Government of Jharkhand
Labour, Employment and Training
Department

NOTIFICATION

Ranchi, Dated-
14/11/2002 S.O. In exercise of the powers conferred by section-85 of the Bihar Re-organization act, 2000 the Government of Jharkhand do herby adopt "The Industrial Disputes (Bihar) Rules, 1961 with following amendments:-

In the said Rules, wherever the word "Bihar" mentioned the word Jharkhand shall be deemedto have been substituted.

(No. 2/FA-10-7/2001- 2868)
By the order of the Governor of Jharkhand,
(Bhogendra Jha)
Dy. Secretary to Govt.

The Industrial Disputes (Bihar) Rules, 1961

1[**No. III/D1-1204/61-L. & E.-5135, dated the 25th July,1961.—**In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (Act XIV of 1947), the Governor of Bihar is pleased to make the following rules, the same having been previously published as required by the said section namely:—

Preliminary

1. Title and application. —(1) These rules may be called the Industrial Disputes (Bihar) Rules, 1961.

(2)They shall apply to an industrial dispute concerning any industry in whet the Industrial Disputes (Central) Rules, 1951, do not extend and to such industry disputes in industries in respect of which Central Government have, under section 39 of the Act, delegated their powers to the State Government.

(3)They shall also apply to an industrial dispute concerning any newspaper establishment in the State Bihar as they apply to industrial disputes concerning any industry within the meaning of Industrial Disputes Act, 1947 (Act XIV of 1947)

2. Interpretation. —In these rules unless there is anything repugnant in the subject or context-

(a)"Act" means the Industrial Disputes Act, 1947 (XIV of 1947);

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

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

(d)"Form" means a form set out in the Schedule to these rules;

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

(f)With reference to clause (g) of section 2, it is hereby prescribed that in relation to an industry carried on by or under the authority of a department of the State Government, the officer-in-charge of the industry establishment shall be "employer" in respect of that establishment;

(g)All words and expressions used in these rules but not defined therein and defined in the Act shall respectively have the same meanings as in the Act.

PART I

Procedure for reference of industrial disputes to Board of Conciliation, Courts of Inquiry, Labour Courts or Industrial Tribunals

3. Application. —An application under sub-section *(2)* of Section 10 for the reference of an industrial dispute to a Board, Court. Tribunal or Labour Court, shall be made in duplicate in Form A and shall be delivered personally or forwarded by registered post to the Secretary to the Government of Bihar in the Labour Department with a copy to the Labour Commissioner, Bihar. The application shall be accompanied

by a statement setting forth.—

(a) the parties to the dispute;

(b) the specific matters in dispute;

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

(d) an estimated number of workmen affected or likely to be affected by the dispute and (e) the efforts made by the parties themselves to adjust the dispute.

4.Attestation of application.—The application, and the statement accompanying it shall be signed—

(a) in the case of an employer by the employer himself, or when the employer is incorporated company or other body corporate, by the Agent, Manager or other principal officer of the Corporation; and

(b) in the case of workmen, either by the President or Secretary of trade 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.— Constitution of Board, Court. Labour Court or Tribunal and the appointment of persons to preside over such Board, Court or Tribunal or the appointment of persons to the office of Chairman or any other member of the Board or Court shall be notified in the Bihar Gazette.

6. Notice to parties to nominate representatives.—(1) If the State Government proposes to appoint a board, it shall send 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—

(a)in the case of workmen who are not members of a trade union, to the President or Secretary of the trade union; and

(b)in the case of workmen who are not members of a trade union, to any one of the five of the workmen who have attested the application made under rule 3;

and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof on notice boards in a conspicuous manner at the main entrance to the premises of the establishment.

PART II

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 in duplicate to the Secretary to the Government of Bihar in the Labour Department with copies to the Labour Commissioner, Bihar and the Conciliation Officer of the area. The agreement shall be accompanied by the consent, in writing of the arbitrator or arbitrators.

8. Attestation of the arbitration agreement.—The arbitration agreement 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;

(b) in the case of workmen, either by the President and Secretary of a trade union of the workmen or by five representatives of the workmen die/ authorised in this behalf at a meeting of the workmen held for the purpose.

Comments and Case-law

[The provisions of clause (b) of rule 8 of the Bihar Rules are mandatory. The agreement must be signed by both the President and the Secretary of the Trade Union. *State of Bihar v. Nathuni Pandey,* 1971 PLJR

652.] **PART III**

Powers, Procedure and Duties of Conciliation Officers, Boards, Courts, Labour Courts, Tribunals and Arbitrators.

9. Conciliation proceedings in public utility service.—(1) The Conciliation Officer, on receipt of a Notice of a strike or lock-out given under Rule 73 or Rule 74, 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 shat endeavour to bring about a settlement of the dispute in question

10. Conciliation proceedings in non-public utility service.—Where the Conciliation Officer receives 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.

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

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

13. The party representing workmen involved 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 73 to the Conciliation Officer of the area and the Labour Commissioner, Bihar. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.

(2)The party representing workmen involved in a dispute in a non-pubic utility service. shall forward a statement of its demands to the Conciliation Officer of the area and the Labour Commissioner, Bihar, before such a date as may be specified by him for commencing conciliation

proceedings. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.

(3)The demand submitted by the party representing workmen under sub-rule (1) or sub-rule (2)shall be transmitted to the State Government by the Conciliation Officer of the area with his report under sub-section (4) of Section 12.

(4)When an employer or a party representing workmen applies to the State Government for reference of an industrial dispute to a Labour Court or Tribunal, such application shall be accompanied by a statement of the demands with as many spare copies thereof as there are opposite parties

(5) The statement referred to in sub-rules (1), (2) and (4) and other copies thereof shall be duly signed on behalf of the party, by the person making it.

14. Proceedings before the Labour Court, or Tibunal.—(1) When the State Government refers any case for adjudication to a Labour Court or Tribunal, it shall send to the Labour Court or Tribunal concerned and both parties concerned in the industrial dispute, a copy of every such order or reference together with a copy of statement of demand received by it under rule 13.

(2) Within two weeks of the statement referred under sub-rule (1) both parties shall file their respective written statement with the Labour Court or Tribunal, as the case may be, and simultaneously forward copies thereof to the other party :

Provided that where the Labour Court or Tribunal, as the case may be considers it necessary. it may extend the time-limit for the filing of written statement by any period.

(3) The Labour Court or Tribunal, as the case may be. shall ordinarily fix the date for the first hearing of dispute within six weeks of the date on which it was referred for adjudication:

Provided that the Labour Court or Tribunal, as the case may be, may for reasons to be recorded in writing fix a later date for the first hearing of the dispute.

(4) The hearing shall ordinarily be continued from day to day and arguments shall follow immediately after the closing of evidence.

15. Place and time of hearing.— Subject to the provisions contained in rules 13 and 14 the sittings of a Board, Court, Labour Court, Tribunal or an Arbitrator shall be held at such time and places as the Chairman, Presiding Officer or the Arbitrator, as the case may be, shall notify the parties of the same in such manner as he thinks fit.

Comments and Case-law

[The publication of notification by the Government in the Gazette must be held to amount to constructive notice to the concerned workmen in view of the provisions of Rule 22 (5). No separate notice in terms of Rule 15 is required to be served. *Rameshwar Pd. vs. State of Bihar,* 1972 PLJR 398

16. Quorum for Boards and Courts.— The Quorum necessary to constitute a sitting of a Board or Court shall be as follows.

Quorum

(i) In the case of a Board—

Where the number of members is 3	....	2
Where the number of members is 2	....	5

(ii) In the case of a Court—

Where the number of members is not more than 2	....	1
Where the number of members is more than 2 but less than 5	....	2
Where the number of members is 5 or more	....	3

17. Evidence.— A accept, admit or call for evidence at any stage of the proceedings before it/him in such manner as it think fit.

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

1**[18A.** The Presiding Officer of an Industrial Tribunal or Labour Court, as case may be, may authorise his Head Clerk or an Upper Division Clerk to administer oath for the purpose of making affidavits.]

19. Summons.— A summons issued by a Board. Court, Labour Court, or Tribunal shall be in Form D and may require any person to produce before it any books, papers or other documents and things in the possession of or under the control of such person in any way relating to the matter under investigation or adjudication by the Board, Court, Labour Court, Tribunal or National Tribunal which the Board, Court, Labour Court, or Tribunal, thinks necessary for the purposes of such investigation or adjudication.

20. Service of summons or notice.— Subject to the provisions contained in rule 19, any notice, summons, process or order issued by a Board, Court, Labour Court, Tribunal or Arbitrator empowered to issue such notice, summons, process or order, may be served either personally or by registered post. Failing service in either of these two modes, service may be effected in the manner provided for in the Code of Civil Procedure except that in case of such service the party interested in service shall swear an affidavit before a Magistrate of the First Class and file the same before Tribunal or Court in proof of such service.

