

LABOUR COURTS (PRACTICE AND PROCEDURE) RULES, 1947

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LABOUR COURTS (PRACTICE AND PROCEDURE) RULES, 1947

In the exercise of the powers conferred under section 85 of the Bombay Industrial Relations Act (No. XI of 1947), the Industrial Court has framed the following rules for regulating the practice³ and procedure of Labour Courts :-

CHAPTER 1

General

1. . :-

The rules may be called "The Labour Courts (Practice and Procedure) Rules, 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. . :-

(A) In these rules unless there is anything repugnant in the subject or context. -

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

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

(3) "Complaint" means an allegation made in writing to a Judge with a view to his taking action under the Act that some person mentioned therein has committed an offence punishable under the Act, and includes the Report of a Labour Officer under section 82 of the Act.

(4) "Court" means the Labour Court as constituted under section 9 of the Act.

(5) "Judge" means a judge appointed to preside over a Labour Court as defined in section 3 (21) of the Act.

(6) "Mater" means any application, petition, reference, submission or criminal complaint filed in or made to the Labour Court under the provisions of the Act.

(7) "Order" means any order made by the Labour Court in any proceeding before it other than an award.

(8) "Party" means the applicant, petitioner opponent, complainant or accused or an employer or employee concerned in any application, petition, submission, reference or criminal complaint.

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

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

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

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

CHAPTER 2

Sittings

3. . :-

(a) The Court shall ordinarily sit on week days and on 1st, 3rd, and 5th if there be any Saturdays of a month from 11.30 a.m. to 5.30 p.m. with a recess, subject to such alterations as the judge may direct on any particular day or days.

(b) The Court may hold its sittings at such place or places within its territorial jurisdiction as the judge may think necessary for deciding a particular matter or matters.

4. . :-

The office of the Court for the purpose of admitting any business shall be open ordinarily, except on Sundays, 2nd and 4th Saturdays of each month and close Holidays from 11-00 a.m. to 6- 00 p.m., but no work unless of an urgent nature shall be admitted after 5-00 p.m.

5. . :-

The Court shall have an official seal in the form of a circular rubber stamp one and half inch in diameter.

6. . :-

The judge may in matters falling under section 78 (1) A (b) in which it appears expedient to do so call in the aid of one or more assessors any may settle the matter wholly or partially with the assistance of such assessor or assessors.

7. . :-

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

CHAPTER 3

Appearance in Court

8. . :-

In any proceeding before the Court the parties may, subject to the provisions of sections 27-A, 32 and 33 of the Act, appear in person or through any other person or by duly authorised Counsel, attorney, advocate or pleader or by an officer of the Union which has a right to represent the party under section 30 of the Act, or by the Government Labour Officer of the local area concerned or by an officer of an employers' association as the case may be.

9. . :-

Every person except a counsel authorised to appear as per rule 8 hereinabove, shall file a Memorandum of Appearance in Form A signed by the person authorising him.

CHAPTER 4

Business in Chambers

10. . :-

The following matters shall be disposed of by the judge in Chamber:

- (1) Petition for adding any parties to an application, submission or reference.
- (2) Application for certified copies of documents.
- (3) Application for extension of time to file a statement of claim, written statement, or any other statement or document.
- (4) Application for issue of summonses to witnesses and notices for appearance in any matter filed in or referred to the Court.
- (5) Application for inspection of document filed in the Court.
- (6) Application for withdrawal of any matter filed in the Court before it is placed for hearing on the board.
- (7) Application for return of exhibits.
- (8) Application for adjournment by consent of both the parties for any matter placed for hearing on the board.
- (9) Other application of a miscellaneous nature.

11. . :-

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

CHAPTER 5

Filing of applications, petitions or statements in submissions and references, complaints, etc.

12. . :-

(i)-(ii) [Deleted].

13. . :-

(i)-(ii) [Deleted].

13A. . :-

In any matter before the Court, the Court may, at any stage of the proceedings, either upon or without the application of 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.

14. . :-

Subject to the provisions of section 79 (2) of the Act every application, petition, written statement, statement of claim, to be made to the Court under the Act or directed to be filed under these rules shall be drawn in the relevant Forms B, C and D prescribed in Schedule I and two copies thereof shall be filed in the office or sent to the Court by Registered Post.

15. . :-

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

16. . :-

If the judge thinks that any application or petition may be fixed for preliminary hearing he shall cause notice in Form E to be served on the applicant or petitioner directing him to appear before him at the time and place mentioned therein to show cause why the application or petition may not be summarily dismissed.

17. . :-

If any of the parties applied for determining certain matter on preliminary issues, the judge may proceed to determine such issues on issuing notice to the opposite party.

18. . :-

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

18A. . :-

As soon as an application under section 8-A or 80-C is admitted to the file, the Judge shall issue notice in Form F-1 and F-2 as the case may be, to the employees concerned who have the same interest in the subject-matter of the application.

