

## **INDUSTRIAL COURT REGULATIONS, 1947**

### **CONTENTS**

#### **CHAPTER 1 :- General**

1. .
2. .

#### **CHAPTER 2 :- Sittings, Benches and Vacations**

3. .
4. .
5. .
6. .
7. .
8. .
9. .
- 9A. .
10. .
11. .
12. .
13. .
14. .
15. .

#### **CHAPTER 3 :- Officers and Office hours.**

16. .
17. .
18. .
19. .
20. .

#### **CHAPTER 4 :- Appearance in Court.**

21. .
22. .

#### **CHAPTER 5 :- Applications to the Registrar**

23. .
24. .

#### **CHAPTER 6 :- Business in Chambers.**

25. .

26. .

27. .

**CHAPTER 7 :-**Filing of Appeals, Applications, Petitions or Statements in Submissions and references.

28. .

28A. .

29. .

30. .

31. .

32. .

33. .

34. .

35. .

36. .

36A. .

37. .

38. .

39. .

39A. .

39B. .

40. .

**CHAPTER 8 :-** Issue of Summonses. Notices, other process, etc.

41. .

42. .

43. .

44. .

**CHAPTER 9 :-** Procedure in the Court

45. .

46. .

47. .

48. .

49. .

50. .

51. .

52. .

53. .

53A. .

**CHAPTER 10 :-**Execution of order of Costs, Fine and Imprisonment

54. .

55. .

56. .

57. .

58. .

59. .

## **CHAPTER 11 :- Miscellaneous**

60. .

61. .

62. .

63. .

64. .

64A. .

65. .

## **SCHEDULE 1 :- FORMS**

## **SCHEDULE 2 :- .**

### **INDUSTRIAL COURT REGULATIONS, 1947**

The following regulations have been made by the Industrial Court in exercise of the powers conferred under section 92 of the Bombay Industrial Relations Act, No. XI of 1947:

#### CHAPTER 1

##### General

#### **1. . :-**

These regulations may be cited as "The Industrial Court Regulations, 1947", and shall come into force on the day the Bombay Industrial Relations Act (No. XI of 1947), comes into force by virtue of a notification issued by the State Government under section 2 (2) of the said Act.

#### **2. . :-**

(1) In these regulations unless context otherwise requires

(a) "Act" means the Bombay Industrial Relations Act (No. XI of 1947).

(b) "Appeal" means a Memorandum of Appeal filed by an appellant indicating the grounds of appeal and relief claimed against the decision or an order of a lower court or authority where such appeal is permissible under the Act.

(c) "Application" means any application made to the Court under the Act or these regulations.

(d) "Court" and "This Court" means the Industrial Court as constituted under section 10 of the Act and includes President or

Member thereof.

(e) "Lower Court means a Labour Court as constituted under section 9 of the Act.

(f) "Matter" means any application, appeal, petition, reference or submission filed in or made to the Industrial Court under the provisions of the Act.

(g) "Order" means any order made by the Industrial Court in any proceedings before it; other than an award or a decision.

(h) "Party" means the applicant, petitioner, appellant, opponent, respondent or any employer or employee concerned in any application, petition, appeal, submission or reference.

(i) "Petition" means any petition made to the Court under the Act or these regulations.

(j) "Registrar" means the Registrar of the Industrial Court.

(k) "Registrar of Unions" means the Registrar as defined in section 3 (31) of the Act and appointed under section 5 of the Act.

(l) "Section" means a section of the Act.

(m) "Statement of Claim" means a statement filed by or on behalf of a party on whose claim a submission or reference arises.

(n) "Written Statement" means a statement filed by an opponent in reply to a statement of claim or to an application or petition.

(2) Words and expressions not defined in these regulations shall have the same meanings assigned to them under the Act.

## CHAPTER 2

Sittings, Benches and Vacations

### **3. . :-**

Subject to the provisions of section 92 (2) the President may constitute a Bench of one or more members to decide any of the matters filed in or referred to the Court and the Bench so constituted shall exercise the jurisdiction and the powers vested in the Court.

### **4. . :-**

An application for review under sections 37 and 95 (1) shall ordinarily be disposed of by the same Bench which has heard the original matter sought to be reviewed, provided, however, that if

any member or members of the Bench which disposed of the original matter has or have ceased to be a member or members of the Court "it shall be disposed of by a Bench consisting of the same number of members as the Bench which made the order sought to be reviewed."

