INDUSTRIAL DISPUTES RULE 1957

The M.P. Industrial Disputes Rules, 1957 the specific matters in dispute; 177 176 The M.P. Industrial Disputes Rules, 1957 [R. 13 The Madhya Pradesh Industrial Disputes Rules, 1957 Preliminary 1. Title and Application.— These Rules may be called the Madhya Pradesh Industrial Disputes Rules, 1957. (2) They shall extend to the whole of Madhya Pradesh in relation to all such industrial disputes as are not governed by the Industrial Disputes (Central) Rules, 1956. (3) They shall come into force at once

2. Interpretation.— In these rules, unless there is anything repugnant in the subject or context : the total nunlber of workmen employed in the undertaking aq;ected; an estimate of the number of workmen affected or likeiy to be affected by the dispute; and the efforts made by the parties themselves to adjust the dispute. 4 Attestation of application.— The application and the statement it shall be signed- (a) in the case of an employer by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager, or other principal officer of the Corporation; in the case of workmen, either by the President and Secreta,y of trade (b) union of the workmen, or by five representatives of the workmen, duly authorised in this behalf at a meeting of the workmen held for the purpose

5. Notification of appointment of Board, Court, Labour Court or Tribunal.— The appointment ofa 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. (l) If the State 6. Notice to parties to nominate representatives.— Government proposes to appoint a Board, it shall send a notice in Form B 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 or if the employer is an 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— in the case of workmen who are members ofa trade union, to the President (a) or Secretary of the trade union; and (b) in the case of workmen who are not members ofa trade union, to any one of the five 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 establ ishment

PART 11 Arbitration Agreement 7. Arbitration Agreement.— An arbitration agreement' for the reference of an industrial dispute to an arbitrator or arbitrators shall be made in

Form C and shall be delivered personally or forwarded by registered post Itto the Secretary to the Government of Madhya Pradesh in the Labour Department (in triplicate)], the Labour Commissioner and the Conciliation Officer concerned. The agreement shall be accompanied by the consent, in writing, of the arbitrator or arbitrators. l. Substituted by Notification No. 7014-5052-XVI dated 5-10-1961. Published in M.P. Rajpatra Part (Ga) dated 3-11-1961 Page 927. see MPLT 1961 Part 11 [1341 Page 189. 223 (a) (b) (c) (d) (e) (f) (h) 'Act' means the Industrial Disputes Act, 1947 (14 of 1947); 'Chairman' means the chairman of a Board or Coult or, if the Court consists of one person only, such person; 'Committee' means a Works Committee constituted under subsection (l) of section 3 of the Act; 'Form' means a form in the Schedule to these Rules; 'Conciliation Officer' means the Conciliation Officer appointed by the State Government for the locality, or the industry, as the case may be; 'Labour Commissioner' means the Labour Commissioner of Madhya Pradesh appointed by the State Government; 'Section' means a section of the Act; 'Assistant Labour Commissioner' means the Assistant Labour Commissioner appointed by the State Government for the Division concerned and also includes an Assistant Labour Commissioner appointed for the purposes of these Rules; 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 ofa department of the State Government, the officer-in-charge of the industrial establishment shall be the 'employer' in respect of that establishment. PARTI Procedure for Reference of Industrial Disputes to Boards of Conciliation, Courts of Enquiry, Labour Courts or Industrial Tribunals 3. Application.— An application under sub-section (2) of section IO for the reference of an industrial dispute to a Board, Court, Labour Court or Tribunal shall be made in Form A and shall be delivered personally or forwarded by registered post in triplicate to the Secretary to the Government of Madhya Pradesh in the Department of Labour. The application shall be accompan ied by a statement setting forth— (a) the parties to the dispute; 178 The M.P. Industrial Disputes Rules, 1957 [R. 8-10A 8. Attestation of thc Arbitration Agrccmcnt.— The arbitration agreement shall be signed— (a) in the case of an ejnployer, by the ernployer h imself, or when the employer is an incorporated cotnpany or other body corporate, by the agent, manager, or other principal officer of the Corporation; in the case of worktnen, by any officer ofa trade union of the worktnen or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen duly held for the purpose. Explanation.— In this rule 'officer' means any of the following officers, namely:— (a) the President ; (b) the Vice-President; (c) the Secretary (including the General Secretary); (d) a Joint Secretary; (e) any other officer of the trade union authorised in this behalf by the President or Secretary of the Union.] The M.P. Industrial Disputes Rules, 1957 collciliation Officer concerned. Thc statement shall be copies thereofas there arc opposite parties. 179 accompanied by as (2) party representing workmen involved in a dispute in a non-public . , service, shall forward a statement of its demands to the conciliation Officer 'lit) before such date as may be specified by him for commencing proceedings. The Statement shall be accompanied by many spare thereof as there are opposite parties. (3) The statenwnt of demands submitted by the party representing the under sub-rule (l) or sub-rule (2) shall be transmitted to the state by the Concil Officer concerned with his under subsection an or a party representing workmen, applies to the state overnment for reference of an industrial dispute to a Labour Court, or Tribunal. application shall be accompanied by a statement of the demands or points in with as many spare copies thereof as there are opposite parties. (5) The statement referred to in sub-rules (l), (2) and (4) and every copy 223 2[8-A. Notification regarding arbitration agreement by majority of 'red required under the said SUb-ruIes to accompany the said statement shall be each party.— Where an industrial dispute has been referred to arbitration and the State Government is satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette for the information of the employees and workmen who are not parties to the arbitration agreement but are concerned in the dispute.] PART 111 Powers, Procedure and Duties of Conciliation Officers, Boards, Courts, Labour Courts, Tribunal and Arbitrators 9. Conciliation proceedings in public utility service.— The Conciliation Officer, on receipt ofa notice of strike or lock-out given under rule 71 or rule 72, 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

10. Conciliation proceedings in non-public utility service.— Where the Conciliation Officer received any information about an existing or apprehended industrial dispute which does not relate to 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. J [IO-A. Parties to submit statements.— (l) The party representing workmen involu•d in an industrial dispute in a public utility service shall forward a statement of its demands along with a copy of the notice prescribed under rule 71 to l. Substituted by Notification No. 7014-5052-XVI dated 5-10-1961. Published in M.P. Rajpatra Part IV (Ga) dated 3-11-1961 Page 927. see MPLT 1961 11 [134] Page 189

2. Inserted by Notification No.6639-6679-XVI dated 21-12-1966. Published in M.P. Rajpatra Part (Ga) dated 22-9-1967 Page J. see MPLT 1967 Part 11 [298] Page 361. Inserted by Notification No. 12-XVI dated 16-1-1959. Published in M.P. Rajpatra dated 3. 23-1-1959. signed, on behalf of the party, by the person making it. IO-B. Proceedings before the Labour Court or Tribunal.- (l) Where state Government refers any case for adjudication to a Labour Court or ribunal, it shall send to the Labour Court or Tribunal concerned and to the opposite Irty concerned in the industrial dispute, a copy of every such order or reference gether with a copy of the statement received by it under sub-rule (3) or subrule (4) (2) Within two weeks of the receipt of the statement referred to in sub-rule (l) opposite party shall file its rejoinder with the Labour Court, or Tribunal as the Ise may be, and sillillltaneously forward a copy thereofto the other party : Provided that such rejoinder shall relate only to such of the issues as are ICIuded in the order of reference : Provided further that where the Labour Court or Tribunal, as the case may be, onsiders it necessary, it may extend the time-limit for the filing ofrejoinder by any any. (3) The Labour Court, or Tribunal as the case may be, shall ordinarily fixed the ate for the first hearing of the dispute within six weeks ofthe date on which it s,sas ferred for adjudication : Provided that the Labour Court, or Tribunal, as the case may be, may, for to be recorded in writing, fix a later date for the first hearing ofthe dispute. (4) The hearing shall ordinarily be continued from day to day and argutnents hall follow immediately after the closing ofevidence. (5) The Labour Court, or Tribunal, as the case Inay be, shall not ordinarily any adjournment for a period exceeding a week at a time. not more than three djournments in all at the instance of any one ofthe parties to the dispute : Provided that the Labour Court, or Tribunal as the case may be, Inay for ecorded in writing, grant an adjournment exceeding a week or more tasons to be r three adjourn Inents at the instance of any one ofthe parties to the dispute.] 180 The M.P. Industrial Di.sputes Rules, 1957 or Tribunal th inks necessary for the purposes orsuch investigation or The M.R Industrial Disputes Rules, 1957 223 The Labour Court or Tribunal, as the case may be, shall, as the seNice of summons or notice.- Subject to the provisions contained in exmnination of each witness proceeds. make a memorandum of the substapce of 20 any notice, summons, process or order issued by a Board, Court, Labour what he deposes and such shall be written and signed by the Tribunal or an Arbitrator, empowered to issue such notice, summons, process Presiding Officer : the procedure laid down in rule 5 0fOrder XVIII ofthe First Schedule to the code (Oder' be served either or by registered Post. Description of parties in certain cases.- Where in any proceeding of Civil Procedure 1908, if it considers necessary so to do, in view of the nature of 19' Board, Court, Labour Court, or Tribunal or an Arbitrator, there are 11. The Conciliation Officer may hold a meeting of the representatives of persons arrayed on any side, such persons shall be described as follows : all such persons as are members of any trade union or association shall both parties jointly or ofeach party separately. be described by the name of such trade union or association; and 12. The Conciliation Officer shall conduct the proceedings expeditiously and all such persons as are not members of any trade union or association in such manner as he may deem fit. shall be described in such manner as the Board, Court, Labour Court, 13. Place and time of hearing.— 2[Subject to the provisions contained in Tribunal or Arbitrator, as the case may be, may determine. rules IO-A and IO-B the sitting ofa Board, Court, Labour Court or Tribunal or of an Arbitrator] shall be held at such times and places as the Chairman or the Presiding 20. Manner Of service in the case of numerous persons as parties to a (l) Where there are numerous persons as parties to any proceedings Officer or the Arbitrator, as the case may be, may fix and the Chairman, Presiding lispute.— Officer or Arbitrator, as the case may be, shall inform the parties of the same in fore a Board, Court, Labour Court or Tribunal or an Arbitrator and such persons members of any trade union or association, the service of notice on the such manner as he thinks fit

