

## **BOMBAY INDUSTRIAL RELATIONS RULES, 1947**

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## **BOMBAY INDUSTRIAL RELATIONS RULES, 1947**

In exercise of the powers conferred by Section 123 of the Bombay

Industrial Relations Act, 1946 (Bom. XI of 1947), the Government of Maharashtra is pleased to make the following rules, namely :

**1. Short title :-**

These rules may be called the Bombay Industrial Relations Rules, 1947.

**2. Definitions :-**

(1) In these rules unless there is anything repugnant in the subject or context,

(i) "Act" means the Bombay Industrial Relations Act, 1946 :

(ii) "Form" means a form appended to these rules ;

(iii) "Schedule" means a Schedule appended to the Act :

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

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

**3. . :-**

The State Government shall maintain two separate panels of an equal number of persons representing the interests of employers and employees for the purposes of appointments on Boards of Conciliation constituted under Section 7. Before making appointments to these panels, the State Government shall invite such organisations of employers and workers and such other bodies and persons as it may deem fit to recommend the names of suitable persons for this purpose. The members of the panels shall be selected from the names so recommended.

**4. . :-**

The list of panels constituted under Rule 3 shall be published in the Official Gazette.

**5. . :-**

The name of any member of a panel who has been adjudged a bankrupt or has been declared insane or who has been convicted in a criminal proceeding for an offence involving moral turpitude shall be removed from the panel.

**6. . :-**

Any vacancy on these panels which may have been caused by resignation, death or by virtue of Rule 5 shall be filled in the

manner

provided for in Rule 3, the appointment of a person in every vacancy so filled shall be notified in the Official Gazette.

**7. . :-**

Any vacancy which has been created on a Board shall be filled by the State Government in the case of a member either by an independent person or from the panel concerned according as the original member was an independent person or a person from the panel and in the case of the Chairman by an independent person. The name of the person so appointed shall be notified in the Official Gazette.

**8. . :-**

If a Chairman or any member of a Board is adjudged bankrupt or is declared insane or is convicted in any criminal proceeding for an offence involving moral turpitude, he shall cease to be a member of such Board and the vacancy so created shall be filled in the manner laid down in Rule 7.

**9. . :-**

**1** [Deleted]

1. Deleted by G.N. of 30-6-1980.

**10. . :-**

The registers of unions referred to in Section 12 shall be maintained in Forms A, B and C.

**11. . :-**

The list of approved unions referred to in Section 12 shall be maintained in Form D.

**12. . :-**

Application by unions for registration under Section 13 shall be in Form E.

**13. . :-**

The fee payable for registration of a union under Section 14 shall be rupee one.

**14. . :-**

The certificate of registration issued by the Registrar under Section 14 shall be in Form F.

**14A. . :-**

**<sup>1</sup>** An application under sub-section (1) of Section 16 by an applicant union shall be in Form F-A.]

1. Added by G.N. of 11-12-1965.

**15.** . :-

The fee payable by a union which makes an application to the Registrar under Section 16 shall be Rs. 10.

**15A.** . :-

**<sup>1</sup>** The certificate of registration to be issued by the Registrar under sub-section (3) of Section 16 shall be in Form F-B.]

1. Added by G.N. of 11-12-1965.

**16.** . :-

Every application made by a union under Section 16 shall be published by the Registrar in the Official Gazette.

**17.** . :-

Any union making an application for re-registration under Section 17 shall apply in Form G.

**18.** . :-

The fee payable by a union for re-registration under Section 17 shall be rupee one.

**19.** . :-

Any change in the address of the head office of a registered union shall be communicated in writing to the Registrar within seven days of such change, and the changed address shall be recorded in the appropriate register maintained under Section 12.

**20.** . :-

(1) Any change in the name of a registered union shall be communicated in writing to the Registrar of such change under the Indian Trade Unions Act, 1926. The change in name shall be recorded by the Registrar in the appropriate register maintained under Section 12 and notified in the Official Gazette.

(2) The Registrar shall certify under his signature at the foot of the certificate under Rule 14 [or Rule 15-A] that the new name has been registered.

