

## **Madhya Pradesh Industrial Relations Rules, 1961**

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### **Madhya Pradesh Industrial Relations Rules, 1961**

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

These rules may be called the Madhya Pradesh Industrial Relations Rules, 1961.

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

In these Rules unless the context otherwise requires, -

- (a) "Act" means the Madhya Pradesh Industrial Relations Act, 1960 (No. 27 of 1960);
- (b) "Form" means a form appended to these rules;
- (c) "Schedule" means a schedule appended to the Act;
- (d) "Section" means a section of the Act.

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

(1) For the purpose of preparing the panels of members representing the interests of employers and employees under subsection (2) of section 11, the State Government shall invite representatives of employers and employees and such other bodies and persons, as it may deem fit to recommend the names of suitable persons to be included in the panels. The State Government after considering all recommendations received by it, shall prepare two separate panels, one of members representing the interest of employers and the other of members representing the interests of employees.

(2) The State Government may, from time to time, revise the panels prepared under sub-rule

(1) in the manner provided therein.

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

No person who has been adjudged bankrupt or has been declared to be of unsound mind by a competent court or has been convicted in a criminal proceeding for an offence involving moral turpitude shall be eligible for inclusion in the panels prepared under rule 3 and if any person incurs any such disqualification after his name has been included in any such panel his name shall be removed from the panel by the State Government.

#### **5. Rule 5 :-**

The panels prepared under rule 3 shall be published in the official Gazette.

**6. Rule 6 :-**

(1) If any person whose name is included in a panel prepared under rule 3 dies or tenders his resignation his name shall be removed from the panel and the name of any other person eligible therefore may be included in the panel in the manner provided in sub-rule (1) of rule 3.

(2) The removal and the inclusion of the name of every person from or in a panel shall be notified in the official Gazette.

**7. Rule 7 :-**

For the purpose of constituting a Board under section 11, the Commissioner of Labour or any officer authorized by him in this behalf, shall by a written notice in Form A call upon each party to a dispute -

(i) to submit panel of not less than five persons representing its interest; and

(ii) to propose jointly a person to be appointed as Chairman of the Board within fifteen days of the receipt of the notice.

**8. Rule 8 :-**

(1) If a vacancy occurs in the office of the Chairman jointly nominated under rule 7, it shall be filled in the same manner as is provided in sub-section (4) of section 11, read with the said rule.

(2) If the President or a member of the Industrial Court has been appointed Chairman of the Board under paragraph (ii) of the proviso to sub-section (4) of section 11, any vacancy in the office of the Chairman shall be filled in by the State Government by appointing the successor in office of the President or such member or any other member of the Industrial Court to be Chairman of the Board.

**9. Rule 9 :-**

If a vacancy occurs in the office of a Member of the Board appointed from a panel-

(i) submitted by a party under sub-section (3) of section 11, it shall be filled by the State Government by nominating any other person

from such panel!;

(ii) if no such person is available, it shall be filled by appointing any person from the appropriate panel prepared under rule 3.

**10. Rule 10 :-**

An application by a Union for recognition under sub-section (1) or section 13 shall be submitted in Form B.

**11. Rule 11 :-**

The fee payable under sub-section (2) of section 13 shall be rupees five to be paid in cash.

**12. Rule 12 :-**

The certificate of recognition issued by the Registrar under sub-section (2) of section 13 shall be in Form C.

**13. Rule 13 :-**

(1) On receipt of an application for recognition from a union under subsection (1) of section 13 and on payment of a fee of Rs.5. prescribed in rule 11, the Registrar shall cause a notice to be put up on the premises of all the undertakings in the industry of the local area concerned at such conspicuous place or places, as he may deem fit, inviting objections to the recognition of the union as a representative union within a period to be specified in the notice, which shall not be less than 15 days.

(2) If no objection is received within the period specified under sub-rule (1) the Registrar may, before passing any order on the application and taking any action under sub-section (2) of section 13, inquire and call for further information from the union for the purpose of ascertaining whether the union is entitled to recognition under the said sub-section.