21. Description of parties in certain cases.— Where in any proceeding before a Board, Court, Labour Court, Tribunal or Arbitrator there are numerous persons arrayed on any side, such persons shall be described as follows:—

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

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

22. Manner of service In the case numerous persons as parties to ths dispute.—

(1) Where there are numerous persons as parties to any proceeding before a Board, Court, Labour Court, Tribunal or Arbitrator and such person are members of trade union or association, the

service of notice on the Secretary, or where there is no Secretary, on the Principal Officer of the trade union or association shall be deemed to be service on such persons.

(2) Where there are numerous persons as parties to any proceeding before a Board, Court. Labour Court, Tribunal or Arbitrator and such persons are not members of any trade union or association, the Board, Court. Labour Court, Tribunal. or Arbitrator, as the case may be, shall, where personal service is not practicable_ cause the service of any notice to be made by affixing the same at or near the marl entrance of the establishment concerned.

(3) A notice exhibited mentioned in sub-rule (2) shall also be considered as sufficient in the case of such workmen as cannot be ascertained and found.

23. Procedure at the first sitting.— At the first sitting of the Board. Court,

1. Subs by S.O. 599 dated 10.5 1975.

Labour 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 may also compel them to give lists of their witnesses and to file documents etc. or in the alternative, to call for documents from the custody of the adverse party.

24. Board, Court, Labour Court,Tribunal, or Arbitrator may proceed *exparte.*—

If without good cause shown, any party to proceedings before a Board. Court, Labour Court or Arbitrator tails to attend or to be represented, the Board.. Court, Labour Court, Tribunal, or Arbitrator may proceed as if he had duly attended or had been represented.

25. Power of entry and inspection.—A Board, or Court, or any member thereof, or a Labour Court, or Tribunal or any persons authorised in writing by the Board, Court, Labour Court, or Tribunal in this behalf may. for the purposes of any investigation, enquiry or adjudication entrusted to the Board, Court. Labour Court, or Tribunal under the Act, at any time between the hours of sunrise and sunset and in the case of person authorized in writing by a Board, Court, Labour Court, or Tribunal after he has given reasonable notice, enter any building, factory, workshop or other place or premises whatsoever, and inspect the same or any work. machinery. appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject-matter of the investigation. enquiry or adjudication.

26. Power of Boards, Courts, Labour Courts and Tribunals.—(1) In addition to the powers conferred by the Act, Boards,Courts, Labour Courts, and Tribunals shall have the same powers, as are vested in a Civil Court under the Code of Civil Procedure. 1908, when trying a suit. in respect of the following matters. namely:—

(a) discovery and inspection;
(b) granting adjournment ;
(c) reception of evidence taken on affidavit ;

and the Board, a Court, Labour Court. or Tribunal may summon and examine any person whose evidence appears to it to be material and shall be deemed to be a Civil Court within the meaning of Section 480 and 482 of the Code of Criminal Procedure, 189811.

(2) Subject to the provisions of sub-rule **(1),** the Tribunal and Labour Court shall also have the powers to consolidate a number of references under Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947) arising in the same industry and having common issues and give a single award determining such issues:

Provided that the Tribunal or Labour Court shall, before giving its award take into consideration the financial capacity of each undertaking or any other factor which needs special consideration.

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

28. Decision by majority.—All questions arising for decision at any meeting

1.Now see Code of Criminal Procedure, 1973.

of a Board or Court, save where the Court consists of one person, shall be decided by a majority of the votes of the members thereof (including the Chairman present at the meeting and in the event of an equality of votes the Chairman shall also have and exercise a casting vote.

29. Correction of errors.—The Labour Court, Tribunal or Arbitrator may correct any clerical mistake or error arising from an accidental slip or omission in any award it/he issues.

30. Right of the representatives.—The representatives of the parties appearing before a Board, Court, Labour Court, Tribunal or Arbitrator shall have the right of examination, cross-examination and of addressing the Board, Court, Labour Court, Tribunal or Arbitrator when an evidence has been called.

31. Proceeding before a Board, Court, Labour Court or Tribunal.—The proceedings before a Board, Court, Labour Court or Tribunal shall be held in public:

Provided that the Board, Court, Labour Court or Tribunal may at any stage direct that any witness shall be examined or its proceedings shall be held in camera.

32. Fees for copies of awards or other documents of Labour Court, or Tribunal— Fees for making a copy of an award, order or decision of a Labour Court or a Tribunal or any other document filed in any proceeding before a Labour Court **or** Tribunal shall be charged as follows:—

(a)**for** the first 200 words, seventy-five Paise;

(b)**for** every additional 100 words or fraction thereof ,thirty-seven paise;

Provided that where an award or order or documents exceeds five pages, the **approximate** number of words per page shall be taken as the basis for calculating the **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 document, a fee of one rupee **shall be** payable.

(3)Copying and certifying fees be payable in cash in advance,

(4)Where a party applies for immediate delivery of a copy of any such awardor document, an additional fee equal to one-half of the fee leviable under this rule shall be payable.

(5)Printed copies of the award, decisions, etc. published under the authority of the State Government, may be certified by the Presiding Officer of the Labour Court or Tribunal or by any other officer, authorised by him for the purpose. on presentation of the printed copies of awards, decisions, etc. by the parties applying for it and on payment of the prescribed fee for certification.

33. Publication of reports and awards.—(1)The receipt of every report by a Board or award of a Labour Court or Tribunal the State Government.

(2) Within 30 days of the receipt of the report or award by the State Government. The Board, Labour Court or Tribunal shall publish the report by pronouncing the report or award in open Court and shall also simultaneously arrange to exhibit the same on a notice board or a table at its office set apart for the purpose:

Provided that the Board, Labour Court or Tribunal shall send prior intimation in writing to all the parties concerned in the dispute and to the State Government about the date of pronouncement of the report or award concerned,

(3)The State Government may, where it so considers necessary, also arrange to notify the report or the award in the official Gazette.

(4)When any application is made for copies of any award or document to be furnished on the day on which such application is made, an additional fee equal one and half of the fees leviable under this rule shall be charged. Such copies should be furnished on the same day and if it is not possible, then on the following day

(5)Printed copy of an award, decision, etc., published under the authority of the State Government may be certified after comparison with the original of those documents to be true copy thereof, by the Presiding Officer of the Labour Court or Tribunal, as the case may be, or by any other officer authorised by him in this behalf, on presentation of the printed copy of the award, decision etc., by the party applying for it and on payment of the prescribed fee for such application.

34.Representation of parties.— The authority in favour of a person or persons to represent a workman or group of workmen or an employer in any proceeding under the Act shall be in Form E. (2) A party appearing by a representative shall be bound by the acts of that representative.

35.Travelling allowance.— The Chairman or a member of a Board or Court, or the Presiding Officer or an Assessor of a Labour Court, or Tribunal if a nonofficial, shall be entitled to draw travelling allowance for any journey performed by him in connection with the performance of his duties, at Vie rates admissible to the servants of the State Government of the first grade and halting allowance, at the maximum rates admissible to such Government servants for purposes of travelling
allowance.

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

37.Expenses of witnesses.— Every person, who is summoned and duty attends or otherwise appears as a witness before a Board, Court, Labour Court, or Tribunal or 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 of the State.

38.Notice of change.— Any employer intending to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule shall give notice of such intention in Form F.

39. Manner of service of notice of change.— (1) Where there are numerous workmen affected by a notice of change and the majority of such .workmen are members of any trade union, the service of notice, by registered post on the Secretary, or where there is no Secretary, on the

principal 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 manner prescribed in sub-rule (1), 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 personnel service is not practicable, cause the service of any such notice to be made by affixing the same to a notice board at or near the entrance or entrances of the establishment concerned and the notice shall remain so affixed for a period of twenty-one days. The notice shall be in English, the regional language and the language understood by the majority of the workmen in the establishment concerned.

(3) A copy of the notice shall simultaneously be forwarded by the employer to the Conciliation Officer of the area and the Labour Commissioner, Bihar.

PART IV

Works Committee

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

Provided that where the Commissioner of Labour is satisfied that in any industrial establishment a Works Committee which conforms to the rules in this part exists, the Committee shall be deemed to have been constituted under this part and it shall not be necessary for the employer to constitute a fresh Committee.

41.Number of members.— (1) Until the number of members is fixed by the Committee itself under sub-rule *(2),* the number of members of the Committee shallbe as follows:—

(i) Where the number of workmen is more than 100 but not more than 500 — 6 members.

(ii) Where the number of workmen is more than 500 but not more than 1000 — 8 members.