**5. . :-**

The Court may, with the consent of the parties, act notwithstanding any vacancy or absence of any member in any Bench constituted by the President to decide any matter after the commencement of proceedings and no act, proceeding or determination of the Court shall be called in question or invalidated by reason of any such vacancy or absence, provided such consent has been first obtained; and provided further that if any of the parties does not give such consent, the President may constitute another Bench to hear the matter de novo.

**6. . :-**

Any Bench of one or more members of the Court hearing a matter may refer it to a Full Bench of the Court, if in its opinion, it involves important questions of law or fact. The President may constitute a Full Bench of two or more members,

**7. . :-**

A Bench constituted under any of the regulations 3, 4, 5 and 6 may hold its sittings at such place or places as the President may direct.

**8. . :-**

The Court may, with the approval of the President, in any matter in which it appears expedient to do so, call in the aid of one or more assessors, and may settle the matter wholly or partially with the assistance of such assessor or assessors.

**9. . :-**

The assessor or assessors may be paid such remuneration as may, subject to the approval of the President, be agreed to by the parties or as the Government may fix by a general or a special order on the recommendation of the President having regard to the status, position and calling of such assessors or assessors.

**9A. . :-**

In cases where the parties do not agree to pay the remuneration of the assessor or assessors or as to the proportion thereof to be borne by each party, the Court] subject to the approval of the

President, may direct the party or parties to pay the remuneration of the assessor assessors, wholly or in such proportion as the Court may think fit.

**10. . :-**

The Court shall ordinarily sit on week days, except Saturdays, from 11 a.m. to 5 p.m. with lunch interval from 2 p.m. to 3 p.m., subject to such alterations as the presiding member may direct on any particular day or days.

**11. . :-**

Subject to such general or special order as the President may pass, the Court shall observe the following vacations:

(1) The summer vacation for six weeks ordinarily commencing from the last week of April and ending with the first week of June.

(2) The October vacation for two weeks ordinarily commencing from the second week and ending with the third week of October.

**12. . :-**

The Court will be closed on (1) such holidays as are declared by Government under the Negotiable Instruments act, and (2) Christmas holidays ordinarily commencing on 24th December and ending with 2nd of January.

**13. . :-**

The date of vacations and holidays shall be notified in the Gujarat Government Gazette.

**14. . :-**

The President may appoint one or more members of the Court for hearing and disposal of urgent matters during vacations.

**15. . :-**

The dates of hearing during the vacations shall be fixed by the members appointed.

**CHAPTER 3**

Officers and Office hows.

**16. . :-**

The Registrar shall have the custody of the records of the Court and shall exercise such functions as are assigned to him by these Regulations or by the President.

**17. . :-**

The Registrar may with the permission of the President assign such function or functions to any of the officers or members of the office staff subordinate to him.

**18.** . :-

The Office of the Court for the purpose of admitting any business shall be open ordinarily, except on Sundays on 2nd and 4th Saturdays of each month and close holidays, from 10.30 a.m. to 5.30 p.m. but no work unless of an urgent nature shall be admitted after 4.30p.m.

**19.** . :-

During vacations and Christmas Holidays the office shall observe such hours as may be fixed by the President.

**20.** . :-

The Court shall have an official seal of its own, which shall be kept in the custody of the Registrar.

CHAPTER 4

Appearance in Court.

**21.** . :-

Subject to the provisions of section 27A, 32 and 33, in any proceedings before the Court parties may appear in person or through any other person or by a duly authorised counsel, attorneys, advocate, pleader, representative or by an officer of a representative union, qualified union, primary union or approved union or the Government Labour Officer of the local area concerned or by an officer of an employers' association, as the case may be.

**22.** . :-

Every person except a counsel authorised to appear under regulation 21 shall file a warrant of authority in Form 1 signed by the person authorising him.

CHAPTER 5

Applications to the Registrar

**23.** . :-

Applications in the following matters shall be made to the Registrar by a prescribed in Form 2 or a letter addressed to him:

(i) for certified copies of documents;

(ii) for extension of time to file a written statement, statement of claim, any other statement or document;

(iii) for issue of summonses to witnesses and notices for appearance in any matter filed in or referred to the Court;

(iv) for inspection of documents filed in the Court;

(v) for withdrawal of matters filed in the Court before these are placed for hearing on the board;

(vi) for return of exhibits.

