

West Bengal Industrial Disputes Rules, 1958

WEST BENGAL

India

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058.

1. Short title and commencement.

- These rules may be called the West Bengal Industrial Disputes Rules, 1958.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context, (a)the Act" means the Industrial Disputes Act, 1947 (XIV of 1947);(b)"Chairman" means the Chairman of a Board or Court or, if the Court consists of one person only, such person and includes the Presiding Officer of a Labour Court or a Tribunal ;(c)"Committee" means a Works Committee constituted under subsection (1) of section 3 of the Act ;(d)"form" means a form in the Schedule to these rules ;(e)"Labour Commissioner" means the officer designated and appointed as such by the State Government and includes an Additional, a Joint or a Deputy Labour Commissioner ;(f)"Section" means a section of the Act ;(g)words and expressions used but not defined in this rules, but defined in the Industrial Disputes Act, 1947, shall have the meaning respectively assigned to them in that Act.GeneralProcedure for reference of industrial disputes to Boards of Conciliation Courts of Enquiry, Labour Courts and Industrial Tribunals.

2A. Employer.

- For the purpose of the Act and these rules, 'employer' in relation to an industry carried on by or

under the authority of a department of the State Government shall be the officer in charge of that industry.

3. Application.

(1)An application under sub-section (2) of section 10 for the reference of an industrial dispute to a Board, Court, Labour Court or Tribunal shall be made in Form A and shall be delivered personally or forwarded by registered post in triplicate to the Labour Commissioner and/or to the Conciliation Officer concerned. 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 estimate of the 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.(2)Where the application is submitted on behalf of both the workmen and the employer whether jointly or separately, it shall state whether the employers and the majority of the workmen involved in the dispute are represented by the applicants and the applicants shall produce such evidence in support of the claims as the Labour Commissioner and/or the Conciliation Officer concerned may ask for. As soon as the Labour Commissioner and/or the Conciliation Officer concerned is satisfied with regard to the representative character of the applicants, he shall immediately forward the application to the Secretary to the Government of West Bengal in the Department of Labour for reference of the dispute to a Board, Court, Labour Court or Tribunal, as the case may be.(3)Where the application has been submitted on behalf of one party only the Labour Commissioner and/or the Conciliation Officer concerned after such enquiries as may be deemed necessary by him shall forward it to the Secretary to the Government of West Bengal in the Department of Labour together with the recommendations whether the dispute should be referred to a Board, Court, Labour Court or Tribunal, whether the applicant in the case of workmen represents the majority of the party to the dispute he claims to represent, whether the opposite party has consented to abide by the decision of a Board or Court, and in the case of a recommendation for reference to a Board, Court, Labour Court or a Tribunal whether the continuance of a strike or lock-out, if one be in existence in connection with the dispute, should be prohibited.

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 his authorised agent ;(b)in the case of Workmen, either by the President, Secretary or other officers of a registered Trade Union of the workmen concerned with the establishment or by five representatives of the workmen duly authorised in writing in this behalf by a majority of the workmen in the establishment present at a meeting held for the purpose :Provided that where five representatives of workmen are so authorised to sign an application ; a copy of the proceedings of the said meeting shall be attached with the said application.

5. Notification of appointment of Board, Court, Labour Court or Tribunal.

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

6. Notice to parties to nominate representatives.

(1) If the State Government proposes to appoint a Board, it shall send a notice in Form B to the parties requiring them to nominate within a reasonable time, persons to represent them on the Board. (2) The notice to the employer shall be sent to the employer himself or his authorised agent. (3) The notice to the workmen shall be sent (a) in the case of workmen who are members of a trade union, to the President or Secretary of the trade union ; and (b) in the case of workmen who are not members of a trade union, to any one workman who has 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.

7. Arbitration Agreement.

(1) 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 triplicate to the Government of West Bengal in the Department of Labour and the Labour Commissioner and/ or the Conciliation Officer concerned. The agreement shall be accompanied by the consent in writing of the arbitrator or arbitrators. (2) Where an arbitration agreement provides for an even number of arbitrators a person shall be separately appointed as umpire who shall enter upon the reference, if the arbitrators are equally divided in their opinion. The agreement appointing an umpire shall be accompanied by the consent in writing of the umpire.

8. Attestation of Arbitration Agreement. The arbitration agreement shall be signed.

- (a) in the case of an employer, by the employer himself or his authorised agent present at the meeting ; (b) in the case of workmen, either by the President and Secretary of a Trade Union of the workmen connected with the establishment or by five representatives of the workmen duly authorised in writing in this behalf by the majority of the workmen in the establishment present at a meeting held for the purpose. Powers, procedures and duties of Conciliation Officer, Boards, Courts, Labour Courts, Tribunals and Arbitrators.