(iii) Where the number of workmen is more than 1,000 but not more than 3,000 — 10 members.

(iv) Where the number of workmen is more than 3.000 but notmore than 6.000 — 12 members.

(v) Where the number of workmen is more than 6,000 —14 members.

(2) (i) After the Committee has been set up, the number of members shall befixed by the Committee itself:

Provided that the total number of members shall not exceed 20.

(ii) The number of members fixed should afford representation, as far aspossible, to the various categories, groups and classes of workmen engaged in andto the sections, shops or the departments of the establishment:

Provided that where in an industrial establishment there are more than one department a separate Works Committee may be constituted for each department but all such Committees shall be subordinate to a Central Works Committee constituted for the entire establishment; and

(iii) The number of representatives of workmen shall not be less than the number of representatives of the employer.

42. Representatives of employer.— Subject to the provisions of these rules the representatives of employer shall be nominated by the employer and shall as far as possible, be officials in direct touch or associated with the working of the industrial establishment concerned.

43. Representatives of workmen.— (i) The representatives of the workmen on the Works Committee of any industrial establishment shall be nominated by the trade union registered under the Indian Trade Unions Act, 1926, representing 51 percent or more of the workmen in that establishment.

(ii)Where there are more trade unions than one, registered under the Indian Trade Unions Act, 1926, collectively representing 80 percent or more of the total number of workmen of an industrial establishment and there is no single, registered trade union representing 51 percent or more of the workmen, all the representatives of the workmen on the works Committee shall be nominated by those trade unions in proportion to their respective strength.

(iii)Where there are more trade unions than one in an industrial establishment, registered under the Indian Trade Union Act. 1926, and there are also a certain number of workmen being more than 20 per cent of the total number of workmen not belonging to any registered trade union and where there is also no single registered trade union representing 51 per cent or more of the workmen, all the representatives of the workmen of the Works Committee shall be elected by the workmen themselves.

(iv)For the purposes of this rule. in case of dispute regarding the strength of membership of the registered trade union or the strength of workmen who do not claim membership of any such trade union or the total number of workmen in an industrial establishment who are eligible for membership of such a trade union, the decision of the Commissioner of Labour. Bihar shall be final.

(v)Where there is one trade union in an Industrial establishment, registered under the Indian Trade Union Act, 1926 and such trade union does not represent fifty-one per cent or more of workmen, the representatives of workmen on the Works Committee shall be nominated by the trade union in proportion to its respective strength and the remaining number of representatives of the workmen on the Works Committee shall be elected by workmen themselves.

(vi)The registered trade union or unions shall send their nominations to the management within 15 days of the receipt of the request from the management for nomination of representatives of workmen on the Works Committee.

44. Qualification of candidates for election.— Any workmen if not less than 19 years of age and with a service, whether continuous or not of not less than one year in the industrial establishment may, if nominated as provided in these rules, be a candidate for election as a representatives of the workmen on the committee.

Provided that the service qualification shall not apply to the first election in an industrial establishment which has been in existence for less than a year.

Explanation.— (1) In an industrial establishment which works in a season. service of a workman for two consecutive seasons shall be deemed to be one year's service under this rule.

(3)A workman shall be deemed to have completed a period of one year's

continuous service in an industrial establishment notwithstanding any interruption et service during that year brought about due to sickness, accident or authorised **leave** or a lockout or strike which is not illegal or irregular, or by intermittent periods *at* involuntary unemployment.

45. Qualification for voters.—All workmen other than casual employers, who are not less than eighteen years of age and who have put in not less than six months' service, whether continuous or not, in the industrial establishment, shall be entitled to vote in election of the representatives of workmen:

Provided that the service qualification shall not apply to first election in anindustrial establishment which has been in existence for less than a year.

46. Procedure of Election.—(1)The employer shall fix a date as the closing date for receiving nomination 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 notbe earlier than three days and later than fifteen days after the closing date for receiving nominations.

(3)The date so fixed shall be notified at least seven days in advance to theworkmen and the union or unions concerned. Such notice shall be affixed on the notice board or given adequate publicity amongst the workmen. The notice shallspecify the number of seats to be elected by the groups. sections , shops or departments andthe number to be elected by the members of the trade unions and by the non-members

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

47. Nomination of candidates for elections.—(1)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.

(2)Each nomination papermust be signed by the candidates to whom it relates and attested byat least two other voters belonging to the electoral constituency and shall be delivered to the employer.

48. Scrutiny of nomination papers.— (1) On theday following the last day fixed for filing the 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. An officer of the representative trade union may also be present during scrutiny of nomination papers.

(2) For the purposes of sub-rule (1) a nomination paper shall be held to be not valid, if (a) the candidate nominated is not qualified to be a voter under rule 47 or (b) the requirements of the rule 47 have not been complied with.

49. Voting in election.—(I) If the number of candidates who have been validity nominated is equal to the number of seats, the candidates shall be forthwith declared duly elected.

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

(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 workmen concerned belongs to a trade union, by such of them as the union may nominate.

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

51. Disputes regarding election to Works Committee.— (1) (a) Any unsuccessful candidate may present an election petition, verified in the manner prescribed for verification of pleadings in the Code of Civil Procedure, 1908, to the Commissioner of Labour within fifteen days of announcement of the result of the the election.

(b) The petitioner may also claim that he himself or any other candidate has been duly elected.

(2) The Commissioner of Labour shall decide the dispute after giving notice to the persons concerned, in or near the locality where election was held and shall exercise the powers of a Civil Court in respect of the following matters:-

(i) enforcing the attendance of witnesses;

(ii)compelling the production of documents;

(iii)examining witnesses on oath;

(iv)granting adjournments;

(v)recording of evidence taken on affidavit ; and

(vi)issuing of summons for examination of witnesses;

(3)(a) An election shall be declared void, if, in the opinion of the Commissioner of Labour, the election of a returned candidate has been procured or induced by any corrupt practice.

Explanation.— "Corrupt Practice" means the use of violence, threat, intimidation or the offer of promise of any gratification to any person whomsoever on behalf of a returned candidate, with object of inducing an elector to vote or refrain from voting or a person to stand or not to stand or to withdraw from being a candidate at a election.

(b) The petitioner or any other candidate may be declared duly elected, if it is proved that he in fact received a majority of valid votes or but for the votes obtained by corrupt practice, would have obtained a majority of valid votes.

(4) In respect of any matter not specifically provided for in this rule, the Commissioner of Labour shall proceed in such manner as he considers proper in the circumstances of the case.

52. Officers of Committee.— (i) The Committee shall elect office bearers including one Chairman, one Vice-Chairman and two Joint Secretaries.

(2)The Chairman shall be nominated by the employer from amongst the employer's representatives on the Committee.

(3)The Vice-Chairman shall be nominated by the workman's representatives on the Committee from amongst themselves.

(4)The two Joint Secretaries shall be elected by the committee from amongst the representative of the employer and of the workmen respectively.

53. Term of office.— The term of office of workmen's representatives on the Committee other than a member nominated or chosen to fill a casual vacancy shall be two years.

54. Vacancies.— In the event of workmen's representative ceasing to be employed in the establishment or in the event of his resigning the membership of they Committee, or absenting from attending three consecutive meeting of the Committee his successor shall be nominated or elected, as the case may be, from the constituency to which the member vacating the seat belonged

55.Power to co-opt.— The Committee shall have the right to co-opt in consultative capacity parsons employed in the establishment having a particular or special knowledge of a matter under discussion. Such co-opted member shall not be entitled to vote and shall be present at meeting only for the period during which the particular question is before the committee.

56.Quorum and procedure for the meeting.— (a) At least one-third of the number of members from each side shall form the quorum for a meeting of the Committee. No quorum will be necessary for an adjourned meeting.

(b)The Committee may meet as often as necessary, but not less often than once a month.

(c)The workmen's representative shall be paid by the employer at their ordinary rate for the time spent at the meetings of the Committee if held beyond duty hours.

(d)Decision shall be arrived at only by agreement between the two sides.

(e)Any dispute which is referred to the Committee shall ordinarily be decided within a period of 15 days from the date such reference is received by the Committee.

(f)At every meeting the Chairman shall fix the date of the next meeting which may be altered by him in consultation with Vice-Chairman, by giving at least a week's notice to all the other members of the Committee.

(g)The Joint Secretary representing the workmen shall draw up the agenda for every meeting in consultation with the Chairman and shall circulate it among all the other members of the Committee at least two days before the date of the meeting.

(h)Minutes of the meetings of Committee shall be recorded by the Joint Secretary of the Committee representing the employer and shall be signed by all members present in the meeting. Copies of the minutes of every meeting shall be sent within 10 days of the meeting to the recognised Employer's Organisation, if any, the recognised Workmen's Organisation, if any, the management of the industrial establishment, the trade union, if any, affiliated to the recognised Workmen's Organisation and the Conciliation Officer concerned. The employer shall provide paper for the recording of the minutes and postage and any other incidental expenses for its despatch to the above mentioned organisation and persons.