**21.** . :-

(1) Every employer in any industry in any local area to which the

Act applies under sub-section (3) of Section 2 shall within seven days of the date on which the Act comes into force and every employer in any industry in any local area to which all or any of the provisions, of the Act have been applied under sub-section (4) of Section 2 shall also within seven days of the date on which such provisions of the Act have been applied to that industry and thereafter on or before the tenth day of every month forward by registered letter to the Registrar a statement in such form as the Registrar may require, showing correctly the number of employees employed by him on the first working day of the month. In all cases where work is done in two or more shifts, the employees in all the shifts shall be included in the number of employees for whom the return is to be made.

(2) Every employer of an undertaking in any such industry shall also forward to the Registrar such statement in the manner provided in sub-rule (1) within seven days of the date on which such Undertaking was started by him after the coming into force of the Act or as the case may be after the application of all or any of the provisions of the Act to such industry and thereafter on or before the 10th day of every month.

**22. . :-**

Every registered union shall, on or before the twentieth day of every month, forward by registered letter to the Registrar a statement in such form as the Registrar may require. Such statement shall, in the case of union other than a Representative Union, show correctly the number of members the union had in each occupation for the month immediately preceding the previous month separately for each Undertaking of each employer, within the local area for which the union is registered, with whom the members of the union were employed. In the case of a Representative Union, such statement shall show correctly the total number of members the Union had in the industry concerned for the month immediately preceding the previous month within the local area for which the Union is registered. Where the Union is registered for more local areas than one, there shall be a separate statement for each such local area.

**23. . :-**

The Registrar may call upon any employer or any union to produce such documents and supply such further information as he may deem necessary to prove that the information supplied under Rules

21 and 22 is correct.

**24.** . :-

(1) The Registrar shall forward in the month of March, June, September and December every year a consolidated statement for the quarter ending December, March, June and September, respectively, for every industry separately to the Labour Officer of each local area containing

(i) where there is no Representative Union for an industry in a local area

(a) the number of members each Registered Union has in each occupation in each Undertaking in the local area ; and

(b) the number of employees employed in each occupation in each Undertaking in the local area ; and

(ii) where there is a Representative Union for an industry in a local area

(a) the number 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.

**25.** . :-

(1) Where no Representative Union exists for an industry in a local area any employer or any union in such industry may call upon the Registrar in writing for information in connection with the total number of employees in any occupation or Undertaking in such industry and the number of members each registered union has in any occupation in such industry.

(2) Where a Representative Union exists for an industry in a local area any employer or union may call upon the Registrar in writing for information in connection with the total number of employees employed in the industry in the local area and the total number of members of the Representative Union in the industry in the local area.

**26.** . :-

(1) Every order passed under Sections 14, 15, 16, 23 or 24 and every order passed in appeal under Section 20

(a) shall be published by the authority making the order in the Official Gazette, where such authority considers it necessary to do so, having regard to the importance of the order ; and

(b) shall be displayed by such authority on the Notice Board in its Office, in other cases.

(2) Every order referred to in sub-rule (1) shall be forwarded by the said authority to every union affected by, or concerned with, the order and also to the Commissioner of Labour, Bombay.]

**27. . :-**

Any union desirous of being registered for an industry for more than one local area shall apply in Form E and the provisions of Rules 13 and 14 shall apply to such registration.

**28. . :-**

An application by a union for being entered in the approved list under sub-section (1) of Section 23 shall be in Form H and the application under sub-section (4) of that section [shall be in Form H-A]].

**28A. . :-**

(1) For ascertaining the membership of unions for the purposes of the provisions of Sections 13, 16. 17 or 23, the Registrar shall hold an inquiry in the manner hereafter provided.

(2) The Registrar shall fix a date for holding an inquiry for ascertaining such membership and shall give fifteen days notice thereof to the union or unions concerned.