**24. . :-**

The Registrar may in his discretion make any order on such applications or may submit the same to the President or Member for orders.

**CHAPTER 6**

Business in Chambers.

**25. . :-**

The following matters shall be disposed of by any Member in chamber:

(i) petition or adding any parties to the appeal, application, submission, reference, etc.;

(ii) petition for bail;

(iii) application for stay order;

(iv) application for adjournment by consent of both the parties for any matter placed for hearing on the board;

(v) applications for condoning delay in presenting appeals within the period of limitation prescribed;

(vi) application under section 33 (c) for permission to appear in proceedings other than proceedings before a Labour Court or this Court;

(vii) all other applications of a miscellaneous nature.

**26. . :-**

Any of the chamber matters may be decided either ex- parte or after hearing the other side as the Member in chamber may think fit.

**27. . :-**

Where bail is granted, the person concerned shall execute a Bail Bond in Form 6.



## CHAPTER 7

Filing of Appeals, Applications, Petitions or Statements in Submissions and references.

### **28. . :-**

(i) In any matter where the persons or the parties affected are numerous having the same interest, one or more of such parties may with the permission of the Court proceed or defend in such matter on behalf of or for the benefit of all persons so interested. The Court shall in such cases direct notice to be given to all such persons at the expense of the party filing the matter either by personal service or where from the number of parties or, any other cause such service is not reasonably practicable, by public advertisement and by causing the notice with its translation in the regional language or languages to be affixed by the party filing the matter at the entrance of the last known place of employment of such persons or parties. The person affixing the notice and putting up the advertisement shall file an affidavit in the Court of his having done so.

(ii) Any person on whose behalf the matter is filed or defended under sub-regulation (i) may apply to the Court to be joined as a party to such matter. The Court may grant such application if it is satisfied that his interests will be seriously affected to his prejudice if he is not joined as a party.

### **28A. . :-**

In any matter before the Court, the Court may, at any stage of the proceedings, either upon or without the application or any party, order that the name of any party or parties improperly joined be struck out and that the name of any party or parties whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and to settle all the questions involved in the dispute be added.

### **29. . :-**

Every application, petition, appeal, written statement or statement or statement of claim to be made to the Court under the Act or directed to be filled under these Regulations shall be drawn up in the relevant Forms 3, 4 or t prescribed in Schedule I, and four copies thereof shall be filed in the office or sent to the Registrar by registered post.

### **30. . :-**

The memorandum of appeal shall be filed within the period of limitation prescribed in sections 20 (1), 36 (1), 84(2) and 86- G(2) as the case may be on working days, during the business hours, specified in regulations 18 and 19.

**31. . :-**

The memorandum of appeal shall be accompanied by a certified copy of the order or decision appealed against.

**32. . :-**

Every application, petition or appeal shall be scrutinised by the Registrar and if its is in order shall be admitted to the file, entered in the register and given the case number.

**33. . :-**

If the application, petition or appeal is not in order by reason of any formal defect, it shall be returned by the REgistrar for remedying the defect, if any, within a specified time.

**34. . :-**

If the REgistrar thinks that any application, petition or appeal may be fixed for preliminary hearing, the Registrar may subject to such order as may be made by the President or by a Member send notice in Form 7 to the applicant, petitioner or appellant to appear before the Court at the time and place mentioned therein to show cause why the application, petition or appeal may not be summarily dismissed.

**35. . :-**

If any of the parties applies for determining certain matter on preliminary issues, the President or a member may proceed to determined such issues after issuing notice to the opposite party.

**36. . :-**

If the application or petition is not summarily dismissed the Registrar shall cause a notice in Form 8 to be given to the opponent directing him to file a written statement within a specified time.

**36A. . :-**

A registered union making a reference under section 73-A shall draw up the said reference in Form 24 giving details of the case as to (a) how the dispute has originated, (b) further relevant facts regarding the dispute so far as they are known to the union, and (c) the contentions of the Union.

**37. . :-**

After any appeal is filed in or any submission or reference is made to the Court, the Registrar shall cause a write in Form 9 to be issued to the State Government, the labour Court, the Civil or Criminal Court, the Commissioner of Labour, the Registrar of Unions, the Conciliator, or any other officer or authority concerned as the case may be and shall call for the original records and proceedings of the case.