14. Quorum for Board and Courts.— The quorum necessary to constitute a or where there is no Secretary, on the principal officer, of the trade union sitting ofa Board or Court shall be as follows : (i) in the case ofa Board where the number of members is 3 Where the number of members is 5 (ii) in case ofa

Court where the number of members is not more than 2 where the number of members is more than 2 but less than 5 where the number of members is 5 or more Quorum 2 3 2 3 (association shall be deemed to be service on such persons. (2) Where there are numerous persons as parties to any proceeding before a load, Court, Labour Court or Tribunal or an Arbitrator and such persons are not nembers 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)tacticable, cause the service of any notice to be made by affixing the same at or tar the main entrance of the establishment concerned. (3) A notice served in the manner specified in sub-rule (2) shall also be :onsidered as sufficient in the case of such workmen as cannot be ascertained and hund

21. Procedure at the first sitting.— At the first sitting ofa Board, Court, 15. Evidence.—A Board, Court, Labour Court or Tribunal or an Arbitrator may accept, admit or call for evidence at any stage of the proceedings before it/him 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. and in such manner as it/he may think fit

22. Board, Court, Labour Court, Tribunal or Arbitrator may proceed 16. Administration of oath.— Any member ofa Board or Court or Presiding exparte.- If without sufficient cause being shown, and party to proceedings before Officer ofa Labour Court or Tribunal or an Arbitrator may administer oath

17. Summons.— A summons issued by a Board, Court, Labour Court or Board, Court, Labour Court, Tribunal or Arbitrator fails to attend or to be Tribunal shall be in Form D and may require any person to produce before it any represented, the Board, Court, Labour Court, Tribunal or Arbitrator may proceed as books, papers or other documents and things in the possession of or under the ifthe party had duly attended or had been represented

23. Power of entry and inspection.— A Board, or Court, or any Member control of such person in any way relating to the matter under investigation or adjudication by the Board, Court, Labour Court or Tribunal which the Board, Court, thereof, or a Conciliation Officer, a Labour Court or 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 l. No. 7014-5052-XVI dated 5-10-1961. Published in M.P. Rajpatra Labour Court or Tribunal under Pan (Ga) dated 3-11-196 i Page 927. see MPLT 1961 11 [1341 Page 189

2. Substituted by Notification No.12-XVI dated 16-1-1959. Published in M.P. Rajpatra entrusted to the Conciliation Officer, Board, Court, at any time between the hours, of sunrise and and in the case 0fa dated 23-1-1959. authorised in writing by a Board, court, Labour court or Tribunal after he The M.P. Industrial Disputes Rules. 1957 Labour Officer appointed under the Madhya Pradesh Industrial [R. 24-25B t 1960]. MP Industrial Disputes Rules, 1957 182 26. Fees for copies of awards or other documents or Labour court or has given reasonable not ice, enter any building, factory, workshop, or other place or article therein or interrogate any person therein in respect of anything situated (l) Fees for making a copy ofan award or an order 0fa Labour court or any matter relevant to the subject-matter ofthe concilialtion, investigation, Tribunal or any d0cument filed in any proceedings before a labour court or (a) for the first 200 words or less-75 Naya Paisa, enquiry or adjudication

24. Powers of Boards, Courts, Labour Courts and Tribunals.— In (b) for every additional 100 words or fraction thereof-37 Naya Paisa : addition to the powers confer•red by the Act, Boards, Courts, Labour Courts and provided that where an award or order or document exceeds five pages, the Tribunals shall have the same powers as are vested in civil court under the Code of number of words per page shall be taken as the basis for calculating Civil Procedure, 1908, when trying a suit, in respect of the following matters, 223 namely : (a) discovery and inspection; (b) granting adjournment; (c) reception of evidence taken on affidavit, total number of words, to the nearest hundred, for the purpose of assessing the copying fee. (2) For certifying a copy of any such award or order or document, a fee of Re. I shall be payable. (3) Copying and certifying fees shall be payable in cash in advance. and the Board, Court, Labour Court or Tribunal may summon and examine any (4) Where a party applies for immediate delivery ofa copy ofany such a'*ard person whose evidence appears to it to be material and shall be deemed to be a Civil or order or document, an additional fee equal to one-half of the fee leviable under Court within the meaning of sections 480 and 482 of the Code of Criminal this rule shall be payable. Procedure, 1898. (5) The fee for the inspection of documents referred to in sub-rule (l) of rule 25. Assessors.— Where assessors are

appointed to advise a Tribunal under section (5) of section I l, the Court, Labour Court or Tribunal as the case may be 26 shall be the same as prescribed for the Court of the District Judge in the State. An Arbitrator, a Labour Court, the Industrial Tribunal or a Board may supply a certified copy of an order or an award at a flat rate of Re. l/- (Rupee one) shall, in relation to proceeding before it, obtain the advice of such assessors, but vards.— (l) toa law reporter by the Industrial Tribunal ifsuch order or award is found reportable such advice shall not be binding on it. The date of receipt of every report ofa Board or Court or every arbitration award and a request for the supply of its copy has been made by such law reporter)

27. Decision by majority.—All questions arising for decision at any meeting officer authorised by it in this behalf, (hereinafter referred to as the authorised ofa 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 (2) Within thirty days of the date of receipt of the report or award by the State atthe meeting. In the event of an equality of votes the Chairman shall also have a officer). Government or an authorised officer, the Board, Labour Court or Tribunal shall casting vote

28. Correction of errors.— The Labour Court, Tribunal or Arbitrator may publish the report or award, as the case may be, by pronouncing the same in open Court and also by exhibiting it on a notice board or table at its office, specified for correct any clerical mistake or error arising from an accidental slip or omission in 29. Right of representatives.— The representatives of the parties any award it/he issues. the purpose : in writing to all the parties concerned in the disputes and to the State Governmentor appearing before a Board, Court, Labour Court, Tribunal oranArbitrator shall have an authorised officer, as the case may be, about the date of pronouncement of the the right of examination, cross-examination and of addressing the Board, Court. report or award concerned. (3) The State Government or an authorised officer, as the case may be, where it or he considers it necessary so to do may also arrange to notify the report or award in the Official Gazette.] 2[25-B. Copies of awards.— A copy of every arbitration award or award ofa Labour Court, or Tribunal shall be sent to the Labour Commissioner and to the l. Substituted by Notification No. 5785-8023-xvr dated 30-10-1975. Published in M.P. Rajpatra Page 132. See MPLT 1976 Page 65

2. Inserted by Notification No.4595-3684-XVI dated 27-8-1971. Published in M.P. Rajpatra Pan (Ga) dated 3-9-1971 Page 479, see MPLT 1971 Part [2801 Page 261. Labour Court, Tribunal or Arbitrator when an evidence has been called

30. Proceedings before a Board, court, Labour court or Tribunal.- Labour Court or Tribunal shall be held in The proceedings before a Board, Court, Provided that the Board, Court, Labour Court or Tribunal may at any stage public : direct that any witness shall be examined or its proceedings shall be held in camera. Inserted by Notification No. 2635-3769-XVI dated 19-5-1973. Published in M.P. Rajpatra Pan IV (Ga) dated 14-9-1973 Page 676. see MPLT 1973 11 a [291) Page 382. 184 The M.P. Industrial Disputes Rules, 1957 PART IV [R. 31-35 The M.P. Industrial Disputes Rules, 1957 PART VI Representation of Parties 185 223 Remuneration ofChairman and Members ofCourts, Presiding Officers of Labour Courts and Tribunals, Assessors and Witnesses 31. Travelling Allowance.— The Chairman or a member of a Board or Court. or the Presiding Officer or an Assessor ofa Labour Court or Tribunal, if a nonofficial, shall be entitled to draw travelling allowance and halting allowance, for any journey performed by him in connection with the performance of his duties, at the rates admissible and subject to the conditions applicable to a Government servant of the first grade under the Supplementary Rules issued by the State Government from time to time. His pay for the purpose would be considered to be Rs. 750 per month unless otherwise specified by Government in any case

32. Fees.— The Chairman and a member of a Board or Court, the Presiding Officer and an Assessor ofa 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

33. Expenses of witnesses.— Every person who is summoned and duly attends or otherwise appears as a witness before a Board, Court, Labour Court or 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 where the investigation, enquiry, adjudication or arbitration is being conducted

PART V Notice of Change 34, Notice of change.— Any employer intending to effect any change in the conditions of service applicable to any workmen in respect of any matter specified in the Fourth Schedule shall give notice ofsuch intention in Form E

35. Manner of service of notice of change.— (l) 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 officer of the trade union shall be deemed to be service 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 the notice in the manner specified in sub-rule (2) shall be deemed to be 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 Hindi. (3) A copy of the notice shall simultaneously be forwarded by the employer to the Conciliation Officer, the Labour Commissioner and the Assistant Labour Commissioner concerned

36. Form of authority under section 36.- The authority in favour or a rson or persons to represent a workmen or group of workmen or an employer in any proceeding under the Act shall be in Form F

37. Parties bound by acts of representative.- A party appearing by a representative shall be bound by the acts of that representative. PARTVII Works Committee 38. Constitution.— Any employer to whom an order made under sub-section (l) of section 3 relates shall forthwith proceed to constitute a Works Committee in the manner prescribed in this part, 39. 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, shops or departments of the establishinent : 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

40. Representatives of employer.— Subject to the provisions of these Rules, the representatives of the employer shall be nominated by the employer and shall as far as possible, be officials in direct touch with or associated with the working of the establ ishment

41. Consultation with trade unions.— (l) Where any workmen of an establishment are members of a registered 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 section, shops or departments of the establishment. (2) Where an employer has reason to believe that the information furnished to him under sub-rule (l) by any trade union is false, he may, after infonning the union, refer the matter to the Conciliation Officer concerned to his decision; and the Conciliation Officer after hearing the parties shall decide the matter and his decision shall be final