(3) On receipt of such notice each such union may submit its objections, if any, to the Registrar in writing in duplicate and shall produce before the Registrar, the following documents :

(a) Membership Register :

(b) Counterfoils of receipts of [subscription for nine calendar months in the case of an application under Section 13 or 16, and for each of the seven calendar months in the case of an application under sub-section (11 or (4) of Section 23] immediately preceding the calendar month in which the application is made ;

(c) Minute book ;

(d) Cash-book ;

(e) Bank Pass Book, if any ;

(f) An audited statement of membership for [each of the nine calendar months in the case of an application under Section 13 or 16, and for each of the seven calendar months in the case of an application under subsection (1) or (4) of Section 23] immediately preceding the calendar month in which the application is made ; and

(g) Such other documents, as the Registrar may from time to time direct during the course of an inquiry ;

(4) Every such objection shall be accompanied by a deposit of Rs. 5.

(5) Where the union to whom notice has been given under sub-rule (2) fails to be present before the Registrar on the date fixed for the inquiry fails to produce the documents as required by sub-rule (3) then

(a) if such union is an applicant, the Registrar may dismiss the application ; and

(b) if such union is not an applicant, the Registrar may proceed with the inquiry ex-parte :

Provided that on sufficient cause being shown by the Union whose application has been dismissed, the Registrar may set aside the order of dismissal and fix a date for holding the inquiry.

(6) The documents produced at the inquiry by a union shall be open to inspection to other unions, who may be a party to the inquiry, for a period of ten days, from the date of their production or for such further period as the Registrar may allow.

(7) The Registrar may adopt such sampling method as he may deem fit, in verifying the membership register of a union.

(8) Where in respect of objections raised against the membership of a union, the number of witnesses to be examined is very large, the Registrar may examine such number of witnesses as he may determine by adopting such sampling method, as the Registrar may deem fit. The Registrar may, with the consent of the parties,

examine the witnesses in camera.

(9) If in the course of the inquiry, the Registrar comes to a conclusion that an objection raised against the membership of the union was frivolous or vexatious, he may impose a fine not exceeding Rs. 5 for every such objection.]

**29. . :-**

The President, the Vice-President, the General Secretary, the Secretary, the Joint Secretary, the Assistant Secretary, the Treasurer of an approved union, such members of the office staff of the union as have been authorised by the President in this behalf and such members of the union as have completed at least six months of membership and have been authorised by the President in this behalf shall, subject to the following conditions, be entitled to collect sums payable by its members on the premises of an Undertaking where wages are paid to them

(a) the name or names of the officer or officers or member or members of the office staff or member or members of the union authorised in this behalf shall be intimated in advance to the employer and changes if any. therein shall be communicated to the employer at least 24 hours before the date of collection ;

(b) the officers, members of the office staff or members of the union visiting the Undertaking for this purpose shall carry a letter of authority in Form 1-A 8 [and such letter of authority duly signed by the General Secretary or Secretary of the Union shall be sufficient authority for the persons authorised under that Form to collect the sums without any let or hindrance] ;

(c) no coercion or force shall be used on any employee :

(d) the collection shall be made without causing hindrance to the staff of the Undertaking or interference in the management's work ;

(e) not more than 25 employees at a time shall be allowed together at the place where such sums are collected ;

(f) collections shall be made on the usual pay day or days and the subsequent three days and the day or days on which unclaimed wages are paid :

Provided that (i) on the usual pay day or days the collection shall be made during the hours of payment, and (ii) on any other day

the collection shall be made during such hours as may be mutually agreed upon between the employer and the union subject to the condition that the period shall not be more than three hours on each of such days.

**30.** . :-

The President, the Vice-President, the General Secretary, the Secretary, the Joint Secretary, the Assistant Secretary and the Treasurer of an approved union, shall be entitled to put up or cause to be put up a notice board outside the time-keeper's office or at any other conspicuous place mutually agreed upon between the employer and the union and affix notices thereon during the hours, the Undertaking is open :

Provided that:

(a) the notice-board to be put up shall be of a reasonable size ;

(b) the notice to be affixed shall be signed either by the President, the Vice-President the General Secretary, the Joint Secretary, the Assistant Secretary or the Treasurer; such notices shall relate to lawful of the union and shall not be of an offensive or provocative nature.