(3) If any objection is received from any person within the period specified in the notice referred to in sub-rule (1) the Registrar shall fix the date, time and place for hearing the objection and give notice of such date, time and place to the applicant and the objector. On the date so fixed or any other date to which the enquiry may be adjourned, the Registrar shall hear the parties and proceed to enquire into the objections which any person has stated pursuant to the notice given under sub-rule (1) and into the claims of the union for being recognized as a representative union under

the Act.

(4) On hearing the applicant union and the objector and if necessary after collecting any relevant information and/or recording any evidence, the Registrar is satisfied that the applicant union fulfils all the conditions necessary for recognition he shall recognize and register such union in the manner prescribed in section 15.

(5) The result of the enquiry made under sub-rule (2) or (3) shall be communicated to the applicant union as soon as may be practicable.

#### **14. Rule 14 :-**

The register of representative unions to be maintained under section 15 shall be in Form D.

#### **15. Rule 15 :-**

For the purpose of clause (b) of section 16, the Registrar shall fix a date, time and place for hearing and shall cause a notice of the same to be served on the union. and shall afford such union an opportunity of being heard. On the date so fixed or on, any other date to which the hearing may be adjourned,.. the Registrar shall proceed to enquire into the statements, if any submitted by the union pursuant to the notice given under the said clause. He shall take down in writing all statements made by the union and shall inquire into all grounds specified in the notice. He may call for any information from the union and consider any evidence that may be produced in support by such union.

#### **16. Rule 16 :-**

An application under sub-section (1) of section 17 shall be accompanied by a fee of rupees ten, to be paid in cash.

#### **17. Rule 17 :-**

(1) On the expiry of the period of notice under sub-section (1) of section 17, the Registrar shall call for necessary information from the union making the application for recognition under subsection (1) of the said section and the representative union in Form E and may call for such registers and other documents as he may consider necessary in this behalf.

(2) On receipt of the information called for under sub-rule (1) and after giving both the parties an opportunity of being heard, the

Registrar shall pass orders accepting or rejecting the application giving reasons therefore.

(3) The Registrar shall communicate his decision to the applicant union and also to the representative union as soon as practicable.

**18. Rule 18 :-**

The fee payable in respect of an application for re- recognition under section 18 shall be rupees ten, to be paid in cash.

**19. Rule 19 :-**

Every representative union shall on or before the 20th day of each month deliver personally in office or forward by registered post to the Registrar a periodical return of its membership in Form F as required by section 21.

**20. Rule 20 :-**

Every employer in any industry in the local area to which the Act applies shall before the tenth day of every month forward to the Registrar a statement in Form G showing correctly the number of persons employed on the first working day of the month.

**21. Rule 21 :-**

The Registrar may call upon any employer or any union to produce such documents and supply such further information as he may deem fit to prove that the information supplied under rules 19 and 20 is correct.

**22. Rule 22 :-**

(1) The Registrar shall forward in the months of January, April, July and October every year a consolidated statement for the three previous months for every industry separately to the Labour Officer of each local area containing-

(a) the numbers of members of the representative union in the industry in the local area; and

(b) the total number of employees in the industry in the local area.

(2) Such statements shall be open to inspection by any employer or any union in the industry in the local area.

**23. Rule 23 :-**

The application for legal aid by an approved union under sub-section (1) of section 23 to the Industrial Court shall be in writing and shall be accompanied by an affidavit duly sworn in and signed by any responsible officer of the union, together with a statement of accounts and audit report of the preceding year, if any, showing the current financial position of the union.

**24. Rule 24 :-**

On receipt of the application mentioned in rule 23 the Industrial Court may call for a report from the Registrar on the financial condition of the union.