42. Groups of workmen's representatives.— On receipt of the information, called for under rule 4 1 , the employer shall provide for the election of workmen's representatives on the Committee in two groups-those to be elected by the workmen ofthe establishinent who are members of the registered trade union or unions; and (2) those to be elected by the worknwn of the establishment who are not members of the registered trade union or unions, bearing the same proportion to each other as the union Inembers in the establishment bear to the non-menlbers : 186 [R. 43-47 The M.P. Industrial Disputes Rules, 1957 The M.P. Industrial Disputes Rules, 1957 (2) Each nomination paper shall be signed by the candidate to whom it relates d attested by atleast two other voters belonging to the group, section, shopl or the candida;e seeking election will represent, and shall be delivered to 48. Scrutiny of nomination papers.- (l) on the day following the day fixed for fil ing 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 (I), a nomination paper shall be held to be not valid, if(a) the candidate nominated is ineligible for membership under rule 44. or(b) the requirements of rule 47 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

49. Voting in election.— (l) If the number of candidates who have been validly nom inated is equal to the number of seats, the candidate shall be forthwith declared duly elected. (2) If in any constituency the number of candidates is more than the number ofseats 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 belong to 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 ofany one candidate

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

51. Officers of the Committee.— (l) The Committee shall have among its office bearers a Chairman, a Vice-Chairman, a Secretary and a Joint Secretary. The Secretary and the Joint Secretary shall be elected every yean (2) The Cotnm ittee shall elect the Chairman and the Vice-Chairman : Provided that where the Chairman is elected from amongst the representatives of the employers, the Vice-Chairman shall be elected from amongst the representatives of workmen and vice versa : Provided further that the post of the Chairman or the Vice-Chairman, as the case may be, shall not be held by a representative of the employer or the workmen, for two consecutive terms. (3) The Committee shall elect the Secretary and the Joint Secretary : Provided that where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the workmen and vice versa : 223 Provided that where more than half the workmen are members of the union or any one of the unions, no such division shall be made : Provided further that where a registered trade union neglects or fails to furnish the information called for under sub-rule (I) of rule 4 1 within one month of the date of the notice requiring it to furnish such information such union shall for the purpose of this rule be treated as if it did not exist : Provided further that where any reference has been made by the employer under sub-rule (2) of rule 4 1, the election shall be held on receipt of the decision of the Conciliation Officer

43. Electoral constituencies.— Where under rule 42 the workmen's 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 ofa registered trade union and the other of those who are not : Provided that the employer may, if he thinks fit, sub-divide the two electoral constituencies and direct that workmen shall vote in either by groups, sections, shops or departments

44. 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 these Rules, 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

45. Qualifications for voters.— All workmen, other than casual employees, who, are not less than 18 years of age and who have put in not less than 6 months service in the establishment shall be entitled to vote in the election of the representative of workmen

46. Procedure for election.— (l) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmen's 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 ten days after the closing date for receiving nominations. (3) The dates so fixed shall be notified atleast seven days in advance to the workmen and the registered trade union or unions concerned. Such notice shall be 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 registered trade union or unions and by the non-members. (4) A copy of such notice shall be sent to the registered trade union or unions concerned

47. Nomination of candidates for election.— (l) Every nomination shall be made on a nomination paper in Form G, copies of which shall be supplied by the employer to the workmen requiring them. 189 188 (R. 52-57 The MP Industrial Disputcs Rules. 1957 he M J', Industrial 1957 PARTVIII Miscellancous 58.

ndum of scttlcmcnt.- (l) A at in the course (2) The settlement shall be signed by- (a) in the employer, by agent, or when the employer is an incorporated company or corporate, by the agent, manager or other principal officer of the (b) in the case of workmen, either by '[the President or Secretary) of a trade un ion of workmen, or by five representatives of the workmen duly authorised in this behalf at a meeting ofthe workmen held forthc pq.se (3) Where a settlement is arrived at in the course of conciliation proceeding the Conciliation Officer shall send report thereof to the State Government I(or an officer authorised in this behalf by the State Governmentl together with a copy of the memorandum of settlement signed by the parties to the dispute. (4) Where a settletnent is arrived at between an employer and his work:nen otherwise than in the course of conciliation proceeding before a Board ot Conciliation Officer, the parties to the settlement shall jointly send a copy thereofto the State Government, the Labour Commissioner and the Conciliation (.)fTjcet concerned

59. Complaints regarding change of conditions of service, etc.- (l) Every complaint under section 33-A of the Act shall be presented in triplicate in

Form I and shall be accolnpanied by as many copies of the complaint as there are cpposite parties to the complaint. (2) Every cotnplaint under sub-rule (l) shall be verified at the foot by thc workmen making it or by some other person proved to the satisfaction ofthe Labour Court or Tribunal to be acquainted with the facts of the case. (3) The person verifying shall specify, by reference to the numbered paragraphs of the complaint, what he verifies of his own 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

60. Application under section 33.— (l) An employer intending to obtain the express permission in writing of the Conciliation Officer, Board, Labour Court or rribunal as the case may be, under sub-section (l) or sub-section (3) ofsection 33 ,hall present an application in Form J in triplicate to such Conciliation Otlicer, Joard, Labour Court or Tribunal and shall file along with the application as many copies thereof as there are opposite parties. l. Substituted by Notification No. 7014-5052-XVI dated 5-10-1961. published in M.P. Rajpatra Pan IV (Ga) dated 3-11-1961 page 927. see MPLT 1961 11 Page 189. 2 Inserted by Notification No. 4595-3684-XVI dated 278-1971. Published inM Rajpatra Part IV (Ga) dated 3-9-1971 Page 479. see MPI,T 1971 11 Page 261. 223 Provided further that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the ernployer or the worktnen, for two consecutive years

52. Term of office.— (l) The tenn ofomce ofa workmen's representative on the committee other than a member chosen to fill a casual vacancy shall be two years. (2) A member chosen to fill a causal vacancy shall hold office for the unexpired term of his predecessors. (3) A member without obtaining leave from the Committee, fails to attend three consecutive meetings of the Committee shall forfeit his membership

53. Vacancics.— In the event of workmen's representative ceasing to be a member under sub-rule (3) of rule 52 or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successors shall be elected in accordance with the provisions of this Part from the same group, section, shop or department to which the member vacating the seat belonged

54. 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 ofa matter under discussion. Such co-opted 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

55. Meetings.— (l) 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

56. Facilities for meeting, etc.— The employer shall provide acconunodation 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 Ineeting

57. 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 deenl fit, dissolve any Works 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-thirds of the number of representatives of the worktnen 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 reconstitute the Committee in accordance with these rules. 190 The M.P. Industrial Disputes Rules, 1957 (2) An einployer seeking thc approsal of the Conciliation Officer, Board. Labour Court or Tribunal. as thc case Inay be, of any action taken by hill) under clause (a) or clause (b) ofsub-section (2) of section 33 shall present an application in Form K in triplicate to such Conciliation Oflicer. Board Labour Court or Tribunal and shall file along with the application as rnany copies thereof as there are opposite parties. (3) Every application under sub-rule (I) or sub-rule (2) shall be verified at the foot by the employ er tuaking it or by sorne other person proved to the 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 numbered 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

61. Protected »orkmen.— (l) Every registered trade union connected with an industrial establishment, to which the Act applies, shall communicate to the employer before the 30th September every year, the names and addresses of such of the officers of the union who are employed in the 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 section 33, sub-section (4), 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 (l), the list of workmen recognised as protected workmen, and shall forward a copy of the said communication to the Conciliation Officer concerned. (3) Where the total number of names received by the employer under subrule (l) exceeds the maximum number of protected workmen, admissible for the establishment, under sect on 33, sub-section (4), the employer shall recognise as protected workmen only such maximum number of workmen : Provided that, where there is more than one registered trade union in the establishment, the maximum number shall be so distributed by the employer among the union that the numbers of recognised protected workmen in individual unions bear roughly the same proportion to one another as the membership figure of the unions. The employer shall in that case intimate in writing to the President or the Secretary of the union the number or protected workmen allotted to it: Provided further that 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 employer's letter. (4) When a dispute arises between an employer and any registered trade union in any matter connected with the recognition of 'protected workmen' under Industrial Disputes Rules, 1957 the dispute shall be referred to the Conciliation orr,ccr concerned. whose Application for recovery of dues.- (I) Where any money is due from employer to a workmen or a group of workmen under a an award the provisions 0fChapter v-A, the workman or the group of workmen, be, may apply in Form K. I for the money : provided that in the case 0fa person authorised in writing by the workman or case of the death of the workman, the assignee or heir of the deceased workman, the application shall be made in Form K-2. (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 specified Labour Court in Form K-3 for the determination of the amount due or. as the case may be, the amount at which such benefit should be computed.) 63. Appointment of Commissioner.— Where it is necessary to appoint a commissioner under sub-section (3) of section 33-C of the Act, 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 ofa Civil court, or as a stipendiary magistrate or as a Registrar or Secretary of a Labour or Tribunal constituted under any Provincial Act or State Act or ofa Labour Court, or Tribunal constituted under the Act or of a Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950

64. Fees for the Commissioner, etc.— (l) The Labour Court shall, after consultation with the parties, estimate the probable duration of the enquiry and fix the amount of the Comm issioner's 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 Commission 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 Commissioner's fees in consultation with the parties. (3) The Labour Court may direct that the fees shall be disbursed to the Commissioner in such instalments and on such dates as it may consider fit. (4) The

undisbursed balance, if any, ofthe 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. l. Substituted by Notification No. 6639-6679-XVI dated 21-12-1966. Published in M.R Rajpatra Pan IV (Ga) dated 22-9-1967 Page 651. see MPLT 1967 Part 11 Page 361. 192 [R. 65-69 The M.P. Industrial Disputes Rules, 1957 65. Time for submission of rcport.— (l) Every order for the issue of a Commission shall appoint a date. allowing sumcient time, for the Commissioner to submit his repoll. (2) If for any reason the Comtnissioner 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 tinme setting forth grounds thereof and the Labour Court shall take such grounds into consideration in passing order 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