(i)Unanimous decisions of the Committee shall, subject to the provisions of the proviso to clause (j) below, be binding on the parties.

(j)If there is any matter on which the committee cannot agree, the official of the trade union concerned, *or ad hoc*representatives of the workmen where no trade union exists, may negotiate with the management of the Industrial establishment or if so desired with the recognised employers organisation for reaching a settlement over the matter. The question may thereafter, if necessary be referred to the appropriate conciliat by the Provincial Government. The

official of the trade union concerned or *ad hoc* representatives of the workmen where no such trade union exists may, in any case, refer the question to the appropriate conciliation machinery, whether or not there has been such negotiation with the management of the establishment, or with the recognised Employers' Organisation if any.

57.Facilities of meeting etc.— The employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying on the work of the Committee.

58.Function.— Matters to be dealt with by the Works Committee shall include—

(a)the distribution of working hours, i.e. fixation of shifts;

(b)the method of payment of wages (time, form of pay tickets);

(c)the settlement of grievances relating to or arising out of the terms and conditions of employment of the workmen in day-to-day working:

(d)question of physical welfare;

(e)question of discipline and conduct as between the management and the workmen, i.e. malingering, bullying, time keeping, publicity in regard to rules, supervision of notice boards;

(f) suggestions for improvement in methods and in organisation of work;

(g) investigation of circumstances tending to reduce efficiency or in any way to interfere with the satisfactory working of the industry;

(h) ways and means of increasing efficiency; and

(i) any other steps that may be conducive to harmonious relations between the workmen and the management.

59.Restriction on powers of Works Committee.— The Committee shall not have any power to come to a decision inconsistent with any agreement between an employer or trade union of employers and the trade union or federation of trade unions of the workmen registered under the Indian Trade Union Act, 1926, or any order of the Provincial Government enforcing the recommendations of a Labour Court appointed under the said Act or the award of a Court or Tribunal constituted or any settlement made in the course of a conciliation proceeding, under the Industrial Disputes Act, 1947.

Any decision by a Committee may be superseded by an agreement between the employer or a trade union of employers and a trade union of workmen or a federation of two or more unions of workmen. or an order of the Provincial Government enforcing recommendation of a Labour Court, Industrial Court or Tribunal or any settlement made in the course of a conciliation proceeding.

60.Right to recall a member of the Works Committee. — (1) If the majority of workmen of an electoral group being fully qualified as voters present a representation in writing to the employer demanding the recall of a member on the committee elected to represent their constituency the seat of that member shall be deemed to have fallen vacant on the day the representation reaches the employer and a fresh election will be held within thirty days to fill the vacant seat in accordance with the provisions for election contained in this part. The recalled member shall have the right to stand for re-election and if re-elected, no petition for his recall will again be entertained during the term of his off

(2) A representative trade union referred to in rule 43, may similarity recall A member nominated by it on the Committee and nominate another member in his place. Similarly, an employer may recall a member nominated by him and nominate another member in his place.

PART V

Miscellaneous

61. Memorandum of settlement.— (1) Settlement arrived at in the conciliation proceedings or otherwise, shall be in Form H.

(2) The settlement shall be signed by—

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

(b)in the case of workmen, either by the President and Secretary of a trade union of workmen or by five representatives of the workmen, duly authorised in this behalf at a meeting of the workmen held for the purpose.

(3) Where a settlement is arrived at in the course of conciliation proceeding, the Conciliation Officer shall send a report thereof to the Secretary to the Government of Bihar, Labour Department together with the memorandum of settlement signed by the parties to the dispute or an attested copy thereof.

(4) Where, a settlement is arrived at between an employer and his workmen otherwise than in the course of conciliation proceeding before a Board or *a* Conciliation Officer, the parties to the settlement shall jointly send an attested copy thereof to the Conciliation Officer of the area, the Labour Commissioner and the Secretary to the Government of Bihar, Labour Department.

62. Complaints regarding change of conditions of service, etc.—(1) Every complaint under section 33 A of the Act shall be presented in triplicate in Form 'I' and shall be accompanied by as many copies of the complaint as there are opposite parties to the complaint.

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

(3) The person verifying it shall specify, by references 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.

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

(2) An employer seeking the approval of the Conciliation Officer. Board, Labour Court or Tribunal, as the case may be, of any r clause (a) or clause (b) of sub-section

(2) of section 33 shall present an application in Form Kin triplicate to such Conciliation Officer. Board, Labour Court, or Tribunal and shall file along with the application as many copies thereof as there are opposite parties.

(3) Every application under sub-rule (1) or sub-rule (2) shall be verified at the foot by the employer making it or by some other person proved to 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.

64. Protected workmen.— (1) 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 that establishment and who, in the opinion of the union. should be recognised as "protected workmen" Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.

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

(3) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workmen, admissible for the establishment, under Section 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 unions that the numbers of recongnised protected workmen in individual unions bear roughly the same proportion to one another as the membership figures of the unions. The employer shall in that case intimate in writing to the President or the Secretary of the union the number of 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 whether a particular workman should be recognised as a protected workman or not, the dispute shall be referred to the Assistant Labour Commissioner of the area, whose decision theiron shall be final.

65. 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 of a Civil Court, or as a stipendiary Magistrate or as a Registrar or Secretary of a Labour Court or Tribunal constituted under any Act or of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act. 1950.

66. Fees for the Commissioner, etc.— (1) The Labour Court shall, after consultation with the parties estimate the probable duration of the enquiry and fix the amount of the Commissioner'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, of the sum deposited shall be refunded to the party or parties who deposited the sum in the same proportion as that in which it was deposited.

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

(2) If for any reason the Commissioner anticipates that the date fixed for the submission of his report is likely to be exceeded, he shall apply, before the expiry of a the said date, for extension of time 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 a that no application for such extension has been received from the Commissioner within the prescribed time-limit.

68. Local investigation.— In any industrial dispute in which the Labour Court deems a local investigation to be requisite or proper for the purpose of commuting the money value of a benefit, the Labour Court may issue a commission to a person referred to in rule 65 directing him to make such investigation and to report thereon to it.

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

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

70. Powers of Commissioner. — Any Commissioner appointed under these Iı rules may, unless otherwise directed by the order of appointment:-

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

(b) call for and examine documents and other things relevant to the subject of enquiry : (c) at any reasonable time enter upon or into any land or building mentioned in e order.

71. Summoning of witnesses, etc. — (1) The provision of the Code of Civil Procedure, 1908 (Act V of 1908), relating to the summoning, attendance, examination of witness and penalties to be imposed upon witnesses, shall apply to persons required to give evidence or to produce documents before the Commissioner under these rules.

(2) Every person who is summoned and appears as a witness before the Commissioner shall be entitled to payment by the Labour Court out of the sum deposited under rule 66 of an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing in the Civil Courts.

72. Representation of parties before the Commissioner.—The parties to the industrial dispute shall appear before the Commissioner, either in person or by any other person who is competent to represent them in the proceedings before the Labour Court.

73. Notice of Strike.— The notice of strike to be given by workmen in a public utility service shall be in

Form L .

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

74.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.

75.Report of lock out or strike.—The notice 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.

76.Report of a notice of a strike or lock-out.—The report of notice of a strike or lock-out to be submitted by the employer under sub-section (6) of Section 22 shall be sent by registered post or given personally to the Assistant Labour Commissioner and the Labour Officer of the area, with copy, by registered post, to the Labour Commissioner, Bihar and the Secretary to the Government of Bihar, Labour Department and the District Magistrate concerned.

1[76-A. Notice of closure.— If an employer intends to close down an undertaking, he shall give notice of such closure in Form Q to the State Government, the Deputy Labour Commissioner, the Assistant Labour Commissioner and the Employment Exchange concerned by registered post.]

1. Ins. by S.O. 4735 dated 29-11-1976

[76-B. Notice of, and application for, permission for closure.— (1) Notice under sub-section (1) of section 25-0 of intended closure shall be given in Form OA and served on the State Government either personally or by registered post with acknowledgement due.

(2)Application for permission to close down an undertaking, under sub-section (3) of section 25-O shall be made in Form QB [with attested copy of the notice served by the employer under sub-section(1) of Section 25FFA 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 is delivered to the State Government shall be deemed to be the date on which the application is 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 employer 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 employer.)

77. Register of settlements.—The Conciliation Officer shall file all settlements effected under Act in respect of disputes in the area within his jurisdiction in a register maintained for the purpose as in Form O.