**31.** . :-

Subject to the provisions of Rules 32, 33 and 34, the President, the Vice-President, the General Secretary, the Secretary, the Joint Secretary, the Assistant Secretary and the Treasurer of an approved union shall, for the purpose of the prevention or settlement of an industrial dispute, have a right and shall be permitted by the employer to do all or any of the acts mentioned in sub-clauses (i), (ii) and (iii) of clause (c) of Section 25.

**32.** . :-

The officers specified in Rule 31 shall have a right and shall be permitted by the employer to hold discussions on the premises of the Undertaking with the employees concerned who are members of the approved union :

Provided that -

(a) the union shall intimate in advance to the employer the name or names of the officer or officers authorised for the purpose and the name of the department or departments in which the members concerned are employed ; and

(b) the discussions shall be held in such manner as not to interfere with the working of the Undertaking.

**33. . :-**

The officers of an approved union specified in Rule 31 shall have a right to meet and discuss with an employer or any person appointed by him for the purpose, the grievances of its members employed in his Undertaking subject to the following conditions namely :

(a) the discussion shall ordinarily be held on two days in a week during such hours as may be fixed by agreement between the employer and the union except in urgent cases when it may be held on any day at any time by previous appointment ;

(b) the union shall ordinarily communicate in advance the nature of the grievances which it desires to discuss ;

(c) the name of the officer authorised in this behalf shall either be communicated to the employer in advance or such officer shall carry a letter of authority in Form I-B 9[and such letter of authority duly signed by the General-Secretary or Secretary of the Union shall be sufficient authority for the persons authorised under that Form to meet and discuss with the employer or any person appointed by him, the grievances of its members.]

**34. . :-**

Any of the officers specified in Rule 31 shall have a right and shall be permitted by the employer to inspect in any Undertaking any place where any member of the union is employed provided he carries with him a letter of authority in Form I-C and informs the employee beforehand, which place in the Undertaking he desires to inspect. 9[Such letter of authority duly signed by the Central Secretary or Secretary of the Union shall be sufficient authority for the persons authorised by that Form to inspect in any Undertaking any place aforesaid.]

**35. . :-**

(1) The following shall be the fees for the purposes of subsection (6) of Section 26.

(2) Fees in excess of those prescribed in sub-rule (1) may be given to senior counsels or legal practitioners of high standing in matters of importance or difficulty before the Industrial Court.

**36. . :-**

Any association of employers desiring recognition as an association of employers under the Act shall apply to the Registrar in Form J. On receipt of such application, which shall be in duplicate, the Registrar shall forward a copy of the application to the State Government with such remarks as he may deem necessary.

**37. . :-**

(i) Every association of employers which has been recognised by the State Government under Section 27 shall notify to the Registrar of every change, which occurs in its name, memorandum of association or constitution or membership within seven days of such change.

(ii) Any such change in the name of an association of employers shall be notified in the Official Gazette.

**38. . :-**

Any employer in an industry not being a member of an association of employers connected with that 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 of the industry, if any.

**39. . :-**

(1) Where more employers than one are affected or under any of the provisions of the Act deemed to be affected and no association of employers is under sub-section (2) of Section 27 entitled to represent all of them, the representative determined in the following manner shall be entitled to 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, that 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 favour 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 the employers concerned shall be entitled to act as the representative.

(d) Any vacancy in the 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 Labour Officer to the Registrar and the authority holding the proceeding.

**40. . :-**

(1) Where there is no Representative Union in respect of any industry in any local area, the Labour Officer for the local area or any person deputed by him for the purpose shall hold meetings of the employees in each Undertaking in the industry and each occupation therein at such place and time as he deems fit 10[and different places and different times may be fixed by him for holding such meetings]. At such meetings the employees may elect five representatives from among themselves.

[(1A) Where in view of the number of employees employed or the nature of work involved in any industry meetings of employees in each Undertaking in such industry and each occupation therein cannot be held under sub-rule (1), the Labour Officer or any persons deputed by him for the purpose may hold election at different places and different times for the election of representatives of such employees by ballot.]

(2) Where an election has been held under sub-section (1) of Section 28, within two years from the date on which such election is held and within each succeeding two years thereafter, the Labour Officer or any person deputed by him for the purpose shall hold meetings of the employees for the purpose of electing fresh representatives from among themselves.

