

## **Industrial Disputes (Bombay) Rules, 1957**

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**Industrial Disputes (Bombay) Rules, 1957**

No. IDA-1157.-In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), the Government of Bombay hereby makes the following rules, namely:-

#### PART 1

Procedure for reference of industrial disputes to Boards of Conciliation, Courts of Enquiry, Labour Courts or Industrial Tribunals

### **1. Short Title And Extent :-**

(1) These rules may be called the Industrial Disputes (Bombay) Rules, 1957.

(2) They extend to the whole of the State of Maharashtra.

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

(1) In these rules, unless the context requires otherwise.

(a) "Act" means the Industrial Disputes Act, 1957;

(b) "Chairman" means the Chairman of a Board or Court or if the Court consists of one person only such person;

(c) "Committee" means a Works Committee constituted under sub-section (1) of section 3 of the Act;

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

(e) "Section" means a section of the Act;

(f) "Trade Union" means a trade union registered under Trade Unions Act, 1926.

(g) With reference to clause

(g) of section 2, it is hereby prescribed that in relation to an industry carried on by or under the authority of a Department of the State Government, the officer in charge of the industrial establishment shall be the "employer" in respect of that establishment.

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

An application under sub-section (2) of section 10 for the reference of an industrial dispute to a Board, Court, Labour Court or Tribunal shall be made in Form 1 and shall be delivered personally or forwarded by registered post in triplicate to the Deputy Commissioner of Labour (Administration), Bombay or to the Deputy Commissioner of Labour, Pune or to the Deputy Commissioner of Labour, Nagpur and the application shall be accompanied by a statement setting forth-

(a) the names and addresses of the parties to the dispute;

(b) the nature and cause of the dispute, including any demands

made by either party or the other to which exception is taken by the opposite party;

(c) the total number of workmen employed in the undertaking affected;

(d) an estimate of the number of workmen affected or likely to be affected by the dispute:

(e) the efforts made by the parties themselves to adjust the dispute.

#### **4. Attestation Of Application :-**

The application and the statement accompanying it shall be signed-

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

(b) in the case of workmen-

(i) where the majority of the workmen directly affected are members of a trade union, by the President or Secretary of such union or by such other officer of the union, as may be authorised by Executive Committee and the Union in this behalf;

(ii) in other cases, by such representatives not exceeding five of the workmen directly affected, as may be duly authorised in this behalf at a meeting of majority of the workmen held for the purpose.

#### **5. Notification Of Appointment Of Board, Court, Labour Court Or Tribunal :-**

The appointment of a Board, Court, Labour Court or Tribunal together with the names of persons constituting the Board, Court, Labour Court or Tribunal shall be notified in the Official Gazette.

#### **6. Notification Of Reference :-**

(1) An order of reference of a dispute to a Board or Court under the Act shall be notified by the State Government in the Official Gazette.

(2) A copy of the order of reference of a dispute to a Labour Court, or Tribunal under the Act, shall be displayed conspicuously,-

(a) by the Labour Court or, as the case may be, the Tribunal, on the notice board at its office, and such Labour Court or Tribunal shall inform the authority issuing the order and the parties concerned the fact of having so displayed a copy of the order on the notice board of its office; and

(b) by the employer concerned, on the notice board of the Industrial establishment, and the fact of having so displayed the copy of the order shall be informed by him, within reasonable time, to the authority issuing the order and the concerned Labour Court or Tribunal].

## **7. Notice To Parties To Nominate Representatives :-**

(1) If the State Government proposes to appoint a Board, it shall send a notice in Form II to the parties requiring them to nominate within a reasonable time, persons to represent them on the Board.

(2) The notice to the employer shall be sent to the employer personally by name or to the manager, if any, or if the employer is a n incorporated company or a body corporate, to the agent, manager or other principal officer of such company or body.

(3) The notice to the workmen shall be sent-

(a) in the case of workmen who are members of a trade union, to the President or Secretary of the trade union; and

(b) in the case of workmen who are not members of a trade union, to any one of the representatives of the workmen who have attested the application made under Rule 3 and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof on notice boards in a conspicuous manner at the main entrance to the premises of the establishment.

## **PART 2**

### **Arbitration Agreement**

## **8. Arbitration Agreement :-**

An arbitration agreement for the reference of an industrial dispute to an arbitrator or arbitrators shall be made in Form III and shall b e delivered personally or forwarded by registered posts (in triplicate), to the Deputy Commissioner of Labour, Bombay, or the Deputy Commissioner of Labour, Pune, or the Deputy Commissioner of Labour, Nagpur and the Conciliation Officer concerned. The agreement shall be accompanied by the consent, in writing, of the arbitrator or arbitrators.

## **9. Attestation Of Arbitration Agreement :-**

The arbitration agreement shall be signed-

(a) in the case of an employer, by the employer himself, or where the employer is an incorporated Company or other body corporate, by the agent, manager, or other principal officer of such company or body;

(b) in the case of workmen-

(i) by the President or Secretary of a trade union of which the workmen are members, or by such other officer of such union as may be authorised by the Executive Committee of the union in this behalf; or

(ii) by such five representatives of the workmen as are duly authorised at a meeting of the workmen held for the purpose.

### **9A. Manner Of Issue Of Notification Under Section 10A (3A)**

:-

Whereas industrial dispute has been referred to arbitration and the State Government is satisfied that persons making reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette for the information of the employers and workmen who are not parties to the arbitration agreement but are concerned in the dispute.

### **PART 3**

Power, Procedure and Duties of Conciliation Officers, Boards, Courts, Labour Courts and Arbitrators

### **10. Conciliation Proceedings In Public Utility Service When A Notice Of Strike Or Lock-Out Is Given :-**

The Conciliation Officer, on receipt of a notice of a strike or lock-out given under Rule 76 or Rule 77, shall forthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.

### **11. Conciliation Proceedings In Other Cases :-**

Where the Conciliation Officer receives any information about an existing or apprehended industrial dispute which relates to a public utility service but no notice of a strike or lock-out is given under Rule 76 or 77 or where the industrial dispute does not relate to a public utility service and he considers it necessary to intervene in the dispute, he shall give formal intimation in writing to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be specified therein.

### **11A. Powers To Transfer Conciliation Proceedings :-**

(1) If, for any reason, a vacancy (other than temporary absence) occurs in the Office of the Conciliation Officer, then, the Conciliation proceedings may be continued before another persons appointed as Conciliation Officer in his place, and such Conciliation Officer may proceed either de novo or from the stage at which the vacancy is filled.

(2) Notwithstanding anything contained in sub-rule (1), the State Government or any other officer authorised by it in this behalf, may by order in writing transfer any proceeding pending before one Conciliation Officer to another and the

Conciliation Officer to whom the proceedings are so transferred, may proceed either de novo or from the stage at which they were transferred.

(3) Every order issued under sub-rule (2) shall be communicated to the parties concerned].