**38. . :-**

As soon as any submission or reference is admitted to the file, the Registrar shall give notices in Forms 10, 11, 12 or 13 to the parties to file their statement of claim or written statement as the case may be within the time stated in the notice.

**39. . :-**

The statement of claim and the written statement referred to in regulation 38 shall be drawn up in Forms 4 and 5 respectively.

**39A. . :-**

If at any stage of the proceedings the Court substitutes or adds the name of one union or employer in place of or in addition to another Union or employer, the Registrar shall give notice in Form 12 -A directing the substituted or added party to file its statement of claim or written statement, as the case may be, within a specified time.

**39B. . :-**

A. reference to the Industrial Court by the Conciliator under section 61, by the Arbitrator under section 69, by the Labour Court under section 81, by a Wage Board under section 90(1), by a Civil or Criminal Court under 90(2), by the State Government under section 90(3), by the Commissioner of Labour under section 91. shall be made in the form of letter addressed to the Registrar and signed by the person authorised to make such reference. The reference shall give the names and the addresses of the parties concerned, on whom notices may be issued to argue to the reference before the court. The reference should be accompanied by the original papers in the dispute. The Registrar should be furnished with as many copies of the reference as there are parties plus four additional copies.

**40. . :-**

After all the statements required to be filed by the parties are

received, or after the expiry of the date for filing the statements, the matters shall be set down for hearing before a Bench constituted by the President, and the Registrar shall give notice thereof in Form 14 to the parties to appear before the Court at such time and place mentioned therein.

#### CHAPTER 8

Issue of Summonses. Notices, other process, etc.

##### **41. . :-**

When in any matter it appears necessary that Government should be represented and heard on any point arising therein, the Court shall direct the Registrar to give intimation of the matter to the Chief Secretary to the State Government in Form 15.

##### **42. . :-**

In any matter coming before the Court, where it appears on application of any of the parties or otherwise, that the presence of the Government Labour Officer of the local area concerned is necessary, a notice in Form 16 may be given to him requiring him or his deputy to attend the Court at such time and place as mentioned therein.

##### **43. . :-**

Every writ, summons, notice, warrant or other mandatory process and every other, award or certified copy of any document shall be signed by the Registrar with the day and year of signing and shall be sealed with the official seal of the Court.

##### **44. . :-**

The service of every writ, summons, notice, warrant or other mandatory process and of every order or award shall be effected either by hand delivery or through registered post or as provided in the Order V of the Civil Procedure code, 1908, as may be expedient

#### CHAPTER 9

Procedure in the Court

##### **45. . :-**

The Court shall call upon the parties in such order as it may think fit to state their case.

##### **46. . :-**

Each witness shall give his evidence on oath or on solemn affirmation as the court may require, and shall give the following particulars, namely. (1) his name, (2) age. (3) occupation and (4)

religion, if any.

**47. . :-**

The Court may accept, admit or call for any evidence at any stage and in any manner it thinks fit.

**48. . :-**

A memorandum of the substance of a witness' testimony shall be made in such manner as the Court may order.

**49. . :-**

The Court may require any fact to be proved by affidavits.

**50. . :-**

In any matter, on the application of either party or otherwise the Court may direct the issue of a commission in Form 17 for recording oral evidence or for conducting any local inquiry or investigation.

**51. . :-**

The Court may direct any party to pay such costs of the commission as it considers reasonable.

**52. . :-**

Where a party desires to rely upon any statistical statement the party shall supply one copy each to the members of the Bench, one copy to the Officer of the Court and one copy to each representative appearing for the other side.

**53. . :-**

Where statistical statements are to be filed as exhibits, on each such statement shall be put the following particulars, namely (1) the source from which the figures have been compiled and (2) the name of the party submitting the exhibit.

**53A. . :-**

In every matter fixed for hearing before the Full Bench, if any party wants to rely on any book, publication, law report, etc., it shall hand over to the Court Clerk concerned, a list of such books, publications law reports, etc. at least four days before the date of the hearing. In consultation with the Court Clerks the parties shall keep with them at the time of hearing a sufficient number of copies of such books, publications, report etc., for the use of each Member of the Bench.

**CHAPTER 10**

Execution of order of Costs, Fine and Imprisonment

**54. . :-**

The REgistrar shall be the taxing officer of the Court.