**25. Rule 25 :-**

After considering the application and the report of the Registrar and after making such further enquiry as it may deem fit, the Industrial Court may refuse the legal aid or grant it in accordance with the scale specified in the Table below :-

<b>Table</b>	
(a) In a proceeding before the Labour Court	Rs. 30 for each hearing up to the maximum of Rs. 200
(b) In a proceeding before the Industrial Court	Rs. 40 for each hearing up to a maximum of Rs. 250
(c) In a proceeding before the High Court	Rs. 50 for each hearing up to a maximum of Es. 300
(d) in a proceeding before the Supreme Court	Such amount, not exceeding Es. 500 for each hearing

Provided that for the purpose of computing the amount of legal aid in accordance with the Table, the hearing at which proceedings are adjourned without transacting any substantial work shall be excluded:

Provided further that if the legal aid prescribed in the above Table for each court is found to be inadequate, taking into consideration the issues and the quantum of work involved, the Industrial Court may grant such further legal aid as it may deem fit but not exceeding Rs.300, Rs.500, Rs.700 and Rs.1,500 in the aggregate in a proceeding before a Labour Court, the Industrial Court, the High Court and Supreme Court, respectively.

**26. Rule 26 :-**

Any combination of employers desiring recognition as an association of employers under the Act shall apply in duplicate to the Registrar in Form H. On receipt of such application the Registrar shall forward



a copy of the application to the Government with such remarks as he may deem fit.

**27. Rule 27 :-**

(1) An association of employers which has been recognized by the State Government under section 24 shall notify to the Registrar every change which occurs in its name, memorandum of association or constitution or membership within fifteen days of such change.

(2) Any such change in the name of an association of employers may be notified in the Gazette.

**28. Rule 28 :-**

Any employer in an industry, not being a member of an association of employers connected with such industry, who has agreed to be represented in any proceeding under the Act, by such association, shall send intimation in writing to that effect to the Registrar and shall send copies of such intimation to the Labour Officer for the local area, to the authority holding the proceeding and to the representative union for the industry, if any.

**29. Rule 29 :-**

(1) Where more employers than one are affected or under any of the provision of the Act deemed to be affected and no association of employers under sub-section (1) of section 25 is entitled to represent all of them, the following shall act as their representative:

(a) Where there is an association of employers and two-thirds or more of the employers who are not members of the association agree to be represented by the association, then such an association;

(b) Where there is an association of employers but less-than two-thirds of the employers who are not members of the association are in favor of their being represented by the association, not more than five representatives elected from among all the employers at a meeting held by the Labour Officer for the purpose: Provided that at least one of the representatives shall be from among the employers who have not agreed to be represented by the association;

(c) In all other cases, not more than five representatives elected by the employers at a meeting held by the Labour Officer for the

purpose: Provided that where the number of employers affected or deemed to be affected does not exceed five, no election shall be held and all the employers concerned shall be entitled to act as the representatives;

(d) and vacancy in the office of a representatives elected under clause (b) or (c) shall be filled by election at a meeting of the employers held by the Labour Officer for the purpose.

(2) The names of persons elected as representatives shall be communicated by the Labour Officer to the Registrar and the authority holding the proceeding.

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

Where the Labour Officer is the representative of employees, he shall, before entering into any agreement under section 33 or settlement under section 43, place the terms of such agreement or settlement before a meeting of the employees concerned. Such meeting shall be convened by the Labour Officer or any person deputed by him for the purpose at such time and place as the Labour Officer may determine and in such manner as he deems fit. If a majority of the employees present at the meeting accept the terms of agreement or settlement, all the employees affected shall be deemed to have accepted the terms of such agreement or settlement.

### **31. Rule 31 :-**

Any employer intending to effect any change in respect of an industrial matter specified in Schedule I, shall give notice of such intention to the representative of employees in Form I and shall send a copy of such notice to the Chief Conciliator, the Conciliator for the industry concerned in the local area, the Registrar, and the Labour Officer of the industry for the local area concerned.

### **32. Rule 32 :-**

A representative of employees desiring a change in respect of an industrial matter which is neither covered by Standing Orders nor specified in Schedule II, shall give notice to the employer in Form J and shall send a copy of such notice to the Chief Conciliator, the Conciliator for the industry concerned in the local area, the Registrar, and the Labour Officer of the industry for the local area concerned.