## **12. Meeting Of The Representative Parties :-**

The Conciliation Officer may hold a meeting of the representatives of both parties jointly or of each party separately.

## **13. Proceeding Of Conciliation Officer :-**

(1) The proceedings before a Conciliation Officer shall be held in camera.

(2) The Conciliation Officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.

## **14. Place And Time Of Hearing :-**

The sitting of a Board, Court, Labour Court, Tribunal or an Arbitrator shall be held at such times and places as the Chairman or the Presiding Officer or the Arbitrator as the case may be, may fix from time to time and the Chairman, Presiding Officer or Arbitrator, as the case may be, shall inform the parties of the same in such manner as he may deem fit.

## **15. Quorum For Boards And Courts :-**

The quorum necessary to constitute a sitting of a Board or Court shall be as follows:

(i) In the case of Board- Quorum Where the number of members is 3 2 Where the number of members is 5

(ii) in the case of a Court- Where the number of members is not more than 2 1 Where the number of members is more than 2 but less than 5 2 Where the number of members is 5 or more 3

## **16. Notice To Be Served :-**

On an industrial dispute being referred for adjudication to a Labour Court or the Tribunal, the Labour Court or the Tribunal shall cause notices to be served on the parties in Forms IV, V, VI, VII, VIII and I X directing them to file their statements of claims or written statements, as the case may be, within a specified time.

## **16A. Amendment To Statements Of Claims And Written Statement :-**

A Labour Court or Tribunal, may allow at any stage of the proceedings, amendments to statements of claims or written statements filed by the parties in response to notices served under Rule 16 to such extent as the Labour Court or as the case may be, Tribunal may consider necessary for the purpose of determining



the real issues included in the order of reference]

## **17. Evidence :-**

A Board, Court, Labour Court, Tribunal or an Arbitrator may accept, admit or call for evidence at any stage of the proceedings before it or him, and in such manner as it or he may think fit.

## **17A. Recording Of Evidence By Labour Court Or Tribunal :-**

The Labour Court or Tribunal, as the case may be, shall as the examination of each witness proceeds, make a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the Presiding Officer: Provided that the Labour Court or Tribunal, as the case may be, may where he considers necessary, so to do, in view of the nature of the particular industrial dispute pending before it follow the procedure laid down in Rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908].

## **18. Administration Of Oath :-**

Any member of a Board or Court of Presiding Officer of a Labour Court or Tribunal or an Arbitrator may administer an oath.

## **19. Form Of Notice And Summons :-**

(1) Notices to the parties and summonses to witnesses to appear before a Labour Court or Tribunal shall be in Forms X and XI respectively.

(2) A summon issued by a Board or Court shall be in Form XII.

(3) A notice or summons issued by a Board, Court, Labour Court or Tribunal may require any person to produce before it any books, papers or other documents and things in the possession of or under the control of such person any way relating to the matter under investigation or adjudication by the Board, Court, Labour Court or Tribunal, which the Board, Court, Labour Court or Tribunal thinks necessary for the purpose of such investigation or adjudication.

## **20. Service Of Summons Or Notice :-**

Subject to the provisions contained in Rule 22 any notice, summons, process or order issued by a Board, Court, Labour Court, Tribunal or an Arbitrator, empowered to issue such notice, summons, process or order may be served either personally or by registered post or in any other manner prescribed under the Code of Civil Procedure, 1908 3 [and in the event of refusal by the party concerned to accept such notice, summons, process or order, the same shall be sent again under certificate of posting].

## **21. Description Of Parties In Certain Cases :-**

Where in any proceeding before a Board, Court, Labour Court,

Tribunal or an Arbitrator, there are numerous persons arrayed on any side, such persons shall be described as follows:-

(1) all such persons as are members of any trade union or association shall be described by the name of such trade union or association and

(2) all such persons as are not members of any trade union or association shall be described in such manner as the Board, Court, Tribunal or Arbitrator, as the case may be, may determine.

## **22. Manner Of Service In The Case Of Numerous Persons As Parties To A Dispute :-**

(1) Where there are numerous persons as parties to any proceeding before a Board, Court, Labour Court, Tribunal or an Arbitrator and such persons are members of any trade union or association the service of notice of the Secretary or where there is no Secretary, the principal officer of the trade union or association shall be deemed to be in service on such persons.

(2) Where there are numerous persons as parties to any proceeding before a Board, Court, Labour Court, Tribunal or an Arbitrator and such persons are not members of any trade union or association, the Board, Court, Labour Court, Tribunal or Arbitrator, as the case may be shall, where personal service is not practicable cause the service of any notice to be made by requiring the employer to display prominently the said notice together with its translations in Hindi and in the language understood by the majority of the workmen in the establishment at or near the main entrance of the said establishment.

(3) A notice served in the manner specified in Sub-rule (2) shall also be considered as sufficient in the case of such workmen as cannot be ascertained and found.

## **23. Procedure At The First Sitting :-**

At the first sitting of a Board, Court, Labour Court, or Tribunal, the Chairman or the Presiding Officer, as the case may be shall call upon the parties in such order as he may think fit to state their case.

## **24. Information To Be Kept Confidential :-**

All books, papers and other documents or things produced before a Board, Court, Labour Court, Tribunal or an Arbitrator whether voluntarily or in pursuance of a summon may be inspected, by the Board, Court, Labour Court, Tribunal or Arbitrator, as the case may

be, and also by such parties as the Board, Court, Labour Court, Tribunal or Arbitrator, allows; but the information obtained there from shall, not except as provided in the Act, be made public and such parts of the books, papers, documents or things as in the opinion of the Board, Court, Labour Court, Tribunal or Arbitrator do not relate to the matters at issue may be sealed up.

## **25. Conduct Of Proceedings Of A Board, Court, Labour Court Or Tribunal :-**

The proceedings before a Board, Court, Labour Court or Tribunal shall be held in public: Provided that the Board, Court, Labour Court, Tribunal may, at any stage direct that any witness shall be examined or the proceedings shall be held in camera.

## **26. Board, Court, Labour Court, Tribunal Or Arbitrator May Proceed Exparte :-**

(1) If without sufficient cause being shown, any party to a proceeding before a Board, Court, Labour Court, Tribunal or an Arbitrator fails to attend or be represented, the Board, Court, Labour Court, Tribunal or Arbitrator may proceed exparte.

(2) Where any award, order or decision is made exparte under sub-rule (1), the aggrieved party, may, within thirty days of the receipt of a copy thereof, make an application to the Board, Court, Labour Court, Tribunal or an Arbitrator, as the case may be, to set aside such award, order or decision. If the Board, Labour Court, Tribunal or Arbitrator is satisfied, that there was sufficient cause for non-appearance of the aggrieved party, it or he may set aside the award, order or decision so made and shall appoint a date for proceeding with the matter: Provided that, no award, order or decision shall be set aside on any application as aforesaid unless notice thereof has been served on the opposite party.