8A. Notification regarding arbitration agreement by majority of each party.

- When an industrial dispute has been referred to arbitration and the State Government is satisfied that the persons making the reference represent majority of each party it shall publish a notification in this behalf in the "Official Gazette" within one month from the date of receipt of the arbitration agreement by the Government, for the information of the employers and the worker who are not parties to the arbitration agreement but are concerned in the dispute.

9. Conciliation proceedings in public utility service.

(1)The Conciliation Officer on receipt of a notice of strike or lockout given in the prescribed manner, shall forthwith arrange to interview or contract both representatives of the employer and the workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.(2)Where the Conciliation Officer receives any information about an existing or apprehended industrial dispute not arising of notice of strike or lockout, he may intervene in the dispute and may, if he deems necessary, commence conciliation proceedings.

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 a public utility service and he considers it necessary to intervene in the dispute, he shall commence conciliation proceedings.

11. Meeting of representative of parties.

- The Conciliation Officer may hold a meeting of the representatives of both parties jointly or of each party separately at such places and such times as he may deem fit.

12. Conduct of proceedings and notice for production of documents.

(1)The Conciliation Officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.(2)Notice for production of documents before the Conciliation officer shall be in Form D. Such notice shall be served either personally or by registered post.[Rule 12A. Settlement of dispute on representation from individual workman.(1)The Conciliation Officer on receipt of a representation relating to an individual workman shall investigate the matter and if he is satisfied that an industrial dispute exists, he shall take all such steps as he thinks fit and proper for the purpose of inducing the parties to come to a speedy, fair and amicable settlement of the dispute.(2)If no settlement of the industrial dispute mentioned in sub-rule (1) is arrived at within a period of 60 days from the date of raising of the dispute, the party raising the dispute may apply to the Conciliation Officer personally or by registered post with acknowledgement due in Form P-4 for a certificate about the pendency of the conciliation proceedings before such Conciliation Officer.(3)The Conciliation Officer, on receipt of the application referred to in sub-section (1B) of section 10. shall within 7 days from the date of receipt of such application, issue a certificate about the pendency of conciliation proceedings to the applicant in Form S.(4)The party may, within a period of 60 days from the date of receipt of such certificate or when such certificate has not been issued within 7 days under sub-rule (3). within a period of 60 days commencing from the day immediately after expiry of 7 days as aforesaid; file an application in Form T to such Labour Court or Industrial Tribunal as may be specified by the State Government by notification in the Official Gazette.] [Inserted by Notification No. 1896 - IR dated 12.11.1993]

13. Place and time of hearing.

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

14. Quorum for Boards and Courts.

- The quorum necessary to constitute sittings of a Board or Court shall be as follows : (1) 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. (2) In the case of a Board where the number of members is 3-2, where the number of members is 5-3.

15. Evidence.

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

16. Administration of Oath.

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

16A. Authorising Head Clerk or other clerk to administer oath.

- The Presiding Officer of an Industrial Tribunal or Labour Court, as the case may be, may authorise Head Clerk or where there is no Head Clerk, its senior most clerk to administer oaths for the purpose of making affidavits.

17. Summons by a Board or Court.

- A summons issued by a Board of Conciliation or Court of Enquiry shall be in Form D-1 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 by the Board or Court which the Board or Court thinks necessary for the purposes of such investigation.

18. 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 an Arbitrator empowered to issue such notice, summons, process or order may be served either personally or by registered post or in any other manner as

prescribed under the Code of Civil Procedure, 1908.

19. Manner of service in the case of numerous persons as parties to a dispute.

(1)Where there are numerous persons as parties to any proceeding before a Board, Court, Labour Court, Tribunal or an Arbitrator and such persons are members of any trade union or association, the service of notice 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 an Arbitrator and such persons are not members of any trade union or association, the Board, Court, Labour Court, Tribunal or Arbitrator, as the case may be, shall, where personal service is not practicable, cause the service of any notice to be made by affixing the same at or near the main entrance of the establishment concerned.(3)A notice served in the manner specified in sub-rule (2) shall also be considered as sufficient in the case of such workmen as cannot be ascertained and found.

20. Procedure at the first sitting.

- At the first sitting of a Board of Conciliation or Court of Enquiry, 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.

20A. Notice to the parties.

- Upon receipt of a reference from the Government under section 10, the Industrial Tribunal/Labour Court concerned shall issue notices in Form D-2 upon the parties to the dispute as mentioned in the order of reference, requiring them to appear before it on a specified date either by themselves or through their authorised representatives for necessary directions.

20B. Statement of case or written statement.