66. 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 ofa benefit, the Labour Court may issue a Commission to a person referred to in rule 63 directing him to make such investigation and to report thereon to it

67. Commissioner's report.— (l) 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 by the Labour Court or, with the permission of the Labour Court, shall be evidence in the industrial dispute and shall form part of the record of the proceedings in the industrial dispute and 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 h is report, or as to the manner in which he has made the investigation. (3) Where the Labour Court is for any reason dissatisfied with the proceedings of the Commissioner it may direct such further inquiry to be made as it shall think fit

68. Powers of Commissioner.— Any Commissioner appointed under these Rules, may, unless otijerwise directed by the order of appointment— (a) examine the parties themselves and any witnesses 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

69. Summoning of witnesses etc.— (l) The provisions of the Code of Civil Procedure, 1908 (Act V of 1908), relating to the summoning attendance, examination of witnesses and penalties to be imposed upon witnesses, shall apply to the person required to give evidence or to reproduce documents before the Conunissioner under these Rules. (2) Every person who is sununoned and appears as a witness before the The M.P. Industrial Disputes Rules, 1957 10.15M under rule 64, of an allowance for incurred by himl in with the scale for the time being in force for payment Ofsuch allowance 70. Representation of parties before the Commissioner.- The parties to W industrial dispute shall appear before the Commissioner, either in person or by other person who is competent to represent them in the proceedinghs before the allY L Obour Court

Form L. (2) On receipt of a notice ofa strike under sub-rule (l), the employer shall forthwith intimate the fact to the Conciliation Officer having jurisdiction in the Iltatter

72. Notice of lock-out.— The notice of lock-out to be given by an employer carrying on a public utility service shall be in

Form M. l[The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment in the Manager's office : provided that where a trade union exists, a copy of the notice shall also be served on the Secretary of the Union.] 73. Report of Lock-out or strike.— The report of 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 N

74. Report of notice of strike or lock-out.— The report of notice of a strike or lock-out to be subm itted by the employer under sub-section (6) of section 22 shall be sent by registered post or given personally to the Conciliation Officer appointed for the local area concerned, with copy by registered post to : (l) The Labour Commissioner; (2) The Secretary to the Government of Madhya Pradesh in the Labour Department; and (3) The District Magistrate concerned

75. Register of settlements.— The Conciliation Officer shall file all settlements effected under this Act in respect of disputes in the area within his jurisdiction in a register maintained for the purpose as in Form O. 2[75-A. Notice of lay-off.— (l) 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 (l) of that section) is laid-off, then, the employer concerned shall give notices ofcommencement and termination Of such lay-off in Forms 0-1 and 0-2 respectively within seven days of such Commencement or term ination, as the case may be. l' Added by Notification No. 9338-1546-XVl-60dated 18-12-1962. Published in M.P. Rajpatra IV (Ga) dated 25-1-1963 Page 47. see MPLT 1963 Part [17] Page 89. by Notification No. 9335-5023-XVl-60 dated 19-12-1962. Published in M.P. Rajpatra Pan IV (Ga) dated 25- I-1963 Page 47. see MPLT 1963 8] Page 89. 223 The M.P. Industrial Disputes Rules, 1957 where notice is given to the workman, notice of retrenchmcnt shall be M.P. Industrial Disputes Rules, 1957 [R. 75B.76 within three days from the date on which notice is to the Such notices shall be gisvn by an employer in every case irrespective of. hether, in his opinion, the ssorkman laid-off is or is not entitled to compensation under Section 2S-C.J 117S-B. Application for permission to lay off under section 25M.— (l) Application for permission to lay-off any workman under sub-section (l) or for permission to continue a lay-offunder sub-section (2) ofsection 25-M shall be made in For-rn 0-3 and delisered to the authority specified under sub-section (l) either personally or by registered post acknowledgment 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 purposes of sub-section (4) of the said section. (2) The application for permission shall be made in triplicate and sufficient number ofcopies of the application for service on the workmen concerned shall also be submitted alongwith the application. (3) The employer concerned, shall furnish to the authority to whom the application for permission has been made such further information as the authority 223 considers necessary for arriving at a decision on the application as and when called for by such authority so as to enable the authority to communicate the permission or refusal to grant permission within the period specified in subsection (4) of section 25-M. (4) Where the permission to lay-off has been granted by the said Authority, the employer concerned shall give to the Assistant Labour Commissioner concerned a notice of commencement and termination of such lay-off in

Form 0-1 and 0-2, respectively, and where permission to continue a lay-off has been granted by the said authority, the employer shall give to the Assistant Labour Commissioner concerned, a notice of commencement of such lay-off in Form 0-1 in case such a notice has not already been given under sub-rule (l) of rule 75-A and a notice of termination of such lay-offin Form 0-2. (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 (l) or rule 75-A.J 2[76. Notice of retrenchment.— If any employer desires to retrench any workman employed in his industrial establishment who has been in continuous service for not less than one year under him (hereinafter referred to as 'Workman in this rule and in rule 77 and 78), he shall give notice of such retrenchment as in Form 'P' to the State Government, the Labour Commissioner, the Assistant Labour Commissioner of the concerned Division and the Employment Exchange concerned and such notice shall be served on the Government, the Labour Commissioner, the Assistant Labour Commissioner, and the Employment Exchange concerned by registered post in the following manner :— l. Inserted by Notification No. 4(c)-10-76-Lab-XVI dated 13-1-1978. Published in M.P. Rajpatra Part IV (Ga) dated 21-4-1978 Page 149. see MPLT 1978 Part 11 0 [82] Page 82

2. Substituted by Notification No.dated 13-1-1978. Published in M.P. Rajpatra IV (Ga) dated 2 1-4-1978 Page 149. see MPLT 1978 Part 11 [82] Page 82. (b) where no notice is given to the workman and he is paid one month's wages in lieu thereof, notice of retrenchment shall be sent within three days frotn the date on which such wages are paid; and (c) where retrenchment is carried out agreement which specified date for the termination ofservice, notice ofretrenchment shall be sent so as to reach the State Government, the Labour Commissioner of the Division and the Employment Exchange concerned, atleast one month provided that if the date of termination of service agreed upon is within 30 days of the agreement, the notice of retrenchment shall be sent to the State Government, the Labour Commissioner, the Assistant Labour Commissioner and the Employment Exchange concerned within 3 days of the agreement. 76-A. Notice of and application for permission for retrenchment- (l) Notice under clause (c) of sub-section (I) of section 25-N for retrenchment shall be served in Form P-A and served on the State Government or such authority as may be specified by that Government under the said clause either personally or by registered post ack'nowledgment due and where the notice is served by registered post, the date on which the same was delivered to the State Government or the authority shall be deemed to be the date of service of the notice for the purpose of sub-section (3) of the said section. (2) Application for permission for retrenchment under sub-section (4) of section 25-N shall be made in Form P-B 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 or to such authority as may be specified by that Government either personally or by registered post acknowledgment due and where the application is sent by registered post the date on which the same was delivered to the State Government or the authority shall be deemed to be the date on which the application was made for the purposes ofsub-section (5) of the said section. (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 workman concerned shall be submitted alongwith 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) ofsub-section (l) 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 authority considers necessary for arriving at a decision on Lhe notice or, as the case may be, the application, as and when called for by"uch authority, so as to enable the State GOVernment or the authority to communicate its permission or refusal to grant Permission with in the period specified in sub-section (3) or as the case Inay be, sub- section (5) of the said section 25-N. 196 The M.P. Industrial Disputes Rules, 1957 [R. 76B-78 76-B. Notice of and application for permission to close down an undertaking.— He shall give notice of such closure in Form Q to the State Government. the Labour Conun issioner, the Assistant Labour Commissioner of the Division and the Employtnent Exchange concerned, by registered posts. 76-C. Notice of and application for permission for closure.— (l) Notice under sub-section (I) of section 25-0 of intended closure shall be given in Form Q- A and served on the State Government either personally or by registered post acknowledgrnent due. (2) Application for permission to close down an undertaking, under subsection (3) of section 25-0 shall be made in Form Q-B with attested copy of the notice served by the employer under sub-section (l) of section 25-FFA appended thereto and delivered to the State Government

either personally or by registered post acknowledgment due and where the application is sent by registered post the date on which the same was delivered to the State Government shall be deemed to be the date on which the application was made for the purposes of sub-section (4) of the said section. (3) The notice, or, as the case may be, the application shall be made in triplicate. (4) The enlployer concerned shall furnish to the State Government to whom the notice of intended closure has been given or the application for permission to close down has been made such further information as that Government considers necessary for arriving at a decision on the notice, or, as the case may be, the application and calls for from such employers.] 77. 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 lease seven days before the actual date of retrenchment. 78. Re-employment of retrenched workmen.— (l) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefor, to the addresses given by h im at the time of retrenchment or at any time thereafter : Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior most workmen being double the number of such vacancies : Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen : 79-80, Form Al The M.P. Industrial Disputes Rules, 1957 197 8. t[provided also 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 intimation sent to him by the employer under this sub- ithin 7 days thereafter, the employer may not intimate to him the vacancies rule or w that may be filled on any subsequent occasion.] (2) Immediately after complying with the provisions of sub-rule (l), the employer shall also inform the trade unions connected with the industrial establishtnent of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule : provided that the provisions of this sub-rule need not be complied with by the employer in any case where intimation is sent to every one of the workmen mentioned in the list prepared under rule 77