## **27. Power Of Entry And Inspection :-**

A Board or Court or any member thereof or a Conciliation Officer or a Labour Court, Tribunal or any person authorised in writing by the Board, Court, Labour Court, or Tribunal in this behalf, may for the purposes of any conciliation, investigation, enquiry or adjudication entrusted to Conciliation Officer, Board, Court, Labour Court or Tribunal under the Act, at all reasonable times, and in the case of person authorised in writing by a Board, Court, Labour Court, or Tribunal after he has given reasonable notice 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 relevant to the subject-matter of the conciliation, investigation, inquiry or adjudication.

**28. Power Of Boards, Courts, Labour Courts And Tribunals :-**

In addition to the powers conferred by the Act, Boards, Courts, Labour Courts and Tribunals shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely:

- (a) discovery and inspection;
- (b) granting adjournments;
- (c) evidence on affidavits; and the Board, Court, Labour Court or Tribunal may summon and examine suo motu any person whose evidence appears to it to be material and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

**29. Assessors :-**

Where assessors are appointed to advise a Tribunal under sub-section (4) of section 7A or by the Court, Labour Court or Tribunal under sub-section (5) of section 11 the Court, Labour Court or Tribunal as the case may be shall in relation to the proceeding before it obtain the advice of such assessors, but such advice shall not be binding on it.

**30. Decision By Majority :-**

All questions arising for decision at any meeting of a Board or Court, save where the Court consists of one person, shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote.

**31. Correction Of Errors :-**

A Board, Court, Labour Court, Tribunal or Arbitrator may at any time suo motu or on an application made by any of the parties concerned correct any clerical mistake or error arising from an accidental slip or omission in any award or its issues.

**31A. Publication Of Report Or Award, Etc :-**

(1) within thirty days of the date of receipt of the report of a Board or award of a Labour Court or Tribunal by it the State Government,-.

(a) shall, if it considers that having regard to the importance of such report or award its publication in the Official Gazette is necessary cause it to be published in

the Official Gazette;

(b) if it considers that the report or award is not sufficiently important it may cause a copy thereof together with a notification under section 17 to be forwarded to the Board or a Court or Tribunal, as the case may be, for publication on the Notice Board at its office.

(2) where the report or award is published in the Official Gazette or on notice board of the Board, Court or Tribunal, the State Government shall at the time of such publication forward a copy thereof to the parties to the dispute, and where the report or award is published on notice board of the Board, Court or Tribunal, such Board, Court or Tribunal, shall inform the State Government and the parties concerned of the date of such publication on the notice board.

### **32. Right Of Representatives :-**

The representatives of the parties appearing before a Board, Court, Labour Court, Tribunal or an Arbitrator shall have the right of examination, cross-examination and re-examination of witnesses called by the Board, Court, Labour Court, Tribunal or Arbitrator where evidence is called and of addressing the Board, Court, Labour Court, Tribunal or Arbitrator on completion of the taking of evidence: Provided that save with the permission of the Board, Court, Labour Court, Tribunal or Arbitrator not more than one representative of any party shall exercise any such right.

### **32A Return Of Documents To Parties And Destruction Of Unclaimed Records Of Voluntary Arbitration Proceedings**

(1) When any industrial dispute is referred to the arbitration of a non-official under section 10-A, the arbitrator shall after one month of the publication of the award by the State Government send all records of the arbitration proceeding to the State Government.

(2) The records of arbitration proceeding received under sub-rule (1) shall be preserved for a period of 5 years and thereafter destroyed. Before destroying the records, notice shall be given to the party concerned to claim back their exhibits or any other documents within thirty days from the date of service of the said notice on him. The exhibits and documents so claimed back shall be returned to the parties. All papers which are not claimed within the period aforesaid shall be destroyed.

### **PART 4**

Remuneration of Chairman and Members of Boards and Courts, Presiding Officer of Labour Court and Tribunals, Assessors, Witnesses and Staff

### **33. Traveling Allowance :-**

The Chairman or a Member of Board or Court of the Presiding Officer or an Assessor of a Labour Court or Tribunal if a non-official, shall be entitled to draw traveling allowance and halting allowance for a journey performed by him in connection with performance of his duties, at the rates admissible and subject to the conditions

applicable to Government servant of the first grade under the Bombay Civil Services Rules.

**34. Fees :-**

The Chairman and a Member of a Board or Court, Presiding Officer and an Assessor of a Labour Court or Tribunal, wherever he is not a salaried Officer of Government may be granted such fees as may be sanctioned by the State Government in each case.

**35. Expenses Of Witnesses :-**

Every person who is summoned and duly attends or otherwise appears as a witness before a Board, Labour Court, Tribunal or an Arbitrator shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Courts in the State.

**36. Establishment :-**

The State Government may appoint a Secretary to the Board, Court, Labour Court or Tribunal and such other staff as it may think necessary and may fix the salaries and allowances payable to them.

**PART 5**

Notice of change

**37. Notice Of Change :-**

Any employer intending to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule appended to the Act shall give notice of such intention in Form XIII.

**38. Manner Of Service Of Notice Of Change :-**

(1) Where there are numerous workmen affected by a notice of change and the majority of such workmen are members of any trade union, the service of notice by registered post on the Secretary, or where there is no Secretary, on the principal officers of the trade union, shall be deemed to be served on all such workmen. The employer shall, at the same time, arrange to exhibit the notice by affixing it to a notice board in the manner specified in sub-rule (2): Provided that if the Secretary or the principal officer refuses to receive the notice or that for any other reason the notice cannot be served on the Secretary or the principal officer in the ordinary way the exhibition of notice in the manner specified in sub-rule (2) shall be deemed to be in service on all such workmen.

(2) Where there are numerous workmen affected by a notice of

change and the majority of such workmen are not members of any trade union or association, the employer shall, where personal service is not practicable cause the service of any such notice to be made by affixing the same to a notice board at or near the entrance or entrances of the establishment concerned and the notice shall remain so affixed for a period of twenty-one days. The notice shall be in English, and the regional language understood by the majority of the workmen in the establishment concerned.

(3) A copy of the notice shall simultaneously be forwarded by the employer to the Conciliation Officer concerned and the Deputy Commissioner of Labour of area concerned, namely, Deputy Commissioner of Labour (Administration), Bombay/Deputy Commissioner of Labour, Poona/Deputy Commissioner of Labour, Nagpur.

#### PART 6

#### Works Committees

### **39. Constitution :-**

Any employer to whom an order made under sub- section (1) of Section 3 relates shall forthwith proceed to constitute a Works Committee in the manner prescribed in this part.

### **40. Number Of Members :-**

The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and classes of workmen engaged in and to the sections, shop or departments of the establishment Provided that the total number of members shall not exceed twenty: Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

### **41. Representatives Of Employer :-**

Subject to the provision of these rules, the representatives of the employer shall be nominated by the employer and shall, as far as possible, be official in direct touch with or associated with the working of the establishment.