(3) After the election of the representative of employees, the

Labour Officer shall intimate the names of the persons elected to the employer concerned. Copies of such intimation shall be sent to the Registrar, the Chief Conciliator and the Conciliator for the industry in the local area.

**41. . :-**

Subject to the provisions of sub-section (4) of Section 28, the persons elected under Rule 40 shall function as the representative of employees until such time as fresh elections are held by the Labour Officer and the names of the persons so elected are communicated by him to the employer concerned.

**42. . :-**

Copies of the intimation referred to in sub-rule (3) of Rule 40 shall be affixed by the employer prominently outside the time-keeper's office and at the entrance through which the majority of the employees enter the Undertaking.

**43. . :-**

(1) The employees in an occupation or Undertaking desiring for recall, a representative of employees shall send a requisition in writing to the Labour Officer for the local area. Such requisition shall be signed by at least twenty per cent. of the employees in the occupation or Undertaking, as the case may be, and shall state the reasons for the recall.

(2) On receipt of such a requisition the Labour Officer shall, as soon as may be, hold a meeting of the employees in the occupation or Undertaking, as the case may be, and explain to them the object of the meeting. If the majority of the employees present at the meeting decide to recall the representatives mentioned in the requisition, the person or persons

(3) The Labour Officer shall intimate to the employer concerned, the Chief Conciliator for the industry in the local area and the Registrar the name or names of the persons who have been so recalled.

**44. . :-**

Any vacancy in the representatives elected under sub-section (1) or (3) of Section 28 shall be filled by election in the manner prescribed in Rule 40 :

Provided that when the vacancy is caused by a recall under

subsection (4) of Section 28, the Labour Officer may call upon the same meeting as the one called for the purpose of recalling to elect fresh representative or representatives, as the case may be, in place of the persons or persons recalled.

**45. . :-**

Employees desiring to authorise under clause (iii) of Section 30, any Qualified or Primary Union in the industry in which they are employed shall do so through their elected representatives who shall inform in writing to that effect to the employer concerned, the Registrar, the Conciliator for the industry in the local area and the Labour Officer for the local area :

Provided that where there are no elected representatives of the employees concerned, such authority and intimation shall be given through the employees, not exceeding five, selected by them for the purpose.

**46. . :-**

Where the Labour Officer is the representative of employees, the Labour Officer shall before entering into any agreement under Section 44 or 44-A or settlement under Section 44-B or 58, 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 place and time as the Labour Officer may decide and in such manner as he deems fit. If the 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.

**47. . :-**

(1) Where in any proceeding the persons entitled to appear or act under clause (v) of Section 30 are more than five, the Labour Officer or any person deputed by him for the purpose shall hold a meeting of such persons at such place and time as he deems fit. The persons elected at the meeting shall be entitled to appear or act as the representative of employees in that proceeding and their names shall be communicated by the Labour Officer to the employers and association of employers concerned, the Chief Conciliator, the Registrar and the authority holding the proceeding.

(2) The number of persons to be elected under sub-rule (1) shall be determined in the following manner :

Number of persons entitled to act under clause (v) of Section 30	Number of persons to be elected to act instead
Less than 15	5
15 to 50	9
51 to 100	13
101 to 200	17
201 to 400	21
401 and above	25

**47A. . :-**

For the purposes of the proviso to sub-section (1) of Section 33-A, the Labour Officer for the local area or any person deputed by him for the purpose, shall hold a meeting of the employees on either side of the dispute at such place and time as he deems fit. At such meeting, the employees may elect, two persons from among themselves to be their representatives who shall appear and act on their behalf in the dispute. The names of the elected persons shall be communicated by the Labour Officer to the Industrial Court or the Labour Court, as the case may be.

**47B. . :-**

Elections under Rule 39, Rule 40 (except sub-rule (1- A), Rules 44, 47 and 47-A shall ordinarily be, by show of hands unless the Labour Officer concerned, or as the case may be, the person deputed by him for reasons to be recorded in writing thinks it necessary that the election should be by ballot [or if 10 per cent. of the employees present request for such a ballot.