79. Penalties.— Any breach of these Rules shall be punishable with fine not exceeding fifty rupees

80. Repeal.—All the Rules under the Industrial Disputes Act, 1947 (No. 14 of 1947) in operation in the Mahakoshal, Madhya Bharat, Vindhya Pradesh, Bhopal and Sironj regions on the date of publication of these Rules are 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. SCHEDULE FORM 'A' [See rule 3] Form of application for the reference of an industrial dispute to a Board of Conciliation/Court of Enquiry/Labour Courtrrribunal under section 10 (2) of the Industrial Disputes Act, 1947. / exists.....and..... Whereas an industrial dispute is apprehended between and it is expedient that the Inatter specified in the enclosed statement which are connected with or relevant to the dispute the dispute, investigation and settlement should be referred for enquiry/adjudication by a Board of Conciliation/a Court of Enquiry/ a Labour Court/a Tribunal an application is hereby made under sub-section (2) of section IO of the Industrial Disputes Act, 1947, that the said matters/said disputes should be referred to a Board ofConciliation/a Court of Enquiry/ a Labour Court/a Tribunal. Inserted by Notification No. 7014-5052-XVI dated 5-10-1961. Published in M.P. Rajpatra l. Part IV (Ga) dated 3-11-1961 Page 927. see MPLT 1961 11 [1341 Page 189. The M.P. Industrial Disputes Rules, 1957 DJ The MP Industrial Disputes Rules, 1957 Specific matters in dispute. [Form B-C 198 199 (ii) Details of the parties to the dispute including thc name and of This application is made by the undersigned "ho have/has been duly authorised to do so by virtue ofa resolution (copy enclosed) adopted by a majority of the members .hcld on the... 19 223 present at a meeting of the..... A statement giving the particulars required under rule 3 of the Madhya Pradesh Industrial Dispute Rules, 1957, is attached. Dated the..... To, Signature of the Applicant The Secretary to the Government of Madhya Pradesh Labour Department Statement required under rule 3 of the Madhya Pradesh Industrial Disputes rules, 1957, to accompany the form of application prescribed under sub-section (2) of section IO of the Industrial Disputes Act, 1947; (a) Parties to the dispute including the name and address of the establishment or undertaking involved. (b) Specific matters in dispute. (c) Total number of workmen employed in the undertaking affected. (d) Estimated number of workmen affected or likely to be affected by the dispute. (e) Effects made by the parties themselves to adjust the dispute. FORM B [See rule 6] (iii) Name of the Union, if any, representing the workmen in question. (iv) Total number of workmen employed in the undertaking affected. (v) Estimated number of workmen affected or likely to be affected by the '[We further agree that the majority decision ofthe arbitrators shall binding on us. In case the arbitrators shall be equally divided in their opinion, they shall appoint another person as umpire whose award shall be binding on us. The arbitrator(s) shall make his (their) award within a period of (here specify the period agreed upon by the parties) or within such further tirr as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automaticaJ}y cancelled and we shall be free to negotiate for fresh arbitration.] Signature of the Parties Witnesses : (2) Whereas an industrial dispute has arisen/is apprehended between Copy to : and .....and it is expedient to refer the said dispute under section IO of the Industrial Disputes Act, 1947 to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the.... the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) on the said Board. If you fail to make the recommendation by the date specified above, the State Government will select and appoint such person(s) it as thinks fit to represent you. Secretary to the Government of Madhya Pradesh Labour Department

FORM C [See rule 7 J Agreement (Under section IO-A of the Industrial Disputes Act, 1947) BETWEEN Name of Parties Representing employers : Representing workmen : Jt is hereby agreed between the parties to refer the following industrial dispute to the arbitration of [Here specify the name(s) and Address(es) of the arbitrator(s)] (i) (ii) (iii) Representing workmen. Representing employers. The Conciliation Officer (here enter office address of the Conciliation Officer in local area concerned). The Labour Commissioner, Madhya Pradesh, Indore, The Secretary to the Government of Madhya Pradesh, Labour Department, Bhopal. FORM D [See rule 17] and Whereas an industrial dispute between referred to. this Board of Conciliation for investigation and settlement/ Court of Enquiry for investigation/ Labour Court/Tribunal for adjudicature under section IO of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Board/Court/Labour Court/Tribunal in person on the ....day Of.....at.....o'clock in the.....noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other d0cuments and things in your possession or under your control in any way relating to the matter investigation by this Board/Court/Labour Court/Tribunal. l. Substituted by Notification No. 6639-6679-xVl dated 21-12-1966. Published in M.P. Rajpatra Part (Ga) dated 22-9-1967 Page 651. see MPLT 1967 11 page 361. 200 Dated The M.R Industrial Disputes Rules, 1957 [Form E-F The M.P. Industrial Disputes Rules, 1957 FORM G [See rule 47] Form ofNomination Paper 201 223 Board of Concil iation Chairman/Secretary Court of Enquiry Labour Court Presiding Officer/Registrar Tribunal. FORM E [See rule 34] Noticc of change to be given by an Employer Name of employer address day of 19 Dated the To, The Secretarv/Principal Officer of the Union/Association The workinan/workmen affected Dear Sir/Madam, In accordance with section 9-A of the Industrial Disputes Act, 1947, I/we beg to inform you that it is my/our intention to effect the change/changes specified in the annexure to this letter, with effect from Yours faithfully, Signature. Name Designation..... Annexure (Here specify the change/changes intended to be effected) FORM F [See rule 36] (Here mention the authority concerned) Name of Industrial Establishment Group/Section/Shop/Depanment 1 nominate (here enter the name ofthe workmen's representative eligible for election) as a candidate for election te the Works Committee. He is eligible as a voter in the constituency for which he is nominated. Date I agree to the proposed nomination. Date . Attested by : (l) (2) Signature of proposer Signature ofcandidate (To be signed by any two voters belonging to the electoral constituency). FORM H [See rule 58] Form of Memorandum of Settlement Name of Parties : Representing employer(s): Representing workmen : Witnesses : Short recital of the case Terms of settlement Signature of the parties ..... Before of Workmen Reference No Versus Employer. In the matter of to represent me/us in I/We hereby authorise Shri/Sarvashree..... the above matter. 19 day of Dated this S ignature of person(s) nom inating the representative(s). Address Accepted. Signature of representative(s) Address. (2) Conciliation Officer ISignature of Board of Conciliation Copy of2(I) Conciliation Officer (Here enter the officer address ofthe Conciliation Officer in the local area concerned) Labour Commissioner, Madhya Pradesh, Indore. The Secretary to the Governnwnt of Madhya Pradesh. Bhopal Labour Department. In cases of settlements effected by Conciliation Oflicer/Board ot-conciliation. In cases of settlements are arrived at between the etnployer and his workmen otherwise than in the course of conciliation proceedings. The M.P. Industrial Disputes Rules, 1957 FORM 1 [See rule 59) Labour Court....complaint under Tribunal Section 33-A of the Industrial Disputes Act, 1947. A .....Complainant(s) Address : Versus B.....Opposite Party(ies) Address : In the matter of Reference No 202 Before the l. [Form I-J The M.P. Industrial Disputes Rules, 1957 form KJ The above mentioned applicant begs to state as follows : 203 [Here mention the action specified in clause (a) or clause (b) ofsubsection (l) The therefore prays that express permission may kindly be granted to him to take the following action, namely : [Here mention the action specified in clause (a) or clause (b) of sub-section (I)/sub-section (3) of section 33]. 223 Dated this . Signature of the applicant ...days of 19 (Signature of the person verifying) The petitioner(s) begs/beg to complain that the Opposite Party(ies) has/ have been guilty ofa contravention of the provisions of section 33 ofthe Industrial Dispute Act, 1947 (14 of 1947) as shown below : (Here set out briefly the particulars showing the manner in which the alleged contravention. has taken place and the grounds on which the order or act of management is challenged). The complainant(s) accordingly prays/pray that the Labour Court/Tribunal may be pleased to decide the complaint set out/above and pass such order/orders thereon as it may deem fit and proper. The number of copies of the complaint and its annexures required under rule 59 of the Madhya Pradesh Industrial Disputes Rules, 1957, are subniitted herewith. Signature of the Complaintant(s) Dated this .....day of ...

19. Verification above is I do solemnly declare that what is stated in paragraphs above is true to my knowledge and that what is stated in paragraphs stated upon information received and believed by me to be true. This verification is 19 day of signed by me at on Signature/or Thumb impression of the person verifying FORM J [See rule 60 (DJ Before (here mention the Conciliation Officer, Board, Labour Court or Tribunal) Application for permission under sub-section (I)/sub-section (3) of section 33 of the Industrial Disputes Act, 1947 (14 of 1947), in the matter of Reference No. Applicant. Address : Versus Opposite Party(ies) Address(es) Date (on which the verification was signed) Place (at which the verification was signed) FORM K [See rule 60 Before (here mention the Conciliation Officer, Board, Labour Court or Tribunal) Application under sub-section (2) of section 33 of the Industrial Disputes Act, 1947 (14 of 1947) in the matter of Reference No. ... Applicant Address : Versus B.....(Opposite Party(ies) Address(es) The above mentioned applicant begs to state as follows : (Here set out the relevant facts and circumstances of the case). I The workman/workmen discharged/dismissed under clause (b) ofsub-section (2) of section 33 has/have been paid wages for one month. The appl icant prays that the Concil iation Offcer/Board/Labour CourvTribunal may be pleased to approve of the action taken namely : (Here mention the action taken under clause (a) or clause (b) of subsection (2) of section 33). Signature ofthe Application .....day 19 Dated this... (Signature of the person verifying) Date (on which the verification was signed) Place (at which the verification was signed) Delete if not applicable. K-21 204 l. M.P. Industrial Disputes Rules, 1957 'IFORM K-1 ISec sub-rule (l) of rule 621 [Fortn K-l For") Sir, The M.P. Industrial Disputes Rules. 1957 FORM K-2 [See sub-rule (l) of rule 621 205 223 Application under sub-section (I) of section 33 of the Industrial Disputes Act