### **42. Consultation With Trade Unions :-**

(1) Where any workmen of an establishment are members of a trade union, the employer shall ask the union to inform him in writing-

(a) how many of the workmen are members of the union; and

(b) how their membership is distributed among the sections, shops

or departments of the establishment.

#### **43. Groups Of Workmens Representatives :-**

On receipt of the information called for under Rule 42, the employer shall provide for election of workmens representatives on the Committee in two groups-

(1) those to be elected by the workmen of the establishment who are members of the trade union or unions, and

(2) those to be elected by the workmen of the establishment who are not members of the trade union or unions, bearing the same proportion to each other as the union members in the establishment bear to the non-members: Provided that where more than half of the workmen are members of the union or unions, no such division shall be made: Provided further that where a trade union neglects or fails to furnish the information called for under rule 42 within one month of the date of the notice requiring it to furnish such information such union shall, for the purposes of this rule, be treated as if it did not exist.

#### **44. Electoral Constituency :-**

Where under Rule 43 the workmens representatives are to be elected in two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of a trade union and the other of those who are not.

#### **45. Employers Power To Sub-Divide Electoral Constituency Or Constituencies :-**

Notwithstanding anything contained in the foregoing provisions, the employer may, if he thinks fit, sub-divide a single electoral constituency or two electoral constituencies, as the case may be, and direct that workmen shall vote in either by groups, sections, shops or departments. Explanation.- Where an employer sub-divides a single electoral constituency or two electoral constituencies, as the case may be, and directs that the workmen shall vote either by groups, sections, shops or departments, each of such groups, sections, shops or departments shall be deemed to be an independent electoral constituency.

#### **46. Qualification Of Candidates For Election :-**

Any workman of not less than 19 years of age and with a service of not less than one year in the establishment may, if nominated as provided in this rule, be a candidate for election as a representative of the workmen on the Committee: Provided that the service



qualification shall not apply to the first election in an establishment which has been in existence for less than a year. Explanation.- A workman who has put in a continuous service of not less than one year in one or two more establishments belonging to the same employer shall be deemed to have satisfied the Service qualification prescribed under this rule.

#### **47. Qualifications For Voters :-**

All workmen who are not less than 18 years of age and who have put in not less than 6 months continuous service in the establishment shall be entitled to vote in the election of the representative of workmen. [Explanation.- A workman who has put in a continuous service of not less than 6 months in two or more establishments belonging to the same employer shall be deemed to have satisfied the service qualification prescribed under this rule]

#### **48. Procedure For Election :-**

(1) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmens representatives on the Committee.

(2) For holding the election, the employer shall also fix a date which shall not be earlier than three days and later than fifteen days after the closing date for receiving nominations.

(3) The dates so fixed shall be notified at least seven days in advance to the workmen and the trade union concerned. Such notice shall be in English as well as in one of the regional languages, namely, Marathi or Gujarat which is understood by a majority of the workmen concerned, and affixed on the notice board or given adequate publicity amongst the workmen. The notice shall specify the number of seats to be elected by the groups, sections, shops or departments and the number to be elected by the members of the trade union or unions and the non-members.

(4) A copy of such notice shall be sent to the trade union or unions concerned.

#### **49. Nomination Of Candidates For Election :-**

(1) Every nomination shall be made on a nomination paper in Form XIV copies of which shall be supplied by the employer to the workmen requiring them.

(2) Each nomination paper shall be signed by the candidate to

whom it relates and attested by at least two other voters belonging to the group, section, shop or department, the candidate seeking election will represent and shall be delivered to the employer.

#### **50. Scrutiny Of Nomination Papers :-**

(1) On the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those which are not valid shall be rejected.

(2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid if (a) the candidate nominated is ineligible for membership under Rule 46 or

(b) the requirements of Rule 49 have not been complied with: Provided that where a candidate or an attesting person is unable to be present at the time of scrutiny, he may send a duly authorised nominee for the purpose.

#### **50A. Withdrawal Of Candidates Validly Nominated :-**

Any candidate whose nomination for election has been accepted may withdraw his candidature within 48 hours of the completion of scrutiny of nomination papers.

#### **51. Voting In Election :-**

(1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall be forthwith declared duly elected.

(2) If in any constituency the number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election.

(3) The election shall be held in such manner as may be convenient for each electoral constituency.

(4) The voting shall be conducted by the employer, and if any of the candidates concerned belong to a union, such of them as the union may nominate shall be associated with the election.

(5) Every workman entitled to vote at an electoral constituency shall have as many votes as there are seats to be filled in the constituency: Provided that each voter shall be entitled to cast only one vote in favour of any one candidate.

#### **52. Arrangements For Election :-**

The employer shall be responsible for all arrangements in connection with the election.

### **53. Officers Of Committee :-**

(1) The Committee shall have among its officebearers a Chairman, a Vice-Chairman, and two joint- Secretaries.

(2) The Chairman shall be nominated by the employer from amongst the employers representatives on the Committee and he shall as far as possible be the head of establishment.

(2-A) The Vice-Chairman shall be elected by the members on the Committee representing the workers, from amongst themselves:

(3) The two joint Secretaries shall be elected by the Committee from among the representatives of the employer and of the workmen respectively: Provided that in the event of equality of votes in the election of the Vice-Chairman, the matter shall be decided by draw of a lot.

### **54. Term Of Office :-**

(1) The term of office of the representatives on the Committee other than a member chosen to fill a casual vacancy shall be two years: Provided that if fresh elections are not held immediately after expiry of the said term, the representative shall continue to be on the Committee until such time as fresh elections are held.

(2) A member chosen to fill a casual vacancy shall hold office of the unexpired term of his predecessor.

(3) A member who without obtaining leave from the Committee, fails to attend three consecutive meetings of the Committee shall forfeit his membership.

### **55. Vacancies :-**

In the event of a workmens representative ceasing to be a member under sub-rule (3) of Rule 54 or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be elected from constituency to which the member vacating the seat belonged.

### **56. Power To Co-Opt :-**

The Committee shall have the right to co-opt in a consultative capacity, persons employed in the establishment having particular or special knowledge of a matter under discussion. Such coopted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Committee.

### **57. Number Of Meetings :-**

- (1) The Committee may meet as often as necessary but not less often than once in three months (a quarter).
- (2) The Committee shall at its first meeting regulate its own procedure.

#### **58. Facilities For Meeting, Etc :-**

- (1) The employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Committee. The Committee shall ordinarily meet during working hours of the establishment concerned on any working day and the representative of the workmen shall be deemed to be on duty while attending the meeting.
- (2) The Joint Secretaries of the Committee may, with the prior concurrence of the Chairman, put up notice regarding the work of the Committee on the notice board of the establishment.