**48. . :-**

Within six weeks of the date of the application of the Act or any provisions thereof to any industry in any local area, and in the case of an Undertaking started after the application of the Act or any provisions thereof to such industry within six months of the starting of the Undertaking, every employer in the industry concerned shall forward by registered letter to the Commissioner of Labour, Bombay, three copies of the draft standing orders which he proposes to adopt for regulating the relations between him and his employees :

Provided that where an employer, who is a member of an association of employers notifies the Commissioner of Labour in writing that he has agreed to the association submitting such standing orders on his behalf and the association submits the standing orders within the period specified in subsection (1) of Section 35 he shall be deemed to have complied with the provisions of that sub-section.

**49. . :-**

(1) The Commissioner of Labour shall forward a copy of the draft standing orders to the representative of employees of the Undertaking concerned and to such other interests concerned in the industry as he may deem fit to consult and ask them to send their views thereon within 30 days of the date on which the copy of such orders was forwarded to them.

(2) On receipt of the views of the representative of employees and the interests concerned or on the expiry of the period of 30 days of the date of despatch of the draft standing orders whichever is earlier, the Commissioner of Labour shall call a conference of the representatives of employees and employers and such other interests in the industry as may have been addressed by him under sub-rule (1) for consultation and then settle the standing orders finally.

**50. . :-**

(1) The Commissioner of Labour after he has settled the standing orders, shall forward a copy of such standing orders to the Registrar and shall also send copies of the same to the Labour Officer for the local area, the employer or the association of employers as the case may be, the representative of employees concerned, the Industrial Court and the Labour Court concerned.

(2) The Registrar shall, as soon as the standing orders have been recorded, intimate to the employer or the association of employers as the case may be and to the representative of employees concerned the date on which the standing orders were recorded.

(3) After the expiry of a period of 30 days from the date of their coming into operation the employer concerned shall, unless an appeal has been filed under sub-section (1) of Section 36, print the standing orders settled and forwarded to him by the Commissioner of Labour in English and also in the principal regional language of

the local area in which the Undertaking of such employer is situated  
:

Provided that in Undertakings where more than twenty per cent. of the total number of employees employed are Mussalmans, such standing orders shall also be printed in Urdu.

(4) Where an appeal has been filed under sub-section (1) of Section 36 the standing orders as settled by the Industrial Court shall be printed by the employer in the same manner as prescribed by sub-rule (3).

(5) Every set of standing orders printed as required by sub-rule (3) or (4) shall be pasted by the employer concerned prominently on a special board to be maintained for the purpose outside the time keeper's office or at the entrance through which the majority of the employees enter the Undertaking and also in all the departments where the employees concerned are working.

**51. . :-**

Any employer intending to effect any change in respect of an industrial matter mentioned in Schedule II shall give notice of such intention to the representative of employees in Form K.

**52. . :-**

Any employee who desires a change in respect of an industrial matter not specified in Schedule I or III shall give notice to the employer through the representative of employees in Form 1.

**53. . :-**

(1) Any employee or a Representative Union desiring a change in respect of (i) any order passed by the employer concerned under Standing Orders or (ii) any industrial matter arising out of the application or interpretation of Standing Orders or (iii) an industrial matter specified in Schedule II shall make an application in writing to the employer. [An application for change in respect of an order passed by the employer under Standing Orders shall be made within a period of [three months] from the date of such order.] Where such application is made by an employee it may be made to the employer direct or through the Labour Officer for the local area or the representative of employees concerned. A copy of the application shall be forwarded to the Commissioner of Labour and in cases where such application is not made through the Labour Officer for the local area to that officer.

(2) Where an application has been made by an employee 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 may be mutually fixed by the employer and the employee or the Labour Officer for the local area or the representative of employees as the case may be.

(3) Where an application has been made by a Representative Union under sub-rule (1), the employer and the Representative Union may arrive at an agreement within fifteen days of the receipt of the application by the employer or within such further period as may be mutually agreed upon by the parties.