1947. Sir, The Secretary to Governtnent, Madhsa Pradesh I-abour Deparünent. Bhopal The Labour Conunissioner, Pradesh. Indore. Application by a person authorised by a workman or by the assignee or heir of a dcceascd workman undcr sub-section (l) of section 33-C Of thc Industrial Disputes Act, 1947 The Secretary to Governrnent, Madhya Pradesh Labour Departtnent, Bhopal. The Labour Conunissioner, Madhya Pradesh, Indore. IAVe hase to state that I atnAse are entitled to receive from M/s.. a sunt of Rs. on account of .....under the provisions of Chapter V-A of the Industrial Disputes Act, 1947/in tertns of the award dated the gÅ•n ...../in tertns of the settletnent dated the arrived at bemeen the said M/s.. . .....and their workinen through..... ... the duly elected representatives. IAVe further state that l/ We served the rnanagetnent with a dernand notice by registered post on for the said atnount which the ruanagelnent has neither paid nor offered to pay to tne/us even though a fortnight has since elapsed. The details of the amount have been Inentioned in the settletnent hereto annexed. l,' We request that the said stun Inay kindly be recovered frotn the managelnent under sub-section (l) of section 33-C of the Industrial Disputes Act, 1947 and paid to me/us as early as possible. Signature of the Applicant(s) 3 Station Annexure Address(es) (l lere indicate the details of the atnount(s) claitned) Note— Ifthe amount/amounts mentioned in the statement annexed have been detennined by the Labour Court on an application Inade to it under rule 62 (2), a certified copy of the said court's order shall be enclosed with the application. l. Substituted by Notification No. 6639-6679-XVI dated 21-12-1966. Published in M.P. Pan IV (Ga) dated 22-9-1967 Page 651. see MPLT 1967 Pan 11 012981 Page 361. l, Shri/Shritnati/K111nari..... .....have to state that Shril Shrimati/ is/was entitled to receive from M/s Kutnari sum ....on account of..... .. ..under the provisions of Chapter V-A of of the Industrial Disputes Act, 1947/in tertns of the award dated the.... .....gÅen .....in tertns of the settletnent dated by arrived at betueen the said M/s. .....and their workmen through.....the duly elected representatives. I further state that I served the Inanagement with a demand notice by for the said alnount which the ntanagetnent has neither paid or post on offered to pay to tne even though a fortnight has since elapsed. The details of the atnount have been rnentioned in the statement hereto annexed. *l request that the said sum Inay kindly be recovered from the management under sub-section (I) of section 33-C of the Industrial Disputes Act. 1947. and paid to Ine as early as possible. . (here insert the narne 01 *l have been duly authorised in writing by the worktnan) to tnake this application and to receive the paynent of thc afotvsaid arnount due to h inu *l ani the assignee/heir of the deceased workman and ant entitled to receive the paytnent of the aforesaid atnount due to hilü. *Strike out the portions inapplicable. Signature of the applicant Station Address Dated Note.— Ifthe atnount/atnounts Inentioned in the statetnent annexed have been deternlined by the Labour Court on an application made to it under rule 62 (2), a certified copy of the said court's order shall be enclosed with the application. Annexurv [Here indicate lhe details of the amount claimed] 206 Dated this .....day of ..... The M.P. Industrial Disputes Rules, 1957 FORM K-3 [See sub-rule (2) of rule 62) [Form K3-L Application under sub-section (2) of section 33-C of the Industrial Disputes Act, 1947 between Before the Labour Court at l. Name of the applicant(s) 2. Name of the Employer a workman of ./The petitioners The petitioner..... undersigned, workmen of..... ..M/s of is/are entitled to receive from the said M/s.....the money/benefits mentioned in the statement hereto annexed. It is prayed that the court be pleased to determine the amount/amounts due to the petitioners. Signature or thumb-impression(s) of the applicant(s) Address(es) Station..... Dated Annexure Herein set out the details of money due or the benefits accrued together with the cases for their adimissibility.]

FORM L [See rule 71] Form of notice of strike to be given by in a public utility service Name of Union I [Names of five elected representatives of workmen] The M.P. Industrial Disputes Rules, 1957 l[Five representatives Of the workmen duly elected at a meeting held on 207 223 (date), vide resolution attached.] Annexure Statement of the Case Copy to : (1) Conciliation Officer. (Here enter office address of the Conciliation Officer in the local area concerned.) (2) The Labour Commissioner, Indore. FORM M [See rule 72] Form of notice of lock-out to be given by an employer carrying on a public utility service Address Name of employer.. .dated this .....20 day To, I [All workmen employed in the industry/workmen of Department/Section (here specify the department or section affected by the lock-out) The workmen concerned (here specify the names of the workmen affected by the lock-out)] '[Dear Sirs], In accorded with the provisions ofsub-section (2) ofSection 22 ofthe Industrial Disputes Act, 1947, l/we hereby inform you that it is my/our intention to effect a lock-out with effect from .....for the reasons explained in the annexe. *Yours faithfully *Here insert the position which the person who signs the letter holds with the Address To Dear Sir/Sirs, 19. . (The name of the employer) employer issuing this letter. Statement of the Case. Annexe In accordance with the provisions contained in sub-section (l) of section 22 of the Industrial Disputes Act, 1947, I/we hereby give you notice that I propose to call a strike/we propose to go on strike on..... 19 for the reasons explained in the annexe. Yours faithfully Secretary of the Union l. Substituted by Notification No. 9338-1546-XVl-60 dated 18-12-1962. Published in M.P. Rajpatra Part IV (Ga) dated 25- I -1963 Page 47. see MPLT 1963 Pan 11 a [17] Page 89. 2 Substituted by Notification No. 6639-6679-XVI dated 21-12-1966. Published in M.P. Rajpatra Part IV (Ga) dated 22-9-1967 Page 651. see MPLT 1967 Part 11 [298] Page 361. Copy to : (l) Conciliation Officer (Here enter office address of the Conciliation Officer in the local area concerned). (2) The Labour Commissioner, Indore l. Substituted by Notification No. 9338-1546-XVl-60dated 18-12-1962. Published in M.P. Rajpatra Part IV (Ga) dated 25-1-1963 page 47. see MPLT 1963 Pan 11 Page 89. 0-01] 208 The M.P. Industrial Disputes Rules. 1957 FORM N rule 73] [Form N Form of Report of Strike or Lock-out in a public utility service Informa- tion to be supplied in this form immediately cn thc occurrence of a strike or lock-out in a public utility service to the Conciliation Officer for the fortll Serial Industry M.P. Industrial Disputes Rules, 1957 FORM O [See rule 751 Register Part I Parties to the settlement Date of settlement 209 223 • Remarks Name of undertaking (l) Number of Workers involved local arca concerned Station and District (2) Normal working strength (3) Date of Cause Directly (4) Indirectly (5) Strike or lockout (6) commencement of strike or lock-out (7) Was notice of strike or lock-out given, if so, on what date and for what period (9) Is there any permanent agency or agreement in the undertaking for the settlement of disputes between the employer and workman ? If any exist, particulars thereof (10) (8) Any other information (11) *Whether the settlement was effected at the intervention of the conciliation inery, or by mutual negotiations between the parties, may be indicated here. Part 11 (Should contain one copy each of the settlements in the serial order indicated in Part I). I IFORM 0-1 [See rule 75-A] The Assistant Labour Commissioner, Indore/Gwalior/Jabalpur/Raipur/Bhopal/Division Sir, Under rule 75-A of the Madhya Pradesh Industrial Disputes Rules. 1957. hereby inform you that I/we have laid of* out ofa total workmen employed in the establishment with effect from ** reasons explained in the Annexure. for the (2) Such of the workmen concerned as are entitled to compensatiqn under section 25-C, of the Industrial Disputes Act, 1947, will be paid compensation due to Note.— Column (3) : Give the average number ofworkmen employed during the rnonth previous to the day on which the strike or lock-out occurred. While reckoning the average omit the days on which the attendance was not normal for reasons other than individual reasons of particular workmen. Thus days on which strike or lock-out occurs or communal holiday is enjoyed by a large section of workers should be omitted. Column (4) : If say, 200 workers in a factory strike work and in consequence the whole factory employing, 1,000 workers has to be closed then, 200 should be shown under 'directly' and the remaining under 'indirectly. Ifthe strike of 200 workers does not affect the working of the other departments of the factory, the number of workers involved would only be 200, which figure should appear under 'directly' and column 'indirectly' would be blank. Column No. (8) : Give the main causes of the dispute as well as the immediate cause that led to the strike or lock-out. them. Copy forwarded to— # Yours faithfully (l) The Labour Commissioner, Madhya Pradesh, Indore, (2) The Conciliation Officer *Here insert the number of workmen. * *Here insert the date #Here insert the position which the person who signs the letter holds with the employer issuing the letter. ANNEXURE [Statement of reasons] Inserted by Notification No. 9335-5023-XVl-60 dated 19-12-1962. Published in M.P. Rajpatra

Part IV (Ga) dated 25-1-1963 Page 47. see MPLT 1963 11 0 [1 81 Page 89. l. 0-3] The M.E Industrial Disputes Rules, 1957 210 To, The M.R Industrial Disputes Rules, FORM 0-2 [See rule 75-A] 1957 [Form 02-03 211 Yours faithfully, (Signature) 223 *Strike out whatever is inapplicable. ANNEXURE The Assistant Labour Commissioner, Indore/Gwalior/Jabalpur/Raipur/Bhopal/Division Sir, As required by rule 75-A of the Madhya Pradesh Industrial Disputes Rules, 1957, and in continuation ofmy/our notice dated * ....in Form 0-1, I/we hereby inform you that the lay-off in my/our establishment has ended Item on* Copy forwarded to— # Yours faithfully (l) The Labour Commissioner, Madhya Pradesh, Indore, (2) The Conciliation Officer * *Here insert the date. *Here insert the position which the person who signs the letter holds with the employer issuing the letter.] I [FORM 0-3 (To be submitted in triplicate with additional number of copies for service on the workman concerned) (See rule 75-B Form of application for permission to lay-off workmen in industrial establishment to which provision of chapter VB of the Industrial Disputes Act, 1947 (14 of 1947) apply To, (The authority specified under sub-section (l) of section 25-M of the Act) Sir, Under sub-section (l)/sub-section (2) of section 25-M of Industrial Disputes Act, 1947 (14 of 1947) read with sub-rule (l) of rule 75B of the Madhya Pradesh Industrial disputes Rules, 1957. I/We hereby apply for* permission to layoff/ permission to continue the lay-off of a total of ..... workmen employed in my/our establishment with effect from.....for the reasons set out in the Annexure. Permission is solicited *for the lay-off/to continue the lay-off of the said workmen. Such of the workmen permitted to be laid-off will be paid such compensation, if any, to which he is entitled under sub-section (6) of section 25-M, read with section 25-C, of the Industrial Disputes Act, 1947 (14 of 1947)