### **33. Rule 33 :-**

Every application under sub-section (3) of section 31 shall be made in Form K to the Labour Court having jurisdiction by registered post or be presented to the Head Clerk of the Court or any other official authorized by the Court in this behalf.

### **34. Rule 34 :-**

(1) The representative of employees or an employee desiring a change in respect of an industrial matter specified in Schedule II or any other matter arising out of such change, may make an application in writing to an employer. A copy of the application shall be forwarded to the Commissioner of Labour and the Labour Officer of the industry for the local area concerned.

(2) Where an application has been made by an employee or representative of employees under sub-rule (1), the employer and the employee may arrive at an agreement within fifteen days of the receipt of the application by the employer or within such further period as maybe mutually fixed by the employer and the employee or the representatives of the employees concerned, as the case may be.

### **35. Rule 35 :-**

Where the employer and the representative union agree to constitute a joint committee in an undertaking, they shall jointly forward their consent in writing to the Commissioner of Labour.

### **36. Rule 36 :-**

Within fifteen days of forwarding the consent referred to in rule 35, a joint committee consisting of the members of whom five shall be nominated by the employer and five nominated by the representative union, shall be appointed by the employer concerned.

### **37. Rule 37 :-**

Where there is no representative union and the State Government is of the opinion that the constitution of a joint committee will be conducive to the betterment of industrial relations between the employer and the employees, the State Government may direct the employer to constitute a joint committee within thirty days of the

communication of the direction.

**38. Rule 38 :-**

The employer who has been directed under rule 37 to constitute a joint committee, shall constitute such a committee consisting often persons, of whom five nominated by him and five shall be employees of that undertaking:

Provided that where there is more than one registered union, the employees representatives in the joint committee shall be in proportion to their membership in an undertaking as may be determined by the Registrar.

**39. Rule 39 :-**

In the event of a member of the joint committee ceasing to be employed in the undertaking or retiring or ceasing in any other way to be a member of such committee the vacancy shall be filled by nomination by the representative union or the registered union, as the case may be, in case the vacancy is caused from among the members representing employees. In the case the vacancy is caused from amongst the members nominated by the employer, it shall be filled by. other nominee to be nominated by the employer.

**40. Rule 40 :-**

(1) The chairman of a joint committee shall be appointed by the members of the committee from among themselves at its first meeting which will be convened by the employer.

(2) If the members cannot agree upon the person to be appointed as chairman, the employer and the representative union or the registered union, as the case may be, which nominated the members of the Joint committee shall be entitled to appoint by agreement the chairman from among the members.

(3) Failing agreement between the employer and the union, the chairman shall be appointed by the employer and the union respectively in rotation for a period of six months.

**41. Rule 41 :-**

The chairman, who shall convene and preside over the meeting of the joint committee, shall circulate the agenda of the meeting to the members along with the notice of the meeting at least forty-eight hours before the meeting except in the case of a special

meeting. He shall cause the minutes of every meeting to be recorded and get them confirmed at the next meeting. He shall also communicate the decisions of the joint committee to the union and the employer as well as the Labour Officer and the Commissioner of Labour.

**42. Rule 42 :-**

(1) The joint committee may meet as often as convenient but not less than once a month. In cases of urgency, a special meeting of the committee may be called by giving not less than six hours notice at the request of either side. The meetings shall be held during working hours unless otherwise agreed upon between the two sides.

(2) No business other than that appearing on the agenda, shall be transacted at any meeting unless both sides agree to its introduction.

(3) The presence of three-fifths of the members from each side of the committee shall be necessary to form a quorum.

(4) The decision of the Committee shall be arrived at by agreement between the two parties, but if no such agreement is possible the decision shall be taken by vote of the majority of the members present. The chairman shall have one vote and in case of a tie,, a casting vote.

Explanation.- For the purpose of this rule, the nominees of the employer shall be deemed to be as one party of the Committee and the nominees of the employees as the other side of the Committee.

**43. Rule 43 :-**

(1) The statement of the case referred to in sub-section (a) of section 39 shall be in Form L.

(2) A copy of the statement of the case referred to in sub-rule (1) shall be forwarded to the Conciliator of the industry in the local area and the industry concerned and the Registrar.