(1)The Industrial Tribunal/Labour Court shall on the date fixed in the summons for the appearance of the parties direct the party which appears to the Tribunal/Labour Court to be the party at whose instance the reference has been initiated or where no such party can be ascertained, the party, which, in the opinion of the Industrial Tribunal/Labour Court, ought to be required to state its case first (hereinafter referred to as the first party) to state its case together with the grounds upon which the claim for relief is founded, and a list of relevant documents which are in their possession and upon which they want to rely in writing on a date fixed by the Industrial Tribunal/Labour Court which shall ordinarily be within two weeks from the date of the order.(2)After the first party has complied with the order passed under sub rule (1), the other party (hereinafter referred to as the second party) shall be asked to file written statement and a list of relevant documents which are in their possession and upon which they want to rely on a date fixed by the Industrial Tribunal/Labour

Court, which shall ordinarily be within two weeks from the date of the order.(3)Every statement of case and every written statement shall be signed and verified in the manner prescribed by rule 69 or rule 70, as the case may be.(4)Each party shall file along with its statement of case or the written statement, as the case may be, as many copies thereof as may be directed by the Industrial Tribunal/Labour Court.(5)A copy of the statement of case or the written statement shall be served on the first party or the second party, as the case may be, by the Industrial Tribunal/Labour Court within seven days from the date on which copies of the statement of case or the written statement, as the case may be, are filed by making it over to the party concerned or to its authorised representative in the Office of the Industrial Tribunal/Labour Court on a date and time fixed for the purpose and intimated to the party concerned by the Industrial Tribunal/Labour Court.

20C. Inspection of documents.

- [(1) Within 14 days from the date of filing of the written statement by the second party, the parties shall file a list disclosing the documents which are in their possession and power relating to the matter or matters in dispute and upon which they want to rely, and each party shall give a notice to the other of the date on which its list is filed.(2)Within 10 days from the date of filing its list of documents, each party shall furnish to' the other copies of the documents disclosed in the lists except the original registers, books of accounts and such other documents as may be exempted by the Industrial Tribunal or the Labour Court, as the case may be.] [Substituted by notification No. 1807-IR dated 12.11.1993]

20D. Addition of issues or parties to the proceedings.

(1)After the parties have filed their statements, the Industrial Tribunal Labour Court may fix a date for framing, if necessary, issues relating to and arising out of the point or points in dispute, as referred, and matters incidental thereto, as well as additional or subsidiary issues, not enlarging in any way the scope of the points referred for adjudication on the merits, nor adding to their number but required for dealing with extrinsic contentions raised by the parties about the reference and for its hearing.(2)The Industrial Tribunal/Labour Court may at any stage of the proceedings, either upon or without the application of any party and on such terms as may appear to the Industrial Tribunal/Labour Court just, order that the name of any party who ought to have been joined in the reference or whose presence before the Industrial Tribunal/Labour Court may be necessary in order to enable the Industrial Tribunal/Labour Court effectually and completely to adjudicate upon and settle all questions involved in the dispute, be brought on the record :Provided that no such party shall be brought on the record without being given an opportunity to show cause by proper notice why he should not be brought on the record. The notice to show cause shall be in Form D-3.(3)The Industrial Tribunal/Labour Court shall have power, when circumstances so require, to bring on record in the place and instead of a party to the reference, a party or parties to which the right or interest of the former has passed in the course of the proceeding before it.

20E. Summoning and attendances of witnesses.

- The Industrial Tribunal/Labour Court may at any stage of the proceedings. either upon or without an application by any party and on such terms as may appear to the Industrial Tribunal/Labour Court just, issue summonses to any person in Form D-4 either to give evidence or to produce documents or for both purposes on a specified date, time and place.

20F. Fixation of date and place of final hearing.

(1)After all interlocutory proceedings have been finished, the Industrial Tribunal/Labour Court shall fix a date for fixing a date of final hearing.(2)At the end of the day on which dates are fixed for final hearing of the cases the Industrial Tribunal/Labour Court shall exhibit a list showing therein the date so fixed.

20G. Alteration of date or enlargement of time.

(1)Where any date is fixed for a particular purpose or any period is fixed or granted for the doing of any act prescribed by the rules, the Industrial Tribunal/Labour Court may in its discretion alter the date or enlarge such period, as the case may be, from time to time and make such order as it thinks fit with respect to the costs occasioned by such alteration of date or enlargement of time.(2)All petitions to the Industrial Tribunal/Labour Court shall be filed by 12 Noon at the latest on any working day after due service of the same on the other party and shall be moved before the Industrial Tribunal/Labour Court in due course. In default, the Industrial Tribunal/Labour Court shall be competent to reject the same summarily without assigning any reason.

20H. Procedure at the final hearing.