**54. . :-**

The agreement referred to in sub-rule (1) of Section 44 shall be sent to the Registrar by registered letter and to the other officers specified therein by ordinary post.

**55. . :-**

(1) The Joint Committee shall consist of ten members of whom five shall be nominated by the registered union from among the employees in the Undertaking or occupation concerned and five appointed by the employer concerned.

(2) Within 30 days of the decision to constitute Joint Committee for an Undertaking or occupation and every 12 months thereafter the employer

(3) Before making such nominations the registered union shall call a meeting and consult the employees of the Undertaking or occupation concerned, as the case may be :

Provided that no such meeting may be called before making nomination for first time.

**55A. . :-**

A copy of an order made by the State Government under subsection (1) of Section 49 shall be sent to the union and the employer concerned by registered post.

**56. . :-**

In the event of a member of the Joint Committee ceasing to be employed in the Undertaking or occupation or retiring or ceasing in any other way to be a member of such a Committee, the vacancy

shall be filled by nomination in the manner prescribed in Rule 55 by the registered union or appointment by the employer according as the person who has ceased to be a member was nominated by the union or appointed by the employer.

**57. . :-**

(1) The Chairman of 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 registered union 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.

**58. . :-**

The Chairman, who shall convene and preside over the meetings of the Joint Committee, shall circulate the agenda of the meeting to the members along with the notice of the meeting, except in the case of a special meeting at least 48 hours before the meeting. He shall cause the minutes of every meeting recorded and get them confirmed at the next meeting. He shall also communicate, as required by sub-section (2) of Section 51, the decisions of the Joint Committee to the registered union and the employer as well as the Labour Officer and the Commissioner of Labour.

**59. . :-**

(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. The proceedings of the meetings shall be conducted in a language understood by a majority of the employees.

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

(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 sides, 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.

**60. . :-**

The agreement referred to in sub-section (1) of Section 52 shall be sent to the Registrar by registered letter and to the Labour Officer by ordinary post.

**61. . :-**

The special intimation referred to in sub-section (2) of Section 52 shall be sent in Form M.

**62. . :-**

The statement of the case referred to in Section 54 shall be in Form N.

**63. . :-**

On receipt of the statement of the case under Section 54 the Conciliator for the industry in the local area shall send an intimation to the parties to the dispute to appear before him at such time and place as may be specified in the intimation. He shall hold discussion, either jointly or separately, with the employer and the representative of employees at such places and at such times as he may deem fit, and shall endeavour to bring about a settlement of the dispute.

**64. . :-**

The memorandum of settlement referred in sub-section (1) and (4-A) of Section 58 shall be drawn up in Form O.

**65. . :-**

The memorandum of settlement drawn up under Rule 64 shall be published by the Registrar by display on the notice board of his office under his hand and seal and a copy of the same shall also be forwarded by him to the Commissioner of Labour and also to the parties to the dispute and the parties shall also be informed of the date of publication on the notice board. The date of recording such settlement in the register of agreements shall also be communicated to the parties to the dispute.

**65A. . :-**

The report of the Conciliator or the Chief Conciliator forwarded to the State Government under the proviso to sub-section (2) or under sub-section (3) of Section 58, except in case in which a dispute is referred to a Board, or the parties to the dispute enter into a submission in respect of it, shall be published on the notice board of the office of the Commissioner of Labour and a copy thereof, shall at the time of such publication, be forwarded to the parties to the dispute and the parties shall be informed of the date of such publication on the notice board.

**66. . :-**

The notice referred to in sub-section (2) of Section 59 shall be served on the parties concerned by registered letter.

**67. . :-**

(1) When an industrial dispute has been referred to a Board under sub-section (1) of Section 59, the Board shall at its first sitting call upon the parties in such order as it thinks fit to state their case.

(2) Any member of a Board may administer on oath.

**68. . :-**

A submission entered into by the parties under Section 66 shall be published by the Registrar in the Official Gazette and a copy of the same shall be forwarded to the Commissioner of Labour, and also to the Arbitrator, Labour Court and the Industrial Court, as the case may be.