#### **59. Dissolution Of Works Committee :-**

The State Government or where the power under Section 3 has been delegated to any officer or authority under Section 39, such officer or authority may, after making such inquiry as it or he may deem fit, dissolve any Committee at any time, by an order in writing, if he or it is satisfied that the Committee has not been constituted in accordance with these rules or that not less than two-third of the number of representatives of the workmen have, without any reasonable justification failed to attend three consecutive meetings of the Committee or that the Committee has, for any other reason, ceased to function. Provided that where a Works Committee is dissolved under this rule the employer may, and if so required by the State Government or, as the case may be by such officer or authority, shall take steps to re-constitute the Committee in accordance with these rules.

#### **60. Copies Of Agenda Of Meetings And Decisions Of The Committee To Be Sent To Employer :-**

Whenever any meeting of the Committee is held, the Chairman or the joint Secretaries of the Committee shall, within seven days from the date of such meeting, report to the employer the agenda for such meeting and the decisions taken by the Works Committee thereon.

#### **61. Annual Return :-**

Every employer who is required by the State Government to constitute a Works Committee under sub-section (1) of Section 3 shall submit to the Chief Government Labour Officer, Bombay in duplicate, an yearly return in Form XV. Such return shall be delivered or sent by post so as to reach the office of the Chief Government Labour Officer, Bombay, not later than three weeks after the expiry of the year to which it relates. A copy of the yearly return shall also be sent to the Government Labour Officer of the District in which the establishment is situated.

#### PART 7

#### Miscellaneous

### **62. Memorandum Of Settlement :-**

(1) a settlement arrived at in the course of the conciliation proceedings or otherwise, shall be in Form XVI.

(2) the settlement shall be signed by-

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

(b) in the case of the workmen, either by the President or Secretary or such other officer of a trade union of the workmen as may be authorised by the Executive Committee of the Union in this behalf, or by five representatives of the workmen duly authorized in this behalf at a meeting of the workmen held for the purpose.

(3) Where a settlement is arrived at in the course of conciliation proceedings, the Conciliation Officer or the Board, as the case may be, shall send a report thereof to the State Government together with memorandum of settlement signed by the parties to the disputes.

(4) Where a settlement is arrived, at between an employer and his workmen otherwise than in the course of conciliation proceedings before a Board or a Conciliation Officer, the parties to the settlement shall jointly send a copy thereof to the Secretary to the Government of Maharashtra, Industries and Labour Department Bombay, the Commissioner of Labour Bombay, the Deputy Commissioner of Labour (Administration), Bombay, the Deputy Commissioner of Labour, Poona, the Deputy Commissioner of Labour, Nagpur and the Conciliation Officer concerned.

### **63. Application Under Section 33 :-**

(1) An employer desiring to obtain express permission in writing of the Conciliation Officer, Board, Labour Court, or Tribunal as the case may be, under sub-section (1) or sub-section (3) of Section 33 shall present an application in Form XVII in triplicate to such Conciliation Officer, Board, Labour Court, or Tribunal and shall file along with the application as many copies thereof as there are opposite parties.

(2) An employer seeking the approval of the Conciliation Officer, Board, Labour Court or Tribunal as the case may be, of any action taken by him under clause (a) or clause (b) of subsection (2) of Section 33 shall present an application in Form XVIII in triplicate to such Conciliation Officer, Board, Labour Court or Tribunal and shall file along with the application as many copies as there are opposite parties.

(3) Every application under sub-rule (1) or sub-rule (2) shall be verified at the foot by the employer making it or by some other person proved to satisfaction of the Conciliation Officer, Board, Labour Court, or Tribunal to be acquainted with the facts of the case.

(4) The person verifying shall, specify by reference to the number of paragraphs of the application, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

(5) The verification shall be signed by the person making it and shall state the date on which and the place at which it was verified.

#### **64. Complaints Regarding Change Of Conditions Of Service Etc :-**

(1) Every complaint under Section 33-A shall be presented in triplicate in Form XIX and shall be accompanied by as many copies of the complaint as there are opposite parties thereto.

(2) Every complaint under sub-rule (1) shall be verified at the foot by the employee making it or by some other person to the satisfaction of the Labour Court or Tribunal to be acquainted with facts of the case.

(3) The person verifying shall specify, by reference to the numbered paragraphs of the complaint, what he verifies of his knowledge and what he verifies upon information received and believed to be true.

(4) The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

## **65. Show Cause Notice To Be Issued To The Opposite Party**

**:-**

As soon as an application under section 33 is received by the Conciliation Officer, Board, Labour Court or a Tribunal or a complaint under section 33A is received by the Labour Court or Tribunal, a copy thereof shall be forwarded to the opposite party with a notice in Form XX to show cause, if any, why the application or the relief sought for in the complaint should not be granted.

## **66. Protected Workmen :-**

(1) Every trade union committee with an industrial establishment to which the Act applies, shall communicate to the employer before the 30th September of every year, the name and addresses of such of the officers of the trade union who are employed in that establishment and who, in the opinion of the union should be recognised as protected workmen. Any change in the incumbency of any such officer shall be communicated to the employer, by the union within fifteen days of such change.

(2) The employer shall, subject to the provisions of sub-section (4) of section 33 recognise such workmen to be protected workmen for the purposes of sub-section (3) of the said section and communicate to the union, in writing, within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workmen recognised as protected workmen.

(3) Where the total number of names received by the employer, under sub-rule (1) exceeds the maximum number of protected workmen admissible for the establishment, under sub-section (4) of Section 33, the employer shall recognise as protected workmen only such maximum number of workmen. Provided that where there is more than one trade union in the establishment, the maximum number shall be so distributed by the employer among the unions that the numbers of recognised protected workmen in individual union bear roughly the same proportion to one another as the membership figures of the unions. The employer shall in that case intimate in writing to the President or the Secretary of each union the number of protected workmen allotted to it: Provided further, where the number of protected workmen allotted to a union under this sub-rule falls short of the number of officers of the union seeking protection, the union shall be entitled to select the officers to be recognised as protected workmen. Such selection shall be made by the union and communicated to the employer

within five days of the receipt of the employers letter.

(4) When a dispute arises between an employer and any trade union in any matter connected with the recognition of protected workmen under the rule, dispute shall be referred to the Conciliation Officer concerned, whose decision thereon shall be final.

### **67. Application For Recovery Of Dues :-**

(1) Where any money is due from an employer to a workman or a group of workmen under a settlement or an award or under the provisions of Chapter V-A the workman or the group of workmen, as the case may be, may apply in Form XX-A for the recovery of the money due. Such application shall be delivered personally or forwarded by registered post to the Secretary to Government, Industries and Labour Department, Bombay or to the Deputy Commissioner of Labour concerned to whom powers of the State Government have been delegated under section 39: Provided that in the case of a person authorised in writing by any workman, or in the case of the death of the workman, the assignee or heir of the deceased workman, the application shall be made in Form XX-B,

(2) Where any workman or a group of workmen is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money, the workman or the group of workmen, as the case may be, may apply to the Labour Court concerned in Form XX-C for the determination of the amount due or, as the case may be, the amount at which such benefit should be computed. Such application shall be delivered either personally or forwarded by registered post to the Labour Court.