**44. Rule 44 :-**

The memorandum of the settlement referred to in sub-section (1) of Section 43 shall be drawn up in Form M.

**45. Rule 45 :-**

A representative union desiring to refer an industrial dispute under

section 52 for arbitration to a Board shall apply in writing to the Commissioner of Labour expressing its desire to refer the dispute to the Board. The application shall be accompanied by a statement of facts of the dispute and the proposed terms of reference together with a certificate in Form N. A copy of such application shall be forwarded to the Chief Conciliator, the Conciliator and the Labour Officer of the industry for the local area concerned.

**46. Rule 46 :-**

On receipt of the application referred to in rule 45 the Commissioner of Labour shall forward it to the State Government for constituting a Board. A copy of such application shall also be, forwarded to the Chief Conciliator, the Conciliator of the local area concerned and the Registrar and Labour Officer.

**47. Rule 47 :-**

A representative union desiring to refer an industrial dispute under section 52 for arbitration to the Industrial Court or the Labour Court, as the case may be, shall make an application in writing to such Court in Form O. A copy of such application shall be forwarded to the Chief Conciliator, the Conciliator for the local area concerned and the Registrar.

**48. Rule 48 :-**

(1) A Labour Court, the Industrial Court or a Board shall fix a date for pronouncing the award.

(2) A Labour Court, the Industrial Court or a Board shall publish its award by pronouncing it in open court and also by exhibiting it on a notice board or table at its office specified for this purpose.

(3) The State Government may, if it deems necessary, publish the award in the official gazette:

**48A. Rule 48A :-**

Execution.- (1) Any person in whose favour an award or determination or decision of a Labour Court or the Industrial Court is made may apply within one year from the date of order in Form "00" to the court which made the order for its execution.

(2) On such application being made to the labour court or the Industrial Court, the court shall follow the procedure laid down in order XXI under the Code of Civil Procedure, 1908 (No. V of 1908)

for its execution."]

**49. Rule 49 :-**

A Labour Court, the Industrial Court or a Board shall fix the time and place of its sitting and inform the parties concerned;

Provided that the presiding officers of the Labour Court shall fix such place within its territorial jurisdiction.

**50. Rule 50 :-**

A Labour Court, the Industrial Court or a Board shall call upon the parties in such order, as it thinks fit, to state their case.

**51. Rule 51 :-**

A Labour Court, the Industrial Court or Board may accept, admit or call for evidence at any stage of the proceeding as it thinks fit.

**52. Rule 52 :-**

The Labour Court, the Industrial Court or a Board shall as the examination of each witness proceeds record a memorandum of the substance of what the witness deposes. Such memorandum or statement shall be signed by the witness and the presiding officer of the Labour Court, the President/Member of the Industrial Court, or the Chairman of the Board, as the case may be:

Provided that such Court or Board may, if it thinks fit to do so, record the statement of any witness in full.

**53. Rule 53 :-**

A summons issued by a Labour Court, the industrial Court or a Board shall be in Form P and may require any person to produce before it any book or document and article in possession of such person.

["The postal expenses for sending summons, to the witnesses and their diet money shall be borne by the party, who applies for calling the witnesses as per rules applicable to the Civil Courts in Madhya Pradesh."]

**54. Rule 54 :-**

(1) The Labour Court, the Industrial Court or a Board, as the case may be, shall issue a notice in Form Q to the opposite party or

parties to file the Written statement.

(2) Subject to the provisions of sub-rule (1), any notice, summons, process or order issued by a Labour Court, the Industrial Court or a Board empowered to issue such notice, summons, process or order may be served either personally or by registered post.

["The postal expenses for sending such notice, summons, process or order to the opposite party shall be borne by the applicant or the appellant. The Court may in exceptional cases exempt him from paying such expenses."]

(3) Where there are numerous persons as parties to any proceeding before a Labour Court, the Industrial Court or a Board and such persons are not members of any trade union or an association, the service of notice, summons, or order on the Secretary or the principal officer or the trade union of the association shall be deemed to be sufficient service on such persons.