1[77-A. Notice of lay-off.— (1) If any workman employed in an industrial establishment as defined in the explanation to Section 25-A [not being an industrial establishment referred to in sub-section (1) of that section] is laid off. then, the employer shall give notice on commencement and termination of such lay-off in Form O-1 and O-2 respectively within seven days of such commencement or termination, as the case may be.

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

77-B. Application for permission for lay-off under Section 25M.— (1) Application for permission to lay-off any work or for permission to continue a lay-

off under sub-section (2) of Section 25M shall be made in Form 0-3 and delivered to the authority specified under sub-section(1) either personally or by registered post acknowledgment due and where the application is sent by registered post the date on which the same is delivered to the said authority shall be deemed to be the date on which the application is 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 of copies of the application, for service on the workmen concerned shall be submitted along with the application.

(3) The employer concerned shall furnish to the authority to whom the application for permission has been made such further information as the authority considers necessary for arriving at a decision on 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 sub-section (4) of Section25-M

1. Ins. by S.O. 4735 dated 29-11-1976.

(4)Where the permission to lay-off has been granted by the said authority, the employer concerned shall give to the Commissioner of Labour, Bihar a notice of commencement and termination of such lay off in Form O-1, and O-2 respectively and where permission to continue a lay-off has been granted by the said authority, the employer shall give to the

Commissioner of Labour, Bihar a notice of ii commencement of such lay-off in Form O-1, in case such a notice has not already been given under sub-rule (1) of rule 75A, and a notice of termination of such lay-off in Form O-2.

(5)The notice of commencement and termination of lay-off referred to in sub- I rule (4) shall be given within the period specified in sub-rule (1) of rule 77 A.]

78. Notice of retrenchment.— If any employer desires to retrench any workmen employed in his industrial establishment who has been in continuous service for not less than one year under him (referred in as 'workman' in this rule and in rules 79 and 80), he shall give notice of such retrenchment as in Form P to the State Government, [and Conciliation Officer of the area] and such notice shall be served on that Government, by registered post in the following manner :-

(a) Where notice is given to the workmen; notice of retrenchment shall be sent withing three days from the date on which notice is given to the workmen;

(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 from the date on which such wages are paid; and

(c) where retrenchment is carried out under an agreement which specifies a date for the termination of service, notice of retrenchment shall be sent so as to reach the State Government, [and the Conciliation Officer of the area] at least one month before such date:

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 Government, within 3 days of the agreement:]

Provided further that in case of working journalists, the provisions of subsection (2) of Section 3 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act. 1955 (XIV of 1955) shall apply.

1[**78-A. Notice of and application for permission for retrenchment.—** (1) Notice under clause (c) of sub-section (1) of Section 25N for retrenchment shall be served in Form PA and served on the State Government or such authority as may be specified by the State Government under the said clause either personally or by registered post acknowledgement due and where the notice is served by registered post, the date on which the same is delivered to the State Government or the authority shall be deemed to be the date of service of the notice for the purposes of subsection (3) of the said section.

(2) Application for permission for retrenchment under sub-section (4) of Section 25N shall be made in Form P-B [with attested copy of the notice given by the employer under clause (a) of Section 25F appended thereto and delivered to the State Government or to such authority as may be specified by 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 is

1. Ins. by S O. 1735 dated 29-11-1976.

delivered to the State Government or the authority shall be deemed to be the date on which the application is made for the purposes of sub-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 thereof for service on the workmen concerned shall be submitted along with the notice or, as the case may be, the application.

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

79.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 the category, and cause a copy thereof to be posted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

80.Re-employment of retrenched workmen.— (1) 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 to every one of all the retrenched workmen eligible to be considered therefor. to the address given by him at the time of retrenchment or at any time thereafter:

Provided that where the number of such vacancies is less than 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 70 the number of such senior most workmen being double the number of such vacancies:

Provided further that where the vacancy is of duration less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen.

(2) Immediately after complying with the provision of sub-rule (1), the employer shall also inform the registered trade unions, whether recognised or not concerned with the industrial establishment, and the Conciliation Officer of the area in which the establishment is located, of the number of vacancies to be filled and the names of the retrenched workmen to whom intimation has been sent under that sub-rule.

81.Penalties.— Any breach of these rules shall be punishable with fine not exceeding fitly rupees.

82.Repeal.— The Industrial Disputes (Bihar) Rules, 1947, 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 corresponding provisions of these rules.

SCHEDULES

SCHEDULE

FORM A

Form of application for the reference of an industrial dispute to a Board of Conciliation/Court of Enquiry/Labour Court/Tribunal under section 19(2) of the Industrial Disputes Act, 1947.

Whereas an industrial dispute is apprehended/exists between----------

----------and---------- and it is expedient that the matters specified in the enclosed statement which are connected with or relevant to the dispute/the dispute, and investigation should be referred for Enquiry/adjudication by settlement/to a Board of Conciliation/a Court of Enquiry/a Labour Court/a Tribunal, an application is hereby made under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947, that the said, matter/said dispute should be referred to a Board of Conciliation/a Court of Enquiry/a Labour Court/a Tribunal.

This application is made by the undersigned who have/has been duly authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the---------- held on the---------- 19--------- .

A statement giving the particulars required under rule 3 of the Industrial Dispute (Bihar) Rules, 1961, is attached.

Dated the----------

Signature of the applicant(s)

To,

The Secretary to Government of
Bihar,
Labour Department, Patna.

Statement required under rule 3 of the Industrial Disputes (Bihar) Rules, 1961, to accompany the form of application prescribed under sub-section (2) of Section 10 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)Efforts made by the parties themselves to adjust the dispute.

FORM B

Whereas an industrial dispute has arisen/is apprehended between ----------and---------- and it is expedient to a Board at 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), address (es) of one/(two) person (s) whom you wish to recommend for appointment as your representative (s) on the Board.

If you fail to make the recommendation by the date specified above, the Central Government will select and appoint such person (s) as it thinks fit to represent you.

Secretary to the Government of Bihar,

Labour Department.

FORM C

Agreement between—

Names of Parties

Representing employers:

It 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) Specify matters in dispute.

(ii) Details of the parties to the dispute including the name and address *of the* establishment or undertaking involved.

(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 t dispute.

Signature of the parties-----
Representing employers-----
Representing Workmen-----

Witnesses------

(1)
(2)

Copy to----

(i)The Conciliation Officer ..... (here enter office address of the Conciliation Officer in local area concerned).

(ii)The Labour Commissioner, Bihar.

(iii)The Secretary of the Government of Bihar, Labour Department, Patna.

FORM D

Whereas an industrial dispute between ..... and..... has been referred to this Board of Conciliation for investigation and settlement for adjudication / Court of Enquiry for investigation/Labour Court/ Tribunal for adjudication under Section 10 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 documents and things in your possession or under your control in any way relating to the matter under investigation by this Board/Court/Labour Court/Tribunal.

Chairman/Secretary.
Board of Conciliation/Court of Enquiry
or Presiding Officer, Labour Court/
Tribunal.

Dated----------

FORM
E

(See Rule
34)

BEFORE (here mention the authority concerned).

Reference
no.....of.....
.....Workmen.

Versus
.....employer.

In the matter of .....I/We hereby authorise Shri/Sarvashree.....to represent me/us in the above matter.

Dated this .....day of .....19.....

Signature of person(s) nominating the representative (s).

Address

— Accepted—
Signature of representative(s).
Accepted.

FORM F

(See Rule 38)

Notice of change to be given by an Employer.

Name of employer.....address.....

dated the.....day of .....19..... .

To

The Secretary/Principal Officer of the Union/Association

The Workman/Workmen affected.

Dear Sir/Madam,

In accordance with Section 9A 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 G

From of Nomination Paper.

Name of Industrial Establishment--

Group/Section/Shop/Department.

I nominate (here enter the name of the Workmen's representative eligible tor election) ----------a candidate for election to the Works committee. He is eligible as a voter in the constituency for which he is nominated.

Signature of proposer Date----------

I agree to proposed nomination.

Signature of candidate Date----------

Attested by----------

(1) .....

(2) .....

FORM H

From for Memorandum of

Settlement **Name of Parties**

Representing employer(s)----

Representing Workmen----

Short recital of the case

Terms of Settlement.

(To be signed by any two voters belonging to the electoral constituency.

Witnesses:

(1) ----------

---

(2) ----------

Signature of the

Parties.

*Signature of Conciliation Officer/Board of Conciliation. Copy to-----

(1) Conciliation Officer----------

(Here enter the office address of the Conciliation Officer in the local area concerned.).

(2) Labour Commissioner, Bihar, Patna.

(3) The Secretary to the Government of Bihar, Labour Department, Patna.

FORM I

Before the Labour Court/Tribunal----------complaint under section 33-A of the Industrial Disputes Act, 1947.