### **67A. Presiding Officer To Call For Additional Information :-**

After an application for computation of benefit is received under section 33-C, the Labour Court may, if it thinks necessary, call for such additional document or information as it may deem fit.

### **68. Appointment Of Commissioner :-**

Where it is necessary to appoint a Commissioner under sub-section (3) of Section 33-C, the Labour Court may appoint a person with experience in the particular industry, trade or business involved in the industrial dispute or a person with experience as a Judge of a Civil Court, or as a stipendiary Magistrate or as a Registrar of the Industrial Court constituted under the Bombay Industrial Relations Act, 1946, or as a Secretary or Registrar of a Labour Court, or Tribunal constituted under the Act or of the Labour Appellate



Tribunal constituted under the Industrial Disputes (Appellate Tribunal), Act, 1950.

**69. Fees For The Commissioner, Etc :-**

(1) The Labour Court shall, after consultation with the parties, estimate the probable duration of the enquiry and fix the amount of the Commissioners fees and other incidental expenses and direct the payment thereof, into the nearest treasury, within a specified time, by such party or parties and in such proportion as it may consider fit. The Commissioner shall not issue until satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Labour Court: Provided that the Labour Court may from time to time direct that any further sum or sums be deposited into the treasury within such time and by such parties as it may consider fit: Provided further that the Labour Court may in its discretion, extend the time for depositing the sum into the treasury.

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

(3) The Labour Court may, direct that the fees shall be disbursed to the Commissioner in such installments and on such dates as it may consider fit.

(4) The undisbursed balance, if any, of the sum deposited shall be refunded to the party or parties who deposited the sum in the same proportion as that in which it was deposited.

**70. Time For Submission Of Report :-**

(1) Every order for the issue of a Commissioner shall appoint a date, allowing sufficient time, for the Commissioner to submit his report.

(2) If for any reason the Commissioner anticipates that the date fixed for the submission of his report is likely to be exceeded, he shall apply, before the expiry of the said date, for extension of time setting forth the grounds thereof and the Labour Court shall take such grounds into consideration in passing orders on the application: Provided that the Labour Court may grant extension of time notwithstanding that no application for such extension has been received from the Commissioner within the prescribed time-limit.

### **71. Local Investigation :-**

In any industrial dispute in which the Labour Court deems a local investigation to be requisite or proper for the purpose of computing the money value of a benefit, the Labour Court may issue a Commission to a person referred to in Rule 68 directing him to make such investigation and to report thereon to it.

### **72. Commissioners Report :-**

(1) The Commissioner after such local inspection as he deems necessary and after reducing to writing the evidence taken by him, shall return such evidence together with his report in writing signed by him to the Labour Court.

(2) The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the industrial dispute and shall form part of the record of the proceedings in the industrial dispute; but the Labour Court or, with the permission of the Labour Court any of the parties to the industrial dispute may examine the Commissioner personally before the Labour Court regarding any of the matters referred to him or mentioned in his report or as to his report or as to the manner in which he had made the investigation.

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

### **73. Powers Of Commissioner :-**

Any Commissioner appointed under these rules may, unless otherwise directed by the order of appointment-

(a) examine the parties themselves and any witness whom they or any of them may produce, and any other person whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him;

(b) call for and examine documents and other things relevant to the subject of enquiry;

(c) at any reasonable time enter upon or into any premises mentioned in the order.

### **74. Summoning Of Witnesses, Etc :-**

(1) The provisions of the Code of Civil Procedure, 1908 relating to the summoning, attendance, examination of witnesses and penalties to be imposed upon witnesses, shall apply to persons

required to give evidence or to produce documents before the Commissioner under these rules.

(2) Every person who is summoned and appears as a witness before the Commissioner shall be entitled to payment by the Labour Court out of the sum deposited under Rule 69, of an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing in the Civil Courts.

**75. Representation Of Parties Before The Commissioner :-**

The parties to the Industrial Dispute shall appear before the Commissioner, either in person or by any other person who is competent to represent them in the proceeding before the Labour Court.

**75A. Preservation Of Records By Industrial Tribunals Or Labour Courts :-**

(1) The records of the Industrial Tribunals or Labour Courts specified in Column of the Table below shall be preserved, for the periods specified in the corresponding entry in Column 2 thereof after the proceedings are finally disposed of by such Industrial Tribunals or Labour Courts. TABLE

<b>Records</b>	<b>Number of years for which the records shall be preserved</b>
1	2
(i) Orders and judgments of Industrial Tribunals or Labour Courts.	15 years
(ii) Exhibited documents in the above mentioned Tribunals or Courts.	7 years
(iii) Other papers	7 years

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

**76. Notice Of Strike :-**

(1) The notice of strike to be given by workmen in a public utility service shall be in Form XXI.

(2) On receipt of a notice of a strike under sub-rule (1), the employer shall forthwith intimate the fact to the Conciliation Officer concerned.

**77. Notice Of Lock-Out :-**

(1) The notice of lock-out to be given by an employer carrying on a public utility service shall be in Form XXII.

(2) The notice shall be displayed conspicuously by the employer on a notice board at the main entrance or entrances to the establishment, in the department or section affected by the lock-out in the time-keepers office and in the Managers Office. The notice shall be in English, in the regional language and in the language understood by the majority of the workmen in the department, section or as the case may be establishment concerned and shall be so displayed till the date of lock-out.

(3) A copy of the notice shall simultaneously be forwarded to the Secretary or Secretaries of the trade union or unions of workmen connected with the establishment, wherever such union or unions exist or where there is no Secretary, to the principal Officer or Officers of the trade union or unions".

**78. Report Of Lock-Out Or Strike :-**

The report of a lock-out or strike in a public utility service to be submitted by the employer under sub-section (3) of Section 22 shall be in Form XIII.

**79. Report Of Notice Of Strike Or Lock-Out :-**

The report of notice of a strike or lock-out to be submitted by the employer under sub-section (1) of Section 22 shall be sent by registered post or given personally to the Conciliation Officer concerned with copy by registered post to (1) The Secretary to the Government of Maharashtra, Industries and Labour Department, Bombay

(2) The Commissioner of Labour, Bombay, and

(3) The District Magistrate concerned.

**79A. Notice Of Lay-Off :-**

(1) If any workman employed in an industrial establishment as defined in the Explanation below Section 25-A (not being an industrial establishment referred to in sub-section (1) of that section) is laid-off, then, the employer concerned shall give notice of commencement and termination of such lay-off in Form XXIII-A and XXIII-B respectively within seven days of such commencement or termination, as the case may be.