1. Inserted by Notification No.4(c)-10-76-Lab-XVI dated 13-1-1978. Published in M.P. Rajpatra Part IV (Ga) 21-4-1978 Page 149. see MPLT 1978 Part 11 [821 Page 82. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. (Please give replies against each item) Name of the undertaking with complete postal addresses, including telegraphic addresses and telephone number. (a) *Names and addresses of the affected workmen proposed to be laid off/names and addresses of the workmen laid off before the commencement of the Industrial Disputes (Amendment) Act, 1976 (32 of 1976) and the dates from which each of them have been laid off. (b) The nature of the duties of the workmen referred to in sub-item (a), the units/ sections/shops where they are working and the wages drawn by them. Product/products of the undertaking. Details relating to installed capacity, licenced capacity and utilised capacity. (i) Annual production, item-wise for preceding three years. (ii) Production figures, month-wise for the preceding twelve months. Work-in-progress, item-wise and value-wise. Any arrangements regarding off loading or subcontracting of products or any components thereof. Position of the order book, item-wise and value wise for a period of six months, and one year, next following and for the period after the expiry of the said one year. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift. Balance-sheets, profits and loss accounts and audit reports for the last three years. Financial position of the company. Names of inter-connected company or companies under the same management. 212 13. 14. 15. 16. 17. 18. 19. 20. 21

22. The M.P. Industrial Disputes Rules, 1957 (i) The total nujnber of workmen and the number ofemployees other than workmen as defined under the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking. (ii) Percentage of wages of workmen to the total cost of production. Administrative, general and selling cost in absolute terms per year in the last three years and percentage thereof to the total cost. Details of lay-off resorted to the last three years (other than the lay-off for which permission sought), including the periods of such lay-offs, the number of workmen involved in eachsuch lay-off and the reasons therefor. Anticipated savings due to the *proposed lay- off/ lay-off for the continuance of which permission is sought. Any proposal for affecting saving on account of reduction infi (i) managerial remuneration, (ii) sales promotion cost, and (iii) general administration expenses. Position of stocks on last day of the month in the preceding twelve months. Annual sales figures for the last three years and monthwise sales figures for the preceding twelve months, both itelnwise and value-wise. Reasons for the *proposed lay-off/lay-off for the continuances of which permission is sought. Any specific attempts made so far to avoid the *proposed lay off/lay-off for the continuance of which permission is sought. Any other relevant factors with details thereof. [Form P forrll The M.P. Industrial Disputes Ruics, 1957 213 223 To, The Secretary to the Government of Madhya Pradesh Labour Department, Bhopal sir, Under clause (c) of section 25-F of the Industrial Disputes Act. 1947 (14 of 1947), I/ We hereby inform you that l/we have decided to retrench l. workmen with effect from for the reasons explained in the annexure. 2.3 The workmen concerned were given on the2....20..one month's notice in writing as required under clause (a) of section 25-F of that Act/Retrenchment is being effected in pursuance of an agreement, a copy of which is enclosed. The workmen were given on the2. . one month's pay in lieu of notice, as required under clause (a) of section 25-F of that Act; 3. The total number of workmen employed in the industrial establishment and the total number of those who will be effected by the retrenchment .4 is given below : 5[Category and designation] to be retrenched Number of workmen of workmen Employed (2) To be retrenched (3) 4. I/ We hereby declare that the workman/workmen concerned has/have been/ will be paid compensation due to them and under section 25-F of the Act on the expiry of the notice period. 6 Yours faithfully ANNEXURE Statement of Reasons Copy to— (l) Conciliation Officer (Here enter office address of the Conciliation Officer in local area concerned). *Strike out whatever is inapplicable. FORM P [See rule 76] Form of notice of retrenchment to be given by an employer under clause (c) of section 25-F of the Industrial Disputes Act, 1947 Address Name of employer .... 19 day of dated the . l. 2. 3. 5. 6. 7. (2) The Labour Commissioner, Indore. Employment Officer, Employment Exchange Here insert the number ofworkmen. Here insert the date. Delete the portion which is not applicable. Here insert the total number of workmen employed in the industrial establishment. Substituted by Notification No. 6639-6679-XVI dated 21-12-1966. Published in M.P. Rajpatra Pan IV (Ga) dated 22-9-1967 Page 651. see MPLT 1967 11 page 361. Insert the position of the person signing the letter, which he hold with the employer. Added by Notification No. dated 13- I -1978. Published in M.P. Rajpaua Part IV (Ga) dated 2 1-4-1978 Page 149. see MPLT 1978 11 0 Page 82. 215 223 214 The M.P. Industrial Disputes Rules, 1957 '[FORM P-A (To be in triplicate with additional number of copies for service on the workman concerned) [See rule 76-A (l [Form P-A p-AI

form No. Item Form of notice for permission for retrenchment of workman to be given by an employer under clause (c) of sub-section (1) of section 25 N of the Industrial Disputes Act, 1947 (No. 14 of 1947) To, [The State Government/authority specified under clause (c) of sub-section (I) of section 25-N of the Act]. Sir, Under clause (c) of sub-section (l) of section 25-N of the Industrial Disputes \ct, 1947 (14 of 1947), I/ We hereby inform you that I/ We propose to retrench..... vorkmen (being workmen to whom sub-section (l) of section 25-N applies) with fect from.....for the reasons set out in the Annexures. 2. *The workmen concerned have been given notice in writing as required 'inder clause (a) of sub-section (l) of section 25-N of the Act/have not been given notice since the retrenchment being proposed to be effected under an agreement (a copy of which is enclosed) as provided in the proviso to the said clause

3. The total number of workmen employed in the industrial establishment is.... and the total number of those who will be affected by the proposed retrenchment is as given below :— Category and designation to be retrenched (l) Number of workmen of workmen Employed (2) To be retrenched (3) 2. 3. 4. 5. 6. 7. 8. 9. IO. 11. 12

13. The M.R Industrial Disputes Rules, 1957 ANNEXURE (Please give replies against each item) Name of the undertaking with complete postal addresses, including and telephone number Names and addresses of the workmen proposed to be retrenched and the nature of their duties, the un its/sections/shops where they are working and the wages drawn by them. Product/products of the undertaking. Details relating to installed capacity, licenced capacity and utilised capacity. (i) Annual production figures monthwise for three years. (ii) Production figures, month-wise for the preceding twelve months. Work-in-progress, item-wise and value-wise. Any arrangements regarding off loading or subcontracting of products or any components thereof. Position of the order book, item-wise and value wise for a period of six months, and one year, next following and for the period after the expiry of the said one year. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift

4. Permission is solicited for the proposed retrenchment under clause (c) of sub-section (l) of section 25-N of the Industrial Dispute Act, 1947 (No.14 of 1947). 5. I/We hereby declare that the workmen permitted to be retrenched will be paid compensation due to them under clause (b) of sub-section (l) of section 25-N of the Act. *Strike out whatever is inapplicable. Yours faithfully (Signature) Inserted by Notification No. 4(c)-10-76-Lab-XVI dated 13-1-1978. Published in M.P. Rajpatra Part (Ga) dated 21-4-1978 Page 149. see MPLT 1978 Part 11 a [821 Page 82. Balance-sheets, profits and loss accounts and audit reports for the last three years. Financial position of the company. Names of inter-connected company or companies under the same management. (i) The total number of workmen and the number ofemployees other than workmen as defined under the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking. (ii) Percentage of wages of workmen to the total cost of production. Administrative, general and selling cost in absolute terms per year in the last three years and percentage thereof to the total cost. The M.P. Industrial Disputes Rules, 1957 fortn P-BI Sir, 216 15. 16. 17. 18. 19. 20. 21. 22. 23

24. The MP Industrial l)isputes Rules.1957 Details of retrenchjnent resorted to in the last three years including dates or retrenchrncnt, the ntllnber of involu•d in each case and the reasons thetvfor. Has any of the retrenched workmen been given re-etnployment and if so, when ? Give details. Are seniority lists maintained in respect of categories of worktnen proposed to be retrenched and if so, the details and the position of the workmen affected indicating their length of service including broken period of service. Anticipated savings due to the proposed retrenchtnent. Any proposal for affecting savings on account of reduction in :— (i) Managerial remuneration; (ii) Sales promotion cost; and (iii) Administration expenses. Position of stock on the last day of the month in the preceding twelve months. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item wise and value-wise. Reasons for the proposed retrenchment. Any specific attempts made so far to avoid the proposed retrenchment Any other relevant factors with details thereof: FORM P-B (To be made in triplicate with additional number of copies for service on the workman concerned) [See Rule 76-A [

Form 22) 217 I/We has given notice on .. . ..undcr clause (a) of section 25-F for the retrenchment of thc workman/workmcn spccificd below attested copy/copies of thc notice is/arc appended hereto Name and address of workman (l) Category and designation (2) 2. The period of notice referred to above has not expired. 3. I/we hereby sol icit perm ission for the retrenchment of the workman referred to above under sub-section (4) of section 25-N of the Industrial Disputes Act, 1947 (No. 14 of 1947) for the reasons sct out in the Annexure. Yours faithfully, (Signature) Form of application for permission for retrenchment of workman in cases where at the commencement of the Industrial Disputes (Amendment) Act, 1976 (No. 32 of 1976), the period of the notice given under the clause (a) of section 25-F for the retrenchment has not expired. Date..... To, (The State Government/authority referred to in sub-section (2) of section 25- N of the Act). Item No. l. 2. 3. 4. 5. 6. 7