A ----------

Complainant(s). Address.

versus

B ---------- Opposite party (les). Address.

In the matter of reference on----------

The petitioner(s), beg (s) to complain that the opposite party (ies) has/have been guilty of a contravention of the provisions of Section 33 of the Industrial Disputes Act. 1947 (XIV of 1947) as shown below:—

*In cases of settlements effected by Conciliation Officer/Board of Conciliation.

In cases where settlements are arrived at between the employer and his workmen otherwise than in the conciliation proceedings.

(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 the management is challenged.)

The complainant (s) accordingly prays/pray that labour Court/Tribunal may be pleased to decide the complaint set out above and pass such orders thereon as it may deem fit and proper.

The number of copies of the complaint and its annexures required under rule 62 of the Industrial Disputes (Bihar) Rules, 1961, are submitted herewith.

Signature of the complainant(s).

Dated, this----------day of----------19..... .

VERIFICATION

I do solemnly declare that what is stated in paragraph---------- above is true to my knowledge and that what is stated in paragraphs---------- above is stated upon information received and believed by me to be true.

This verification is signed by me at----------on----------day----------19---------

Signature/or thumb-impression of the person verifying.

FORM H

BEFORE---------- (Here mention the Conciliation Officer, Board, Labour Court, Tribunal).

APPLICATION FOR PERMISSION under sub-section (1) of/sub-section (3) of Section 33 of the Industrial Disputes Act, 1947, in the matter of Reference.

No. ----------

A----------Applicant

Address (es) ----------

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 and the grounds on which the permission is sought for.)

The applicant 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 (1) /sub-section (3) of Section 33.]

Signature of the applicant.

Dated this .....of .....19..... .

(Space for verification)

(*Signature of the person verifying.*)

Date (on which the verification was signed) ----------

Place (at which the verification was signed) ----------

FORM K

BEFORE ---------- (Here mention the Conciliation Officer, Board, Labour Court, Tribunal).

APPLICATION UNDER SUB-SECTION (2) OF SECTION 33 OF THE INDUSTRIAL DISPUTES ACT, 1947 IN THE MATTER OF REFERENCE NO.

NO ----------

A----------

--Applicant

Addresses.....

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).

(The workman or workmen discharged or dismissed under clause (b) of sub-section (2) of Section 33 has or have been paid wages for o

The applicant prays that the Conciliation Officer/Board/Labour Court/Tribunal may be pleased to approve of the action taken namely:-

(Here mention the action taken under clause (a) or clause (b) of sub-section (2) of Section 33.)

Signature of the applicant.

Dated this .....of .....19..... .

(Space for verification)

(*Signature of the person verifying.*)

Date (on which the verification was signed) ----------

Place (at which the verification was signed) ----------

---------- Delete, if not applicable.

FORM L

Form of notice of strike to be given by employees in a public utility service.

Name of trade union/names of elected representatives of workmen where no trade union exists.

Addresses ----------

Dated the ----------day of ----------19-- ---------- .

To

(The name of the employer,)

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) 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---------- ---------- for the reasons explained in the annexe.

Yours faithfully,
Secretary of the Trade Union
Representatives of the employees elected at
a meeting held on.....

ANNEXURE

State of the case

Copy to—

(1) Conciliation Officer----------

(Here enter office address of the Conciliation Officer in the local area concerned.)

(2) Labour Commissioner, Bihar, Patna.

FORM M

Form of notice of lock-out to be given by an employer carrying on a public utility service

Name of employer..... address.....

Dated the----------day of----------19----------.

TO

The Secretary of the registered Trade Union/the workmen individually when there is no registered Trade Union.

Dear Sir,

In accordance with the provisions of sub-section (2) of Section 22 of the industrial Disputes Act, 1947, I/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 employer issuing the letter.

ANNEXURE

State of the case.

Copy to—

(1)Conciliation Officer, ----------

(Here enter office address of the Conciliation Officer in the local area concerned.)

(2)Labour Commissioner, Bihar, Patna.

FORM N

Form of report of strike or lock-out in public utility service to be submitted by the employer under section 23 (3) of the Industrial Disputes Act.

(Information to be supplied in this form immediately on the occurrence of a strike or lock-out in a public utility service to the Conciliation Officer for the local area concerned).

Name of undertaking.	Station and district.	Normal working strength.	Number of workers involved		S trike or lockout.	Date of commencement of S trike or 1 ockout.	Cause.	Was notice of strike or lockout given; If so, on what date and for what period.	Is there any permanent agency or agreement in the undertaking for the settlement of disputes between the em- ployer and workmen ? If any exists, particulars therof	Any other information.
			Directly	Indirectly.						
1	2	3	4	5	6	7	8	9	10	11

Note.-

Column (3): Give the average number of workmen employed during the month 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 the particular workmen. Thus, day on which strike or lockout occurs or communal holiday is enjoyed by a large section of workmen 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." If the strike of 200 workers does not affect the working of the other departments of the factory, the number of workers involved would only be blank.

Column (8): Give the main causes of the dispute as well as the immediate cause that led to the strike or lock-out.

FORM O

REGISTER-PART

I Serial no. —
Industry—
Parties to the settlement—
*Remarks—

* Whether the settlement was effected at the intervention of the conciliation machinery, or by mutual negotiations between the parties, may be indicated here.

PART II

(Should contain one copy each of the settlements in the serial order indicated in Part l.)

FORM E

(See Rule 34)

To,

THE COMMISSIONER OF LABOUR, BIHAR,
PATNA.
Sir,

Under rule 77-A of the Industrial Disputes (Bihar) Rules. 1961, I/We hereby inform that I/We have laid-off ----------out of a total of* ----------workmen employed in the establishment with effect from** ----------for the reasons explained in the Annexure.

2. Such of the workmen concerned as are entitled to compensation under Section 25-C of the Industrial Disputes Act, 1947, will be paid compensation due to them.

Yours faithfully,
***

Copy forwarded to the Conciliation Officer of the area.....
(Here specify the address of the Conciliation Officer of the local area concerned.)

ANNEXURE FORM O-2

(See Rule 77-A) To,

THE COMMISSIONER OF LABOUR, BIHAR, PATNA

Sir,

As required by rule 77-A of the Industrial Disputes (Bihar) Rules, 1961, and in continuation of my / our notice, dated** ----------in Form O-1, I/we hereby inform you that the lay-off in my/our establishment has ended on ----------

*** Yours faithfully.

Copy forwarded to the Conciliation Officer of the area.

(Here specify the address of the Conciliation Officer of the local area concerned.)

* 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.

[1]FORM O-3

(To be submitted in triplicate with additional number of copies for service on the workmen concerned.)

[See **Rule 77-B (1)]**

Form of application for permissf3n to lay-off/ to continue the lay-off workmen in industrial establishments to which provisions of Chapter VB of the Industrial Disputes Act, 194 7 (14 of 1947) apply.

To,

[The authority specified under sub-section (1) of Section 25M]

Sir,

Under sub-section (1) / sub-section (2) of Section 25-M of the Industrial Disputes Act, 1947 (14 1947) read with sub-rule (1) of rule 77-8 of the Industrial Disputes (Bihar) Rules, 1961. I/we hereby apply for *permission to lay-off/permission to continue the lay-off----------workmen 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 they are entitled under sub-section (6) of Section 25M, read with Section 25C of the Industrial Disputes Act. 1947.

(14 of 1947.)

Yours faithfully

(Signatur e)

ANNE XURE

(Please give replies against each item) Item No.

1 Name of the undertaking with complete postal address, including telegraphic address and telephone number.

2. Status of undertaking-

(i) Whether Central public sector/state public sector / foreign majority company/joint sector, etc.

(ii) If belongs to large industrial house, please indicate the controlling group; and if a foreign majority company, indicate the extent of foreign holdings.

(iii) Whether the undertaking is licensed, registered and if so, name of licensing/registration authority and licence/registration certificate numbers.

* Strike out whatever is inapplicable

1. Ins. by S.0 1735 dated 29.11.1976.

3. (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 had 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 or were working and the wages drawn by them.

4. Items of manufacture and scheduled industry/industries under which they fall.

5. Details relating to installed capacity, licenced capacity and utilised capacity.

6. (i) Annual production item-wise for preceding three years.

(ii) Production figures month-wise for the preceding twelve months.

7. Work-in-progress, item-wise and valuewise.

8. Any arrangement regarding off-loading or sub-contracting of products or any component thereof.

9. 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.

10. Number of working days in a week with the number of shifts per day and the strength of workmen per

each shift.

11. Balance sheets; profit and loss account and audit reports for the last three years.

12. Financial position of the company.

13. Names of the inter-connected companies under the same management,

14.(i) The total number of workmen category wise and the number of employees 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.