(4) Where there are numerous persons as parties to any proceeding before Labour Court, the Industrial Court or a Board and such persons are not the members of a trade union or an association, a Labour Court, the Industrial Court or a Board as the case may be, shall cause the service of any notice, process, summons or order to be made by affixing the same at or near the main entrance of the undertaking concerned. A notice, process, summons or order served in such manner shall be deemed to be duly served on such employees as cannot be ascertained, found or served otherwise.

#### **55. Rule 55 :-**

If, without sufficient cause being shown, any party to the proceedings, before a Labour Court, the Industrial Court or a Board thus to attend or represent the Labour Court, the Industrial Court or the Board may pass such order as it may think fit or may proceed as if the party had duly attended or represented.

#### **56. Rule 56 :-**

A Labour Court, the Industrial Court or a Board may for the purposes of any investigation, enquiry or arbitration pending before it under the Act at any time during working hours and in the case of any person authorized by the Labour Court, the Industrial Court or the Board after he has given the reasonable notice, enter any building, undertaking, workshop or other place or premises whatsoever and inspect the same or any work, machinery, appliance or article therein or any matter relevant to the subject



matter pending before the Labour Court, the Industrial Court or the Board...

**57. Rule 57 :-**

In addition to the powers conferred by the Act, a Labour Court, the Industrial Court or a Board shall have the same powers as are vested in civil court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters :-

- (a) Granting adjournments.
- (b) Joiner and adding of parties.
- (c) Amendment of Pleadings.

**58. Rule 58 :-**

(1) An arbitrator, a Labour Court, the Industrial Court or a Board shall furnish a copy of an award, order or any document filed in any proceeding before it on payment of the charges at the following rates -

- (a) Copying fees for 100 words or part thereof at the rate of 25 nP.:

Provided that where an award or order or document exceeds three foolscap size of the paper, the approximate number of words to the nearest 100 for the purpose of copying fees: Provided further that the Labour Officer, the Registrar, the Commissioner of Labour and the parties to the dispute, shall be supplied with one copy of an award, order, free of charge.

- (b) For certifying a copy of award, order or document a fee of 25 shall be payable 1[(c) An arbitrator, a Labour Court, the Industrial

Court or a Board may supply a certified copy of an order or an award at a flat rate of Re. 1 (Rupee one) to a journal approved by the Industrial Court, if such order or award is found reportable and a request for the supply of its copy has been made by the publisher of such Journal).

- (2) Copying and certifying fee shall be payable in cash in advance.
- (3) Where a party applies for immediate delivery of a copy of any such award, order or document, an additional fee equal to one-half fees livable shall be payable.

- (4) Fees for inspection of any record of a Labour Court, the Industrial Court or a Board shall be Re. 1:

Provided that no fee shall be payable by a party to a pending proceeding for the inspection of the record of such proceeding:

Provided further that no notes of any file before a Labour Court, the

Industrial Court or a Board shall be taken in ink.

**59. Rule 59 :-**

All questions answering for decision at any meeting of a Board, shall be decided by majority of the members present. In the event of equality of votes, the Chairman shall have a second or casting vote.

**60. Rule 60 :-**

A party or its representative in any proceeding before a Labour Court, the Industrial Court or a Board shall have the right of examination, cross-examination and re-examination of the witnesses called for by such party or the opposite party as the case may be.

**61. Rule 61 :-**

A Labour Court, the Industrial Court or a Board may at any stage of the proceeding recall any witness already examined.

**62. Rule 62 :-**

The proceedings before a Labour Court, the Industrial Court or a Board shall be held in public:

Provided that the Labour Court, the Industrial Court or the Board may direct that any witness shall be examined or its proceeding shall be held in camera.

**63. Rule 63 :-**

Any person who is examined and has duly attended or otherwise appeared as a witness before a Labour Court, the Industrial Court or a Board or examined on commission, shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Court in Madhya Pradesh.

