410 (E), dated 13th September, 1972.  
 2 Ins. by G.S.R. 111 (E), dated 5th March, 1976.  
 3 Omitted by G.S.R. 289, dated 2nd March, 1982 (w.e.f. 13-3-1982).  
 4 Subs. by S.O. 2485, dated 20th May, 1985.

4. Permission is solicited for the proposed retrenchment under clause (c) of sub-section (1) of section 25N.

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

Yours faithfully,  
(Signature)

\*Strike out whatever is inapplicable.

### **ANNEXURE**

(Please give replies against each item)

Item No.

1. Name of the undertaking with complete postal address, including telegraphic addresses and telephone number.
2. Status of undertaking:-
  - (i) Whether Central public sector/ State public sector/foreign majority company/joint sector, etc.
  - (ii) If it 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 the utilised capacity.
6. (i) Annual production, item-wise for preceding three years.  
(ii) Production figures month-wise for the preceding twelve months.
7. Work in progress - item-wise and value-wise.
8. Any arrangement regarding off-loading or sub-contracting of products or any components thereof.

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

1[\*\*\*]

**2[FORM Q**

**[SEE RULE 76A]**

**FORM OF NOTICE OF CLOSURE TO BE GIVEN BY AN EMPLOYER UNDER SECTION 25-FFA OF THE INDUSTRIAL DISPUTES ACT, 1947**

Name of employer..... Address.....

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

To

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

Sir,

Under section 25-FFA of the Industrial Disputes Act, 1947 (14 of 1947), I/we hereby inform you that I/we have decided to close down ..... (name of the undertaking) with effect from ..... for the reasons explained in the Annexure. The number of workmen whose services would be terminated on account of the closure of the undertaking is ..... (number of workmen).

Yours faithfully,

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

**ANNEXURE  
STATEMENT OF REASONS**

Copy to:-

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

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

**3[FORM QA**

**(TO BE SUBMITTED IN TRIPLICATE)**

**[SEE RULE 76C(1)]**

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

Date .....

---

1 Form PB omitted by S.O. 2485, dated 20th May, 1985.  
 2 Ins. by G.S.R. 410(E), dated 13th September, 1972.  
 3 Ins. by G.S.R. 111 (E), dated 5th March, 1976.



To

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

Sir,

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

(Give details of the undertaking)

.....

with effect from.....for the reasons explained in the Annexure.

2. The number of workmen whose services will be terminated on account of the closure of the undertaking is ..... (number of workmen).

3. Permission is solicited for the proposed closure.

<sup>1</sup>[4. I/we hereby declare that in the event of approval for the closure being granted, every workman in the undertaking to whom sub-section (8) of the said section 25-O applies shall be paid compensation as specified in that section.]

Yours faithfully,  
(Signature)

#### **ANNEXURE**

#### **(PLEASE GIVE REPLIES AGAINST EACH ITEM)**

Item No.

1. Name of the industrial establishment with complete postal address including telegraphic addresses and telephone number.
2. Status of undertaking:-
  - (i) Whether Central public sector/ State public sector/ foreign majority company/ joint sector, etc.
  - (ii) If it 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.

---

<sup>1</sup> Subs. by S.O. 2485, dated 20th May, 1985.

4. Items of manufacture and scheduled industry/industries under which they fall.
5. Details relating to licensed capacity, installed capacity and the utilised capacity :
6. (i) Annual production item-wise and value-wise.  
(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 shift.
12. Balance sheet and profit and loss account and audit reports for the last three years.
13. Financial position of the company.
14. (i) Names of interconnected company or companies under the same management.  
(ii) Details about intercorporate investments and changes during the last one year.  
(iii) Interest of any of the directors/ officers of the undertaking producing same or similar type of product.
15. Percentage of wages of workmen to the total cost of production.
16. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
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 organisation/ 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 closure.
  25. Any other relevant factors with details thereof.

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