**55. . :-**

Subject to any provision of any statute or of these Regulations, the costs of or incidental to all proceedings shall be in the discretion of the Court.

**56. . :-**

The order of costs made by the Court in any matter shall be drawn up by the Registrar in Form 18.

**57. . :-**

Any order of fine or compensation directed by the Court shall be drawn up in Form 19 and a copy there of together with warrant in Form 20 shall be forwarded to the Collector of the District concerned for the purpose of execution as if it were recovery of arrears of land revenue under section 110.

**58. . :-**

Where the Court makes any order of imprisonment the accused shall be immediately apprehended by the police officer on duty who on obtaining a Jail Warrant in Form 21 signed by the Registrar shall deliver the accused to Jail authority to be taken in the custody of the Jail.

**59. . :-**

Copies of the awards or other decisions of the Court shall be supplied by the Registrar free of charge to the parties concerned, and the Labour Court, Civil or Criminal Court, Commissioner of Labour, REgistrar of Unions or any other authority, Court or Board concerned, on copy in each case shall also be supplied to Government. Any additional copy required by any partly, person or authority may be supplied at the discretion of the Registrar free of charge or at the cost prescribed or certified copies of documents in Schedule II.

**CHAPTER 11**

**Miscellaneous**

**60. . :-**

Where any fact is to be proved by affidavit, it shall be drawn up in Form 22, shall bear the stamp prescribed in Schedule Ii and shall be sworn or affirmed in the presence of the Registrar.

**61. . :-**

The Court may correct in any award or order that it issues any clerical mistake or error arising from an accidental slip or omission.

**62. . :-**

If any question arises as to the interpretation of any order made by Court in any matter, the State Government or any party to the order may apply to the Court for a decision on such question and the Court may decide the matter after hearing the parties.

**63. . :-**

The Court or any other person authorised in writing by it in this behalf may at any time during the pendency of the dispute enter any building, factory, workshop or other places or premises whatsoever and inspect the same or any work, machinery, appliances or articles therein or interrogate any person therein in respect of anything situated therein or any matter relating to the subject-matter of the dispute.

**64. . :-**

The Forms set out in Schedule I to these Regulation or forms substantially to the like effect with such variations as the circumstances of each case may require, shall be used for all cases where the forms are appropriate.

**64A. . :-**

(1) Manner of dealing with cases of appeals to Supreme Court- On receipt of an order from the Supreme Court, granting Special Leave to appeal to any of the parties against the decision, order or award of the Industrial Court, the Registrar of the Industrial Court shall intimate the parties, their representatives or advocates, as the case may be and after holding a meeting to settle the index of the records to be printed in pursuance of the provisions contained in the Supreme Court Rules.

(2) After the index is finally settled the records shall be printed by the petitioner and the proofs thereof shall be compared with the documents and exhibits with the assistance of the staff of the Industrial Court.

(3) In connection with the records to be sent to the Supreme Court, the petitioner shall be charged fees at the following rates:-

	Rs. nP.
Estimating (Translation charges if any)	16.00
Preparing Index	00.06

	(per item)
Examination of Proofs	00.25
	(for every page)
Certifying a copy of the record by the Registrar of the Industrial Court.	1.00
	(for every eight pages)

(4) After the record is finally printed it shall be transmitted to the Supreme Court at the expense of the petitioner, as may be directed by the Supreme Court.

**65. . :-**

Nothing in these Regulations shall be deemed to limit or otherwise affect the power of the Court to make such order as may be necessary for the ends of of justice or to prevent an abuse of the process of the Court.

SCHEDULE 1

FORMS

SCHEDULE 2

.

<b>SCHEDULE II</b>	
<i>Table of Fees Charges, etc.</i>	
	Rs. np.
(1) Affidavit as provided in Schedule I to the Stamp Act	1.00
(2) Process fees for each witness summons.	00.40
(3) Type copying and comparing charges of certified copies of documents (per folio of 100 words).	00.50
(4) Inspection and search of documents in the possession of Court (per day for each document).	00.75
<p>N.B.—Fees for items 3 and 4 are payable in cash and in respect of other items, in Court-fee stamps.</p> <p>By order of the President,</p> <p>Registrar,</p> <p>Industrial Court.</p> <p>Office of the Industrial Court, Gujarat,</p> <p>Gujarat.</p>	