**64. Rule 64 :-**

The Labour Court and the Industrial Court shall ordinarily sit on week days from 11 a.m. to 5 p.m. with interval from 1 p.m. to 2 p.m. subject to such alterations as the Industrial Court or the Labour Court may think fit.

**65. Rule 65 :-**

(1) Subject to the approval of the State Government, the Industrial Court shall prepare a list of holidays to be observed in such year as the holidays in the Industrial Court.

(2) This list shall be published in the Official Gazette.

**66. Rule 66 :-**

The Registrar of the Industrial Court and the Head Clerk of the Labour Court shall have the custody of the record of the Industrial Court and the Labour Court, respectively.

**67. Rule 67 :-**

The industrial Court and the Labour Court shall have an official seal of its own which shall be kept in custody of the Registrar of the Industrial Court or the Head Clerk of the Labour Court as the case may be.

**68. Rule 68 :-**

A petition for revision against the order of the Labour Court shall set out clearly how and in what manner the subordinate court has exercised jurisdiction not vested in it by law or has failed to exercise the jurisdiction so vested or the particular illegality or irregularity complained of

**69. Rule 69 :-**

A memorandum of appeal and petition for revision to the Industrial Court shall be accompanied by a certified copy of the order appealed from or sought to be revised.

**70. Rule 70 :-**

A memorandum of appeal and petition for revision to the Industrial Court shall be headed "In the Industrial Court Madhya Pradesh at....."

**71. Rule 71 :-**

An application for stay order, granting of bail or for other matter, shall be separately attached with the petition for revision or

memorandum of the appeal as the case may be.

**72. Rule 72 :-**

A memorandum of appeal or a petition for revision and other application referred in rule 84 shall be presented to the Registrar of the Industrial Court either personally or through authorized representative or be sent by registered post.

**73. Rule 73 :-**

The Registrar of the Industrial Court with the previous approval of the President, shall in all cases fix a date for motion hearing by the appropriate bench. Intimation of the date shall be given to the party or counsel and its signature taken on the order sheet in token of the receipt of the intimation.

**74. Rule 74 :-**

An application for stay order or grant of bail and other application of urgent nature shall be placed before the motion bench without records in the first instance and without delay. Other cases will be placed before the appropriate motion bench with record and the date fixed should be such as to permit the receipt of records.

**75. Rule 75 :-**

If a party desires any particular revision, petition or appeal to be disposed of expeditiously it should present a separate application in that behalf. The Registrar of the Industrial Court shall thereupon place the application before the appropriate bench immediately.

**76. Rule 76 :-**

If an application for stay of execution or for grant of bail is accompanied by an application for early disposal, the record of the Labour Court, or the subordinate authority as the case may be shall be sent for and the case will be placed before the appropriate motion bench as soon as practicable.

**77. Rule 77 :-**

Appeals and revision petition for motion hearing shall be distributed by the Registrar of the Industrial Court under instructions of the President to the appropriate motion bench two days before the due

date. The distribution list shall be initiated by him. The cases in which the same counsel appear shall, as far as possible, be placed together in the list. A copy of the list shall be supplied to the Judges reader and displayed on the notice board of the Industrial Court.

**78. Rule 78 :-**

At the conclusion of the motion hearing, the reader shall send the cases to the Registrar of Industrial Court; provided that in cases where the court has ordered stay of execution or granted an order for bail or an injunction, the Registrar of the Industrial Court shall immediately after the hearing in which the order is passed, prepare a copy of the order granting the stay of execution or bail and send or cause it to be sent under the signature of the member of the Industrial Court who passed such order to the parties concerned and are affected thereby.

**79. Rule 79 :-**

A copy of the order granting stay of execution or bail shall be issued to the subordinate court over the signature of the President or the members and the order and envelop in which it is contained shall be marked "Immediate order for bail or immediate order for stay of execution" as the case may be in red ink.

**80. Rule 80 :-**

Separate registers shall be maintained of civil cases and criminal cases and also of single bench and division bench in such manner as to show when the cases are ripe for hearing. From these registered cases shall ordinarily be taken up according to the order of institution. The Registrar of the Industrial Court shall prepare a monthly cause list under instruction of President showing cases likely to be taken up during the month. A copy of such cause list shall be sent also to the Government or such officer as may be specified by the Government in this behalf and shall be displayed on the notice board of the Industrial Court kept for that purpose.