**69. . :-**

Where an industrial dispute between employers and employees has been referred by the State Government under sub-section (1) of Section 72 to the arbitration of the Industrial Court or the Labour Court, the Industrial Court or the Labour Court, as the case may be, shall send a notice to the employers of such employees that they have been made parties to such arbitration.

**70. . :-**

(1) Within thirty days from the day on which he receives any award of an arbitrator. Labour Court or Industrial Court, the Registrar shall.--

(a) cause it to be published in the Official Gazette, where he considers it, necessary to do so, having regard to the importance of

the award ; or

(b) cause it to be displayed on the Notice Board in his office, in other cases.

(2) Where the award is published in the Official Gazette, the Registrar shall, at the time of such publication, forward a copy of the award to the parties affected by. or concerned with it and where the award is displayed on the Notice Board in his office, he shall send a written intimation to the said parties regarding the date on which the award is displayed on the Notice Board.

**71. . :-**

Every application under sub-section (1) of Section 79 shall be made in Form P and shall be forwarded to the Labour Court for the local areas concerned by registered post or be presented to the Clerk of the Court or any other subordinate officer authorised by the Court in this behalf.

**71A. . :-**

(1) Every Representative Union in respect of any industry in any local area, or where there is no Representative Union, a Qualified Union. or where there is no Representative or Qualified Union, a

(2) The employer shall, subject to provisions of sub-section (2-B) of Section 101, recognise such Officers to be protected employees for the purposes of sub-section (2-A) of the said section and communicate to the union concerned, in writing, within 15 days of the receipt of the names and addresses under sub-rule (1), the list of employees recognised as protected employees :

Provided that, where there is no Representative Union or a Qualified Union or Primary Union, the persons elected by the employees to represent them in accordance with the provisions of Section 28 shall be recognised by the employer as protected employees subject to sub-section (2-B) of the said Section 101.

(3) Where the total number received by the employer under sub-rule (1) exceeds the maximum number of protected employees admissible for the industry under sub-section (2-B) of Section 101, the employer shall recognise as protected employees only such maximum number of employees, according to the serial order in the list received by the employer.

(4) Any dispute connected with the recognition of protected

employees under this rule that may arise between an employer and the union or elected representatives of employees shall be referred to the Conciliator concerned, whose decision thereon shall be final.

**72. . :-**

(1) The record of industrial matters referred to in clause (a) of Section 111 shall be maintained by the Commissioner of Labour.

(2) For each industry, the record of such industrial matters shall be maintained separately by the Commissioner.

**72A. . :-**

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

(i) maintain records of strikes, stoppages, lock-outs, closures including lay-off, attendance and absenteeism, labour turnover, premises, rationalisation, usages and rules of discipline in such form or forms in the Appendix to these rules as it may consider appropriate for such industries, and

(ii) submit copies thereof to the Commissioner of Labour, Bombay or such other officer as may be authorised in this behalf by the State Government at such times as may be specified in the order ; and

(2) Commissioner of Labour or the Officer authorised 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.

**72B. . :-**

(1) Before holding an inquiry under Section 112, the officer authorised under the said section shall indicate to the employer concerned the particulars in respect to 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 persons 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 sub-rule (2) shall be returned to the person concerned as soon as practicable and in any case on completion of the inquiry.

**73. . :-**

Before proceeding to hold an inquiry under sub-section (1) of Section 112 the officer authorised by the State Government shall give atleast three clear days intimation to the employer concerned. He shall also specify in the intimation the particular records which he desires to verify.

**74. . :-**

The notices under Section 116 shall be given in Form Q and shall be sent by registered post.

**75. . :-**

(1) If in any proceeding before the Registrar, a Conciliator or a Board the authority holding the proceeding requires any information in connection with such proceeding in a particular form he may call upon the party concerned to submit such information in that form.

(2) A conciliator or a member of a Board shall have power, after giving reasonable notice, to enter the place or places where the employees concerned are employed or the office of any union or the premises provided by an employer for the residence of his employees for the purpose of holding a proceeding under the Act.

**75A. . :-**

The information furnished by a party under sub-section (4) of Section 118 shall be verified by an affidavit.

**76. . :-**

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 the 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.