(2) Such notice shall be given by an employer in every case irrespective, of whether in his opinion, the workman laid-off is or is not entitled to compensation under Section 25-C]

**79B. Application For Permission To Lay-Off Under Section 25-M :-**

- (1) Application for permission to lay-off any workman under sub-section (1), or for permission to continue a lay-off under sub-section (2) of Section 25-M shall be made in Form, XXIII-C and delivered to the authority specified under the said sub-section (1) either personally or by registered post acknowledgement due and where the application is sent by registered post, the date on which the same was delivered to the said authority shall be deemed to be the date on which the application was made, for the purpose of sub-section (4) of the said section 25-M.
- (2) The application or permission shall be made in triplicate and sufficient number of copies of the application for service on the workmen concerned shall also be submitted along with the application.
- (3) The employer concerned shall furnish to the authority to whom the application for permission has been made, such further information as that authority considers necessary for arriving at a decision on the application, as and when called for by that authority, so as to enable that authority to communicate the permission or refusal to grant permission within the period specified in sub-section (4) of Section 25-M.
- (4) Where the permission of lay-off has been granted by the said authority, the employer concerned shall give to the Commissioner of Labour, Bombay, and the Deputy Commissioner of Labour or the Assistant Commissioner of Labour having jurisdiction over the area in which his industrial establishment is situated, a notice of commencement and termination of such lay-off in Forms XXIII-A and XXIII-B respectively, and where permission to continue a lay-off has been granted by the said authority, the employer shall give to the Commissioner of Labour, Bombay and the aforesaid Deputy Commissioner of Labour or the Assistant Commissioner of Labour a notice of commencement of such lay-off in Form XXIII-A, in cases such a notice has not already been given under sub-rule (1) of Rule 79-A and a notice of termination of such lay-off in Form XXIII-B.
- (5) The notice of commencement and termination of lay-off referred to in sub-rule (4) shall be given within the period specified in sub-rule (1) of Rule 79-A]

## **80. Notice Of Retrenchment :-**

- (1) The notice referred to in clause (c) of Section 25-F shall be given in Form XXIV by an employer and be served either by personal service or by registered post, on the secretary to the Government of Maharashtra, Industries and Labour Department, Bombay-
- (i) not less than twenty one days before the date of retrenchment, if the notice of retrenchment has been given to a workman;
  - (ii) within seven days of the date of retrenchment if no such notice has been given but the workman is paid wages in lieu of notice;
  - (iii)(a) at least one month before the date of termination of service if such date is specified in an agreement where the retrenchment is carried out under an agreement; and
  - (b) on the date of such agreement, where the date of termination is not so specified.
- (2) A copy of such notice shall be sent by the employer to the Commissioner of Labour, Bombay and the Deputy Commissioner of Labour of the area concerned, namely Deputy Commissioner of Labour (Administration), Bombay/Deputy Commissioner of Labour, Poona/Deputy Commissioner of Labour, Nagpur.

## **80A. Notice Of And Application For, Permission For Retrenchment :-**

(1) Notice under clause (c) of sub-section (1) of Section 25-N for retrenchment shall be served in Form XXIV-A-I and served on the State Government or such other authority, as may be specified by the State Government and under the said clause either personally or by registered post acknowledgement due and where the notice is served by the registered post, the date on which the same was delivered to the State Government or the said authority shall be deemed to be the date of service of the notice for the purposes of sub-section (3) of the said section 25-N.

(2) Application for permission for retrenchment under sub-section (4) of section-25-N shall be made in Form XXIV-A-II (with attested copy of the notice given by the employer under clause (a) of section 25-F appended thereto) and delivered to the State Government and to such authority as may be specified by that Government either personally or by registered post, acknowledgement due and where the application is sent by registered post, the date on which the same was delivered to the State Government and the said authority shall be deemed to be the date on which the application was made for the purposes of sub-section (5) of the said section 25-N.

(3) The notice or, as the case may be, the application shall be served or made in triplicate and sufficient number of copies of the application for service on the workmen concerned shall be submitted along with the notice, or as the case may be, the application.

(4) The employer concerned shall furnish to the State Government or the authority to whom the notice for retrenchment has been given or the application for permission for retrenchment has been made under clause (c) of sub-section (1) or, as the case may be, sub-section (4) of the said Section 25-N, such further information as the State Government or, as the case may be, the said authority considers necessary for arriving at a decision on the notice or, as the case may be, the application, as and when called for by such authority so as to enable the State Government or the said authority to communicate its permission or refusal to grant permission within the period specified in sub-section (3) or as the case may be sub-section (5) of the said Section 25-N]

## **81. Maintenance Of Seniority List Of Workmen :-**

The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated arranged according to the seniority of their service in that category and cause a copy thereof to be posted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

## **82. Re-Employment Of Retrenched Workmen :-**

(1) Where any workmen are retrenched and the employer proposes to take into his employ any person, he shall give an opportunity to the retrenched workmen to offer themselves for reemployment in the following manner, that is to say-

(a) if the number of vacancies to be filled is not less than fifty, he shall publish in a newspaper circulating in, and in the regional language of, the locality in which the industrial establishment is

situated, a notice giving the details of the vacancies to be filled; (b) in any other case, he shall send by registered post to the last known address of each of such retrenched workmen eligible for appointment to any such vacancies, a notice giving the details of the vacancies to be filled; and seven days shall have elapsed from the date of publication of such notice, or from the date of the dispatch of the test of such notices, as the case may be: Provided that where there are provisions in any standing orders of an industrial establishment in regard to the notifying of vacancies, notices in respect of such vacancies shall be published or given in accordance with such standing orders: Provided further that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the public notice given or the individual notice sent to him by The employer under this sub-rule, the employer may not intimate to him the vacancy that may be filled on any subsequent occasions].

(2) A copy of the notice referred to in sub-rule (1) shall also be displayed in the time-keepers office at the main entrance of industrial establishment and in the case of a department thereof also in the department concerned.

(3) Wherever a notice has been given under sub-rule (1), the employer shall also simultaneously inform the trade union or unions of workmen connected with industrial establishments of the vacancies to be filled giving details thereof.

(4) If the employer seeks the assistance of the Decasualisation Scheme or the Employment Exchange of the area in filling the vacancies, he shall inform the Manager of the Scheme or the Exchange, as the case may be, that the names of such of his retrenched employees, as may be, registered with the scheme or the exchange, may be submitted to him along with the names of any other suitable candidates.

(5) Information regarding the workmen re-employed in accordance with this rule shall be sent in Form XXIV-A by the employer to the Commissioner of Labour Bombay and the Deputy Commissioner of Labour of the area concerned within fifteen days from the date of such reemployment.

### **82A. Notice Of Closure :-**

Notice of intention to close down an undertaking to be given by an employer under sub-section (1) of Section 25-FFA shall be in form XXIV-B.