8. ANNEXURE (Please give replies against each item) Name of the undertaking with complete postal addresses, incl uding telegraphic addresses and telephone number.(a) Names and addresses of the workmen proposed to be retrenched and the nature of their duties, the units/sections/shops were they are working and the wages drawn by them. (b) Date of the notice of retrenchment given to the workmen concerned under section 25-F (a) and the dates on which the said notice was served on each workman concerned. Product/products of the undertaking. Details relating to installed capacity, licenced capacity and the utilised capacity. (i) Annual production, item-wise for preceding three years. (ii) Production figures, month-wise for the preceding twelve months. Work-in-progress, item-wise and value-wise. Any arrangements regarding off loading or subcontracting of products or any cotnponents thereof. Position of the order book. item-wise and value wise for a period of six months, and one year, 218 9. IO. 11. 12. .....dated 13. 14. 15. 16. 17. 18. 19. 20

21. The M.P. Industrial Disputes Rules, 1957 next following and for the period after the expiry of the said one yean Number of working days in a week with the number of shifts per day and the strength or workmen per each shift. Balance-sheets, profits and loss accounts and audit reports for the last three years. Financial position of the company. Names of inter-connected company or companies under the same management. (i) The total number of workmen and the number ofemployees other than workmen as defined under the Industrial Disputes Act. 1947 (14 of 1947), employed in the undertaking. (ii) Percentage of wages of workmen to the total cost of production. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost. Details of retrenchment resorted to in the last three years including dates or retrenchment, the number of workmen involved in each case and the reasons therefor. Has any ofthe retrenched workmen been given re-employment and if so, when ? Give details. Are seniority lists maintained in respect of the categories of workmen proposed to be retrenched and if so, the details and the position of the workmen affected indicating their length of service including broken periods of service. Anticipated savings due to the proposed retrenchment. Any proposal for affecting savings on account of reduction in :— (i) Managerial remuneration; (ii) sales promotion cost; and (iii) administration expenses. Position of stock on the last day ofthe month in the preceding twelve months. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item wise and value-wise. [Form P-B The M.P. Industrial Disputes Rules, 1957 Form Q-QAI 22. Reasons for the proposed retrenchment

23. Any specific attempts made so far to avoid the proposed retrenchment

24. Any other relevant factors with details thereof.] 223 219 'IFORM Q (See rule 76-BI Form of notice of closure to be given by an employer under section 25-FFA of the Industrial Disputes Act, 1947. Name of employer Address day of..... To The Secretary to Government, Madhya Pradesh, Labour Department, Bhopal. Sir, Under section 25-FFA of the Industrial Disputes Act, 1947 (14 of 1947), l/We hereby inform you that I/ We, have decided to close down....(name of the undertaking) with effect from....for the reasons explained in the annexure. The number of workman whose services would be terminated on account of (number of workman). the closure of the undertaking is Yours faithfully (here insert the position which the person who signs this letter holds with the employer issuing this letter). ANNEXURE Statement of reasons Copy to :— (l) The Labour Commissioner, Madhya Pradesh, Indore. (2) The Assistant Labour Commissioner (3) The Employment Exchange . *(Here enter the office address of the Labour Commissioner/Assistant Labour Commissioner and the Employment Exchange in the local area concerned.] IIFORM Q-A (To be submitted in triplicate) [See Rule 76C Form of Notice for permission of

closure to be given by an employer under sub-section (IO) of section 25-0 of the Industrial Disputes Act, 1947 (No. 14 of 1947). Inserted by Notification No. dated 13-1-1978. Published in M.P. Rajpatra Pan IV (Ga) dated 2 1-4-1978 Page 149. see MPLT 1978 Part 11 (821 Page 82. The M.R Industrial Disputes Rules, 1957 Form Q-Al 220 To, The MP Industrial Disputes Rules, 1957 [Form Q-A 8. 9. IO. 11. 12. 13. 14. 15. 16. 17. 18. 19

20. Details of persons or the organisations to whom the job(s) is (are) being entrusted relationship/ interest of the persons/organisations with the director(s) or the officer(s) of the company. Position of the order book, item-wise and value wise for a period of six months, and one year, next following and for the period after the expiry of the said one year. Number of working days in a week with the number of shifts per day and the strength of -workmen per each shift. Balance-sheets, profits and loss accounts and audit reports for the last three years. Financial position of the company. (i) Names of inter-connected company or companies under the same management. (iD Details about inter-corporate investments and changes during the last one year. (iii) Interest of any of the directors/officer of the undertaking producing same or similar type of product. Percentage of wages of workmen to the total cost of production. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof of to the total cost. Inventory position fiern wise and value-wise for the preceding twelve months (inventories to be show in respect of finished products, components and raw materials to be shown separately, item wise and value-wise) Selling arrangements for the last three years and any changes in the selling arrangements in preceding twelve months. Full details of the interest of the directors and officers of the company in the organisations/ persons involved in selling products of the undertaking. Buying arrangements for raw materials and components. Interest of the directors and officers with the organisations/persons involved in buying rawmaterials and components for the undertaking. 221 223 The Secretary to the Government of Madhya Pradesh, Labour Department, BHOPAL Sir, Under section 25-0 of the Industrial Disputes Act, 1947 (No. 14 of 1947), I/ we hereby inform you that l/we propose to close down the undertaking specified below (Name of the industrial establishment) (Give details of the undertaking) With effect from .for the reasons explained in annexure

2. The number of workmen whose services will be terminated on account of the closure of the undertaking is.....(number of workmen)

3. Permission is solicited for the proposed closure.4. l/we hereby declares that in the event of approval for the closure being granted every workman in the undertaking to whom sub-section (7) of the said section 250 applies will be given notice and said compensation as specified in section 25-N of the Industrial Disputes Act, 1947 (No. 14 of 1947) as if the workman had been retrenched under that section. Item No. l. 2. 3. 4. S. 6

7. Yours faithfully.ANNEXURE (Please give replies against each item) Name of the industrial establishment with complete postal addresses, including telegraphic addresses and telephone number. The total number and categories of the workmen affected by the proposed closure, alongwith the addresses of the workman and the details of wages drawn by them. Product/products of the undertaking. Details relating to licenced capacity, installed capacity and the utilised capacity. (i) Annual production item-wise for preceding three years. CID Production figures, month-wise for the preceding twelve months. Work-in-progress, item-wise and value-wise. Any arrangements regarding off loading or subcontracting of products or any components thereof. 222 21. 22. 23

24. The M.P. Industrial Disputes Rules, 1957 Annual and sales figures for the last three years and months-wise sales figures for the proceeding twelve months both item-wise and value-wise. Reasons for the proposed closure. Any specific attempts made so far to avoid the proposed closure. Any other relevant factors with details thereof. FORM Q-B (To be submitted in triplicate) [See Rule 76C [Form Q-B Form of application for permission to close down an undertaking in cases where at the commencement of the Industrial Dispute (Amendment) Act, 1976 (No. 32 of 1976), the period of notice given under sub-section (1) of section 25-FFA of intention to close down an undertaking has not expired. Date..... To The Secretary to the Government of Madhya Pradesh, Labour Department, BHOPAL Sir, I/ We have given notice on under sub-section (l) of section 25-FFA of our intention to close down an undertaking specified below :— (Name of industrial establishment) (Attested copy of the notice is appended hereto) (Give details of the undertaking) 2. The period of notice referred to above has not expired. 3. I/ We hereby solicit

permission to close down the said undertaking under sub-section (3) of section 25-0 of the Industrial Disputes Act, 1947 (No. 14 of 1947), for the reasons set out in the Annexure. 4. I/We hereby declare that in the event of permission for the closure being granted every workmen in the undertaking to whom sub-section (7) of the said section 25-0 applies will be given notice and paid compensation as specified in section 25-N ofthe Industrial Disputes Act, 1947 (No. 14 of 1947), as if the workmen had been retrenched under that section. Yours faithfully, (Signature). 5, Form Q-B] Item No. 2. 3. 4. 5. 6. 7. 8. 9. IO. 11. 12. 13

14. The M.P. Industrial Disputes Rules, 1957 223 ANNEXURE (Please give replies against each item) Name of the industrial establishment with complete postal addresses, including telegraphic addresses and telephone number. Date of notice under sub-section (1) of section 25-FFA and the date on which the said notice was served on the appropriate Government. The total number and categories of the workmen affected by the proposed closure, alongwith the addresses of the workman and the details of wages drawn by them. Product/products of the undertaking. Details relating to licenced capacity, installed capacity and the utilised capacity. (i) Annual production item-wise for preceding three years. (ii) Production figures, month-wise for the preceding twelve months. Work-in-progress, item-wise and value-wise Any arrangements regarding off loading or subcontracting of products or any components thereof. Details of persons or the organisations to whom the job(s) is (are) being entrusted relationship/ interest of the persons/organisations with the directors(s) or the officer(s) of the company. Position of the order book, item-wise and value wise for a period of six months, and one year, next fol lowing and for the period after the expiry of the said one year. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift. Balance-sheets, profits and loss accounts and audit reports for the last three years. Financial position of the company. (i) Names of inter-connected company or companies under the same management. (ii) Details about inter-corporate investments and changes during the last one year. 224 The M.R Industrial Disputes Rules, 1957 (iii) Interest of any of the a directors/officers of the undertaking producing same or silüilar type or product. Percentage of wages of workmen to the total cost ofproduction. Adnlinistrative, general and selling cost in absolute terms per year for the last three years and percentage there of to the total cost. Inventory position item wise and value-wise for the preceding twelve months (inventories to be shown in respect of finished products, cornponents and raw materials to be shown separately, item wise and value wise). Selling arrangements for the last three years and any changes in the selling arrangements in preceding twelve months. Full details of the interests of the directors and officers of the company in the organisations/ persons involved in selling products of the undertaking. Buying arrangements for raw materials and components. Interest of the directors and officers with the organisations/persons involved in buying rawmaterials and components for the undertaking. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item-wise and value-wise. Reasons for Ohe proposed closure. Any specific attempts made so far to avoid the proposed closure. Any other relevant factors with details thereof.] [Form q 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25.