19. . :-

As soon as any submission or reference is admitted to the file the judge shall give notices in Forms G, H, I and J to the parties to file their statement of claim, or written statement as the case may be within the time stated in the notice.

20. . :-

The statement of claim and the written statement referred to in rule 19 shall be drawn up in Forms C and D respectively.

20A. . :-

As soon as the written statement is filed as required under these rules, and the matter is ready for hearing, a notice of hearing in Form JJ shall be issued to the parties concerned.

21. . :-

The provisions of the Code of Criminal Procedure, 1898, regarding bail shall apply to all proceedings in respect of offences tribal by the Court.

22. . :-

In all criminal proceedings before the Court the forms prescribed in the Code of Criminal procedure shall be used in so far as they may be applicable.

CHAPTER 6

Issue of Summonses, Notices and Processes.

23. . :-

When in any matter it appears necessary that Government should be represented and heard on any point arising therein, the judge shall give intimation of the matter to the State Government or the principal officer of Government in the local area as per Form K.

24. . :-

In any matter, coming before the Court in its ordinary jurisdiction, 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 "L" may be given to him requiring him or his deputy to attend the Court at such time and place as mentioned therein.

25. . :-

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

26. . :-

The service of every summons, notice, warrant, other mandatory process, order or award shall be effected either by hand delivery or through Registered Post as may be expedient or as provided in Order V of Civil Procedure Code or in Criminal Procedure Code as the case may be.

26A. . :-

Notwithstanding anything contained in rule 26, in any matter where there are numerous parties having the same interest, service of notice, summons or any other process on them may be effected by affixing a copy of the same at some conspicuous part of the place of work and by publishing the same in a newspaper, circulating in the locality. In the case of employees who are members of a representative union service of such notice, summons or any other process on the union shall be deemed to be good service on its members.

CHAPTER 7

Procedure in the Court.

27. . :-

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

28. . :-

Each witness shall give his evidence on oath or solemn affirmation as the case may be and shall give the following particulars, namely (1) his name, (2) age, (3) occupation and (4) place of residence and (5) religion, if any.

28A. . :-

In any matter before the Court, the Court may, at any stage of the proceedings, either upon or without the application of any party, order that the name of any party or parties improperly joined be struck out and that the name of the 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. . :-

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

30. . :-

Where a party desires to rely upon any statistical statement the party shall supply copies as follows, namely, one copy to the Court and additional copies to each of the assessors if so required by the Court and one copy to each representative for the other side.

31. . :-

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.

CHAPTER 8

Miscellaneous.

32. . :-

One party on either side in any matter, Registrar or unions, or any other authority wherever concerned, shall be supplied by the judge with a certified copy of the decision, order or award made therein by him free of charge and any additional copy required by the parties shall be supplied at the cost prescribed for certified copies of documents in Schedule II.

33. . :-

Where any fact is to be proved by affidavit it shall be drawn in Form M, shall bear the stamp prescribed in Schedule II and shall be sworn or affirmed in the presence of the judge or the Court clerk who may be authorised in writing by the judge in his behalf.

34. . :-

The Court may correct in any decision, award or order any clerical mistake or error arising from an accidental slip or omission.

35. . :-

The forms set out in Schedule I to these rules 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 forms are appropriate.

35A. . :-

In Form B in the title, after the names of the applicants, petitioners or opponents as the case may be, and before putting the address, the following words, whenever necessary, may be added "for himself/themselves and on behalf of the employees of¹

1. Insert the Name of the Company or of the Department of the Company as the case may be.

36. . :-

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

37. . :-

The judge or any other person authorised in writing by him 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.

CHAPTER 9

Registers and Returns

38. . :-

The judge shall send every year before 31st January a return in Form O to the Registrar, Industrial Court, showing the number of cases filed, withdrawn, decided, pending, etc.

39. . :-

A register in Form P shall be maintained for entering the particulars of exhibits returned.

40. . :-

The applications or petitions, submissions, references and complaints in criminal matters shall be entered separately in registers as per Forms Q. R. S and T respectively.

41. . :-

The particulars of certified copies given to the parties shall be entered in a separate register as per Form U.

SCHEDULE 1

FORMS

SCHEDULE 2

SCHEDULE

SCHEDULE II.

Table of Fees, Charges etc.

		Rs. np.
(1)	Affidavit	00.50
(2)	Process fee for each witness summons	00.40
(3)	Type copying and comparing charges of certified copies of documents. (per folio of 100 words).	00.40
(4)	Inspection and Search of documents in the possession of Court (per day for each document) .	00.75

N.B.—Fees for items 3 and 4 are payable in cash and in
respect of other items, in court fee stamps.

By order of the President,

Sd/-

Registrar.

Industrial
Court.

Office of the Industrial Court,
Gujarat, Ahmedabad,.