### **82B. Application For Permission For Closure :-**

(1) Application under sub-section (1) of Section 25-O regarding intended closure of an undertaking shall be in English 9[and in Marathi also] and shall be submitted in Form XXIV-C, in triplicate, to the State Government either personally or by Registered Post Acknowledgement due.

(2) 10[English and Marathi copies of the application, along with its version] in the language understood by the majority of the workmen employed in the undertaking proposed to be closed down, shall be displayed conspicuously on the Notice Board at the main entrance or entrances, in the Time-Keepers Office and in the Managers Office of the undertaking and it shall not be removed from the Notice Board before the expiry of minimum fifteen days.

(3) 10 [English and Marathi copies of the application] shall simultaneously be served either personally or by Registered Post Acknowledgement Due on the President or the Secretary or Secretaries of the Trade Union or Unions or workmen employed in the undertaking, wherever such union exist or unions exist.

(4) The employer concerned shall furnish to the State Government within a reasonable time such further information as the State Government may consider necessary and call for, for arriving at a decision on the application within a period of sixty days, as required by sub-section (3) of section 25-O]

### **83. Notice For Termination Of Award Or Settlement :-**

(1) Where the employer of an establishment intends to terminate an award or a settlement under section 19, he shall send a notice thereof by registered post in the following manner namely:-

(a) Where the majority of workmen are members of a trade union, to the President or Secretary of the trade union or such union or such other officer of the trade union as may be authorised by it in his behalf. A copy of the notice shall also be exhibited on a notice board at or near the main entrance or entrances of the establishment concerned.

(b) Where there is no trade union or where the majority of the workmen bound by the award or settlement are not members of a trade union, the notice shall be exhibited on a notice board at or near the main entrance or entrances of the establishment concerned.

(2) Where the workmen of an establishment intend to terminate an award or a settlement under section 19, a notice thereof shall be sent by registered post to the employer himself or where the employer is an incorporated company or other body corporate, to the agent, manager or other principal officer of such company or body.

(3) The notice for termination of an award or a settlement shall be signed.

(a) in the case of an employer, by the employer himself, or where the employer is an incorporated company, or other body corporate, by the agent, manager or other Principal Officer of such company or body.



(b) in the case of workmen-

(i) where the majority of the workmen bound by the award or settlement are members of a trade union or where a majority of the workmen have authorised in writing a trade union to terminate the award or settlement, by the President or Secretary of such union or by such other officer of the union as may be authorised by it in this behalf.

(ii) in other cases, by such representative not exceeding five, of the workmen intending to terminate the award or settlement as may be duly authorised in this behalf at a meeting of a majority of the workmen held for the purpose.

(4) Copies of the notice referred to in sub-rule (1) and sub-rule (2) shall be sent to the Secretary to the Government of Maharashtra, Industries and Labour Department, Bombay, the Commissioner of Labour Bombay/The Deputy Commissioner of Labour (Administration) Bombay/The Deputy Commissioner of Labour Poona/The Deputy Commissioner of Labour, Nagpur and the Conciliation Officer concerned.

#### **84. Copies Of Record Of Labour Courts And Tribunals :-**

(1) Any person desiring to obtain copies of any records, including certified copies of any award, order or decision of a Labour Court or Tribunal or extracts there from may make an application in writing to the Secretary of Labour Court or Tribunal.

(2) On receipt of such application, and on payment of fees for copying a document, at the rate of 50 naye paise per every hundred words or fraction thereof, a copy of the document shall be supplied by the Secretary of the Labour Court or Tribunal: Provided that no copies shall be granted of any notes recorded by the Labour Court or Tribunal for its own use or of any exhibits or document which the Labour Court or Tribunal may consider to be confidential.

#### **84A. Manner Of Dealing With Cases Of Appeals To Supreme Court :-**

(1) On receipt of an order from the Supreme Court granting special leave to appeal to any of the parties against the decision, order or award of Labour Court or the Industrial Tribunal, the Secretary of the Labour Court or Tribunal shall intimate the parties, their representatives or advocates, as the case may be, and after holding a meeting, settle the index of the records to be printed in pursuance of the provisions contained in Supreme Court rules.

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

(3) In connection with the records to be sent to the Supreme Court, the petitioner shall be charged fees at the following rates:- TABLE Estimating Rs.16.00 Preparing Index Re.0.66 per item Examination of proofs Re 0.25 p. for every page Certifying a copy of the record by Secretary of the Labour Court or the Tribunal Re 1.00 for every eight pages.

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

**85. Authority To Be Given Under Clause (C) Of Sub-Section (1) Of Section 36 :-**

The authority to be given by a workman or workmen under clause (c) of sub-section (1) of section 36 shall be in Form XXV. Such authority shall be signed by the workman or workmen concerned or by such number of persons from among themselves as may be elected for this purpose at a meeting attended by a majority of workmen who are parties to the dispute.

**86. Authority To Be Given Under Clause (C) Of Sub-Section (2) Of Section 36 :-**

The authority to be given by an employer under clause (c) of sub-section (2) of section 36 shall be in Form XXVI.

**87. Parties Bound By Acts Of Representative :-**

A party appearing by a representative shall be bound by the acts of that representative.

**88. Delivery Of Application, Letter, Etc. When Deemed To Be Sufficient :-**

Whenever any application, letter, summons, notice, statement or intimation is required to be forwarded or served under any of these rules by registered post it shall be deemed to be sufficient compliance with these rules if such application, letter, summons notice, statement or intimation is delivered by hand and an acknowledgement in writing by or on behalf of the party to whom it is forwarded or on whom, it is intended to be served, is obtained in respect of such delivery

**89. Penalties :-**

Any breach of these rules shall be punishable with fine not exceeding fifty rupees.

**90. Repeal :-**

The Industrial Disputes (Bombay) Rules, 1957, the Central Provinces and Berar Industrial Disputes, 1949, in their application to the Vidarbha area, the Hyderabad Industrial Disputes Rules, 1950 in their application to the Marathwada area, the Saurashtra Industrial Disputes Rules, 1948, and the Industrial Disputes

(Central) Rules, 1957, in force in the Kutch area of the State hereby repealed: Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules. Footnotes:

1. Substituted vide G.N. dated 1 April 1984
2. Inserted vide G.N. dated 27 August 1976.
3. Inserted vide G.N. Published in MGG Pt.I-L, dated 10 October 1977
4. Inserted vide G.N. dated 2 December 1959
5. Rule 75-A was Inserted vide G.N. published in M.G.G. dated 19 February 1977.
6. Rule 79-B was Inserted vide Govt. Notification, Industries Energy and Labour Department No.IDA-1077/40747 Lab.II, dt.28 April 1976.
7. Re 80-A was Inserted vide Govt. Notification, Industries Energy and Labour Department No.IDA-1076/40747 Lab.II, dated 28 April 1976.
8. Substituted vide G.N. dated 15 July 1982.
9. Inserted vide G.N. dated 7 December 1983.
10. Substituted Ibid.