15. Administrative, general and selling cost in absolute terms per year in the last three years and percentage

thereof to the total cost.

16. Details of lay-offs resorted to in the last three years (other than the lay-off for which permission is sought),

including periods of such lay-off, the number of workmen involved in each lay-off and the reason

therefor.

* Strike out whatever is inapplicable.

17. Anticipated savings due to the proposed lay-off/lay-off for the continuance of which permission is sought.

18. Any proposal for effecting savings on account of reduction in-

(i) managerial
remuneration,
(ii) sales promotion cost,
and

(iii) general administration expenses.

19. Position of stocks on last day of each of the month in the preceding twelve months.

20. Annual sales figures for the last three years and month-wise sale, figures for the preceding twelve months, both item-wise and value-wise.

21. Reasons for the *proposed lay-off/lay-off for the continuance of which permission is sought.

22. Any specific attempts made so far to avoid the *proposed lay-off/lay-off for the continuance of which permissin is sought.

23. Any other relevant factors with details thereof.

FORM P

(See Rule 78

)

Form of Notice of Retrenchment to be given by an employer under clause (c) of Section 25-F of Industrial Disputes Act, 1947.

Name of employee---------- Address----------
------- Dated the----------day of ----------19----------

To,

The Secretary to the Government of India,
Department of Labour and Employment, Patna Sir,

Under clause (c) of Section 25F of the Industrial Disputes Act, 1947 (14 of 1947), I/we hereby inform you that I/we have decided to retrench**---------- workmen with effect from***------- -------- -------- for the reasons explained in the annexure.

2.┼ The workmen concerned were given on the***….. …..19.... .... one month's notice in writing as required under clause (a) of Section 25F of that Act. Retrenchment is being effected in pursuance of an agreement, a copy of which is enclosed. The workmen were given on the---- ----- ---- 19 ---- --- ----one month's pay in lieu of notice, required under clause (a) of Section 25F of that Act.

3.The total number of workmen employed in the industrial establishment is ┼┼ --- --- --- and the total number of those who will be affected by the retrenchment is given below:—

Category and designation of workmen to be retrenched	Number of workmen Employed	to be retrenched
(1)	(2)	(3)

4. I/we hereby declare that the workman/workmen concerned has/have been/ will be, paid compensation due to them under Section 25F of the Act, on* the expiry of the notice period.

Yours faithfully

***

---------- ANNEXURE

State of reasons

Copy to:-

(1)Conciliation Officer,----------
---- (Here enter office address of the Conciliation Officer in local area concerned.)

(2)Labour Commissioner, Bihar, Patna

* Strike out whatever is inapplicable.

** Here insert the number of workmen.

*** Here insert the date.

┼ Delete the portion which is not applicable.

┼┼ Here insert the total uumber of workman employed in the industrial establishment

1 [FORM P-A

[See Rule 71 A(I)]

(To be made in triplicate with additional number of copies for service on the workmen concerned)

Form of notice for permission for retrenchment of workmen to be given by an employer under clause (c) of sub-Section (1) of section 25-N of the Industrial Disputes Act, 1947 (14 of 1947)

To, Date----------

---------- ----------

The State Government/Authority specified under clause (c) of sub-section (I) of section 25-N).

Sir,

Under clause (c) of sub-section (1) of Section 25 (M) of the Industrial Disputes Act, 1947 (14of 1947), I/We hereby inform you that**/We propose to retrench----------

* Here Insert the date.

3

5

** Strike out whatever is inapplicable.

*** Here insert the position which the person who signs this letter holds with the employer issuing the letter.

1. Ins. by S.O. 1735, dated 29-11-1976.

workmen (being workmen to whom sub-section (1) of Section 25-N applies) with effect from---------- ----------for the reasons set out in the Annexure.

2.The workmen concerned *have been given notice in writing as required under clause (a) of sub-section (1) of Section 25-N/have not been given notice since the retrenchment is an agreement (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 of workmen to be retrenched	Number of workmen Employed	to be retrenched
(1)	(2)	(3)

4. Permission is solicited for the proposed retrenchment under clause (d) of sub-section (1) of Section 25-N.

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 (1) of Section 25-N of the Act.

Yours faithfully, (Signature)

ANNEXURE

(Please give replies against each item) Item No.

1. Name of the undertaking with complete postal address, including telegraphic addresses and telephone number.

2. Status of undertaking-

(i) Whether Central public sector/State public sector/ Foreign majority company/joint sector etc.

(ii) If belongs to large industrial house, please indicate the controlling group; and if a foreign majority company, indicate the extent of foreign holdings.

(iii) Whether the undertaking is licensed/registered and if so, name of licensing/registration authority and licence/registration certificate numbers.

3. Names and addresses of the workmen proposed to be retrenched and the nature of their duties, the units/section/ shops where they are working and the wages drawn by them.

4. Items of manufacture and scheduled industry/industries under which they fall.

* Strike out whatever is inapplicable.

5.Details relating to installed capacity, licensed capacity and the utilised capacity.

6.(i) Annual production. item-wise for preceding three years.

(ii) Production figures month-wise for the preceding twelve months.

7.work in progress item-wise and value wise.

8.Any arrangement regarding off-loading or sub-contracting of products or any components thereof.

9.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.

10.Number of working days in a week with number of shifts per day and strength of workmen per each shift.

11.Balance sheet; profit and audit reports for the last three years.

12.Financial position of the Company.

13.Name of the inter-connected companies or companies under the same management.

14.(i) The total number of workmen (category wise)and the number of employees other than workmen as defined in the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking.

(ii)Precentage of wages of workmen to the total cost of production.

15.Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.

16.Details of retrenchment resorted to in the last three years, including dates of retrenchment. the number of workmen involved in each case and the reasons therefor.

17.Has any of the retrenched workmen been given re-employment and if so, when ? Give details. 18.Are seniority list 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?

19.Anticipated savings due to the proposed retrenchment.

20.Any proposal for effecting saving on account of reduction in-

(i) Managerial remuneration,

(ii) Sales promotion cost, and

(iii) General administration expenses.

21.Position of stock on the last day of each of the months in the preceding twelve months.

22.Annual sales figures for the last three years and month- wise sales figure for the preceding twelve months both itme-wise and value-wise.

23.Reasons for the proposed retrenchment.

24.Any specific attempt made so tar to hment.

25.Any other relevant factors with details thereof.

IFORM P B

[See Rule 78-A(2)]

(To be made in triplicate with additional number of copies for service on the workmen concerned)

Form of application for permission for retrenchment of workmen in cases where at the commencement of the Industrial Disputes (Amendment)) Act, 1976 (32 of 1976) the period of notice given under clause (a) of Section 25-F for the retrenchment has not expired.

To, Date----------

---------- ----------

(The State Government/authority referred to in sub-section (2) of Section 25-N of the Act.)

Sir,

I/We have given notice on----------under clause (a) of section 25-F for the retrenchment of the workmen specified below (Attested copy/copies of the notice is/ are appended hereto).

Names and addresses of workmen/workmen	Category and designation
1	2

2. The period of notice referred to above has not expired.

3. I/We hereby solicit permission for the retrenchment of the workmen referred to above under sub-section (4) of Section 25-N of the Industrial Disputes Act. 1947 (14 of 1947) for the reasons set out in the Annexure.

Yours faithfully,
(Signature)

ANNEXURE

(Please give replies against each Item)

Item no.

1. Name of the undertaking with complete postal address,including telegraphic addresses and telephone number.

1. Ins. By S.O. 1735 dated 29.11.1976

2. Status of undertaking :

(i)Whether Central public sector/State public sector/ foreign majority Company/joint sector. etc.

(ii)If belongs to large industrial house. please indicate the controlling group and if a foreign majority company, indicate the extent of foreign holdings.

(iii)Whether the undertaking is licenced/registered and if so name of licensing/registration authority and licence/ registration certificate numbers.

3. (a) Names of the workmen proposed to be retrenched and the nature of their duties, the units/sections/shops where they are working and the wages drawn by them.

(b) Date of the notice of retrenchment given to workman concerned under Section 25F (a) and the dates on which the said notice was served on each workman concerned.

4. Items of manufacture and scheduled industry/Industries under which they fall.

5. Details relating to installed capacity, licensed capacity and the utilised capacity.

6. (i) Annual production item-wise for preceding three years.

(ii) Production figures, month-wise, for the preceding twelve months.

7. Work in progress item-wise and value-wise.

8. Any arrangement regarding off loading or sub-contracting of products or any components thereof. 9. 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.

10. Number of working days in a week with number of shifts per day any strength of workmen per each shift.

11. Balance sheets; profit and loss account and audit reports for the last three years.

12. Financial position of the company.

13. Names of the inter connected company or companies under the same management.

14. (i) The total number of workmen category-wise and the number of employees other than workmen as defined in the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking.
(ii) Percentage of wages of workmen to the total cost of production.

15. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.

16. Details of retrenchment resorted to in the last three years, including the dates of retrenchment, the number of workmen involved in each case and reasons therefor

17. Has any of the retrenched workmen been given re-employment and if so, when? Give details.

18. 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 ?

19. Anticipated savings due to the proposed retrenchment.

20. Any proposal for effecting savings on account of reduction
in--- (i) managerial remuneration.
(ii) sales promotion cost, and
(iv) general administration expenses.

21. Position of stock on the last day of each of the months in the preceding twelve month.

22. Annual sales figures for the last three years and monthwise sales figures for the preceding twelve months both item-wise and value-wise.

23. Reasons for the proposed retrenchment.

24. Any specific attempt made so far to avoid the proposed retrenchment.

25. Any other relevant factors with d

[1][FORM Q

(See Rule 76-A)

(To be submitted in triplicate)

Form of Notice of closure to be given by an employer under Section 25- FFA of the Industrial Disputes Act, 1947 (14 of 1947)

Name of employer----------address---------- ---------- Dated the----------

To,

The Secretary to the Government of Bihar,
Department of Labour and Employment, Patna.

Sir,

Under Section 25FFA of the Industrial Disputes Act, 1947 (XIV of 1947), I/we hereby inform you that I/we have decided to close-down----------(Name of undertaking) with effect from----------for the reasons explained in the annexure. The number of workmen whose services would be terminated on account of the closure of the undertaking is (number of workmen).

Yours faithfully,

---

1. Ins. by S. O. 1735 dated 29.11 .1976

ANNEXURE

Statement of

Reasons Copy to a**

(1) Deputy Labour Commissioner----------
(2) ----- Assistant Labour Commissioner----------
(3) ---------- Superintendent of Labour----------
(4) ----- Employment Exchange----------
--

* (Here insert the position which the person who signs the letter holds with the employer issuing this letter.)

**(Here insert the office address of the Deputy Labour Commissioner/Assistant Commissioner/Superintendent of Labour/Employment Exchange in the local areas concerned.)

[1][FORM C-A

[*See Rule 76-N1)*]

(To be submitted in triplicate)

Form of notice for permission of closure to be given by an employer under sub- section(1) of Section 25-0 of the Industrial Disputes Act, 1947 (14 of 1947).

Date----------

------- To,

The Secretary to the Government of Bihar,
Department of Labour and Employment. Bihar. Patna

Sir,

Under Section 25-0 of the Industrial Disputes Act, 1947 (14 of 1947) I/we hereby inform you that I/we propose to dose down the undertaking specified below of----------(name of the industrial establishment).

(Give details of the undertaking)

---

with effect from----------for the reasons explained in the 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.I/we hereby declare that in the event of approval for the closure being granted, every workmen in the undertaking to whom sub-section (7) of the said Section 25-O applies will be given notice and paid compensation as specified in

Section 25-N of the Industrial Disputes Act, 1947 (14 of 1.947) as if the workmen had been retrenched under that section.

Yours
faithfully
(Signature)

1. Ins. by S. O. 1735 dated 29-11-1976

ANNEXURE

(Please give replies against each item) Item No.

1.Name of the industrial establishment with complete postal address, including telegraphic addresses and telephone number.

2. Status of Undertaking-

(i)Whether Central Public Sector/State Public Sector, foreign majority company/joint sector. etc.

(ii) It belongs to large industrial house, please indicate the controlling group; and if a foreign majority company, indicate the extent of foreign holdings.

(iii) Whether the undertaking is licensed/registered and if so, name of licensing/registration authority and licence/ registration certificate numbers.

3. The total number and categories of workmen affected by the proposed closure, along with the addresses of the workmen and the details of wages drawn by them.

4. Items of manufacture and scheduled industry/industries under which they fall.

5. Details relating to licenced capacity, installed capacity and the utilised capacity.

6. (i) Annual production item-wise for preceding three years.

(ii) Production figures month-wise for the preceding twelve months.

7. Work in progress item-wise and value-wise.

8. Any arrangement regarding off-loading or sub-contracting of products or and component thereof.

9. Details of persons or the orgnisation to whom the job/jobs is/are being entrusted relationship/interest of the persons/ organisation with the director/directors or the officer /officers of the company.

10. 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.

11.Number of working days in a week with number of shifts per day and the strength of workmen per each shift.

12.Balance sheet and the profit and loss account and audit reports for the last three years.

13.Financial position of the company.

14.(i) Name of interconnected company or companies under the same management.

(ii) Details about inter-corporate investments and changes during the last one year. (iii) Interest of any of directors/officers of the undertaking producing same or similar type of product.

15. Percentage of wages of workmen to the total cost of production.

16. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.

17. Inventory position item-wise and value-wise for the preceding twelve months (Inventories to be shown in respect of finished products, components and raw-materials separately itemwise and value-wise.)

18. Selling arrangement for the last three years and any chant in the seelling arrangement in preceding twelve months.

19. Full details of the interests of the directors and officer of the company in the orgnisations/persons involved in selling products of the undertaking.

20. Buying arragements for raw-materials and components.

21. Interests of the directors and officers with the organisatiocist persons involved in buying raw materials and components for the undertaking.

22. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item-wise and value-wise.

23. Reasons for the proposed closure.

24. Any specific attempts made so far to avoid the closure.

25. Any other relevant factors with details thereof.

[1][FORM Q-B

[See Rule 76-B(2))

(To be submitted in triplicate)

Form of application for permission to close down an undertaking in cases where at the commencement of the Industrial Disputes (amendment) Act, 1976 (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 Bihar,
Department of Labour 8 Employment, Bihar, Patna.

Sir,

I/We have given notice on----------sub-section (1) of Section 25FFA of our intention to close down an undertaking specified below of ----------

1. Ins. by S. O. 1735 dated 29-11-1976

(Name of industrial establishment)

(Give details of the undertaking)

(Attested copy of the notice is appended hereto) 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 (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 workman in the undertaking to whom sub-section (7) of the said Section 25-0 applies will be given notice and paid cornpensati an as specified in Section 25N of the Industrial Disputes Act, 1947 (14 of 1947) as if the workman has been retrenched under that section.

Yours faithfully, (Signature)

ANNEXURE

(Please give replies against each item)

Item No.

1. Name of the Industrial establishment with complete postal address, including telegraphic address and telephone number.

2. Status of undertaking—

(i) Whether Central public sector/State public sector/ foreign majority company/joint sector, etc.

(ii) If belongs to a large industrial house, please indicate the controlling group and if a foreign majority company, indicate the extent of foreign holdings.

(iii) Whether the undertaking is licenced/registered and if so, name of licensing/registration authority and licence/ registration certificate numbers.

3. Date of the notice under sub-section (1) of Section 25FFA and the date on which the said notice was served on the appropriate Government.

4. The total number and categories of workmen affected by the proposed closure, alongwith the addresses of the workmen and the details of wages drawn by them.

5. Items of manufacture and scheduled industries under which they fall.

6. Details relating to licenced capacity, installed capacity and the utilised capacity.

7. (i) Annual production item-wise for preceding three years.

(ii) Production figures month-wise for the preceding twelve months.

8. Work in progress item-wise and value-wise.

9. Any arrangement regarding off-loading or sub-contracting of products or any component thereof

10. Details of person or the organisation to whom the job/jobs is/are being entrusted relationship/interest of the person/ organisations with the director/directors or the officer / officers of the company.

11. 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 next following and for the period after the expiry of the said one year.

12. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift.

13. Balance-sheet and profit and loss account and audit reportfor the last three years.

14. Financial position of the company.

15. (i) Names of any inter-connected company or corn under the same management

(ii) Details about inter-corporate investments and changes during the last one year.

(iii) Interest of any of the directors/officers of undertaking producing same or similar type of products.

16. Precentage of wages of workmen to the total cost of production.

17. Administrative, general and selling cost in absolute terms per year for last three years and percentage thereof to the total cost.

18. Inventory position item-wise for the preceding twelve months (Inventories to be shown in respect of finished products, components and raw materials to be shown separately item-wise and value-wise).

19. Selling arrangement for the last three years and any change in the selling arrangement in preceding twelve months.

20. Full details of the interests of the directors and officers of the company in the organisation/person involved in selling products of the undertaking.

21. Buying arrangement for raw-materials and components.

22. Interests of the directors and officers with organisations/ persons involved in buying raw-materials and components for the undertaking.

23. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months, both item-wise and value-wise.

24. Reasons for the proposed closure.

25. Any specific attempts made so far to avoid the closure.

26. Any other relevant factors with details thereof.