**81. Rule 81 :-**

In each matter coming up before the Industrial Court, a notice shall be given to the Labour Officer of the local area concerned requiring him or his deputy to attend the Court at the time and place

mentioned therein.

**82. Rule 82 :-**

A writ, summons, warrant or other mandatory process or a certified copy of a document except stay order, granting of bail, an order granting injunction, the judgment and an award shall be signed by the Registrar of the Industrial Court with the day, month and year of signing and shall be sealed with an official seal of the Court.

**83. Rule 83 :-**

The Registrar of the Industrial Court shall be the taxing officer.

**84. Rule 84 :-**

The Registrar of Industrial Court, with the previous approval of the President may receive the application for-

- (i) certified copies of documents;
- (ii) issue of summons to witnesses and parties and for notices for appearing in Court;
- (iii) extension of time to file a written statement, statement of claim and any other document;
- (iv) inspection of documents filed in the court;
- (v) return of exhibits and other documents;
- (vi) verification of affidavits.

The applications referred to above shall be placed by the Registrar before the President, Industrial Court or the member as the case may be, for orders.

**85. Rule 85 :-**

Nothing in these rules shall be deemed to limit or otherwise affect the powers of a Labour Court, the industrial Court or the Board to make such orders as may be necessary for the ends of justice or to prevent an abuse of the process of such Labour Court, the industrial Court or the Board.

**86. Rule 86 :-**

(1) The State Government may, by special or general order notified in the Official Gazette, require any employer, or employee generally, in any industry to-

- (i) maintain records of employment and data relating to plant,

premises and manufacture and particulars relating to other industrial transactions and dealings likely to affect the matters specified in clause (a) of section 94 in such of brings or in the Appendix to these rules as it may consider appropriate for such industry; and

(ii) submit copies thereof to the Deputy Commissioner of Labour or such other officer as may be authorized in this behalf by the State Government at such times as may be specified in the order.

(2) The Deputy Commissioner of Labour or the Officer authorized under sub-rule (1) may then obtain similar data and particulars from any other person who, in his opinion, is competent to furnish such data and particulars

### **87. Rule 87 :-**

(1) Before holding an enquiry under section 95 the officer authorized under the said section shall indicate to the employer concerned particulars in respect of which the accuracy of the records maintained by him is to be verified and the officer shall allow him or his representative to be present during the inquiry if the employer so desires.

(2) The officer holding the inquiry shall, on demand, give the person concerned a written receipt for any record or document produced by him if the officer considers it necessary to retain such record or document in his possession.

(3) Any record or document retained under clause (b) shall be returned to the person concerned as soon as practicable and in any case on completion of inquiry.

(4) Before proceeding to hold an inquiry under sub-section (1) of section 95, the officer authorized by the State Government shall give at least three clear days intimation to the employer concerned. He shall also specify in the intimation the particular records which he desires to verify.

### **88. Rule 88 :-**

The notice under section 99 shall be given in Form R and shall be sent by registered post.

### **89. Rule 89 :-**

Certified copies of the agreements, settlements and awards registered by the Registrar and the copies of other documents

which he is entitled to receive under the Act and has received such shall be given by him on payment of copying fee of 25 np per hundred words or part thereof.

**90. Rule 90 :-**

Whenever any letter, notice, statement or intimation is required to be forwarded or sent under any of these rules by registered post to any person it shall be deemed to be sufficient compliance with these rules if such letter, notice, statement or intimation is delivered by hand and an acknowledgment in writing by or on behalf of such person, is obtained in respect of such delivery.

**91. Rule 91 :-**

The Central Provinces and Bharat Industrial Disputes Settlement Rules, 1949, and the Madhya Bharat Industrial Relations Rules, 1952, are hereby repealed:

Provided that anything done or any action taken under any of the rules so repealed shall, unless such thing or action is inconsistent with any of the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.