(1)When a case is taken up for hearing the Industrial Tribunal/Labour Court shall first decide, having regard to the nature of the dispute and the issues requiring adjudication, which party shall be called upon to open its case and lead evidence. The party called upon by the Industrial Tribunal/Labour Court to open its case and lead evidence, shall comply with the order of the Industrial Tribunal/Labour Court. Thereafter, the other party to the dispute shall open its case and lead evidence.(2)After the evidence of both parties is concluded, the party tendering evidence last shall first address the Industrial Tribunal/Labour Court generally and thereafter the other party shall do the same.Provided that the Industrial Tribunal/Labour Court may decide any preliminary issue raised on the eve of the final hearing. if not earlier, by any party to the proceeding and record such evidence or admit such documents as may be deemed fit and proper for the purpose and pass its order on the issue upon consideration of all the relevant materials as placed before it and submissions on the contesting partiesProvided further that the Industrial Tribunal/Labour Court may in its discretion at the time of passing the order on the preliminary issue grant costs not exceeding five hundred rupees against any party, which in the opinion of the Industrial Tribunal/Labour Court, raised such preliminary issue frivolously or otherwise in order to serve its ulterior purpose.

21. Board, Court, Labour Court, Tribunal, or Arbitrator may proceed ex-parte.

- If without sufficient cause being shown, any party to a proceeding before a Board, Court, Labour Court, Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal or Arbitrator may proceed as if such party had duly attended or had been represented.

22. Procedure when both parties fail to appear.

- If without sufficient cause being shown both the parties fail to appear before a Board, Court, Labour Court, Tribunal or Arbitrator, the Board, Court, Labour Court, Tribunal or Arbitrator may submit a suitable report to the State Government and the Labour Court, Tribunal or an Arbitrator may submit an award to the State Government on the footing that the industrial dispute under reference is no longer in existence.

23. Power of entry and inspection.

- A Board or Court or any member thereof or a Conciliation Officer, a Labour Court or Tribunal under the Act, at any time during hours of work, 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.

24. Power of Boards, Courts, Labour Courts and Tribunals.

- In addition to the powers conferred by the Act, Boards, Courts, Labour Courts and Tribunals shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters namely : (a) discovery and inspection ; (b) granting adjournments ; (c) reception of evidence taken on affidavit ; (d) framing of additional or subsidiary issues ; (e) addition of parties ; and the Board, 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 sections 480 and 482 of the Code of the Criminal Procedure, 1898.

24A. Determination of costs.

- In determining the costs of, and incidental to, any proceeding before a Labour Court or an Industrial Tribunal, such Labour Court or Industrial Tribunal (a) shall have regard, inter alia to the travelling and other expenses, allowed and paid to the witnesses of a party for attending such Industrial Tribunal or Labour Court, the compensation, if any, allowed by the Industrial Tribunal or Labour Court and paid to the party's witnesses for the loss suffered by them by reason of having to attend such Industrial Tribunal or Labour Court and remuneration, if any, allowed and paid to expert witnesses as well as such allowances and, if considered proper, such compensation, for a party himself when he was called as a witness or required to produce a document by the other party,

unless the same has already been paid to such party; and(b)may have regard to the travelling and other expenses of a party who gave evidence on his own behalf, to the extent admissible to other witnesses of a similar standing :Provided that the costs referred to in clause (a) shall be assessed only in respect of such persons whose presence is considered essential for the hearing of the case and who were actually present before the Industrial Tribunal/Labour Court.

25. Assessors.

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

26. Decision by majority.

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

27. Correction of errors and review of an award.

- The Labour Court, Industrial Tribunal or Arbitrator may -(i)correct any clerical or arithmetical mistake arising from an accidental slip or omission in any award made by it or him, and(ii)review an award on the ground of some mistake or error apparent on the face of the record, either of its/his own motion or on the application of any of the parties ;(iii)for sufficient cause set aside after notice to the opposite party or parties as the case may be, the ex-parte award or an award on the footing that the industrial dispute under reference is no longer in existence either of its/his own motion or on the application of any of the parties :Provided that no correction shall be made without previous notices to the parties or opposite party, as the case may be.Provided further that no application for review under clause (iii) shall be entertained on the expiry of the 15th day from the date of the award.

28. Right of representatives.

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

29. Parties bound by acts of representatives.

- A party appearing by an authorised representative shall be bound by the acts of such representative.

30. Proceedings 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 or Labour Court or Tribunal may at any stage direct that any witness shall be examined or its proceedings shall be held in camera. Remuneration of Arbitrators, Chairman and Members of Court, Presiding Officers of Labour Courts and Tribunals. Assessors, witness and staff.

31. 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 or an Arbitrator, if a non-official, shall be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with the performance of his duties at the rates admissible and subject to the conditions applicable to a Government servant of the first grade under the Fundamental and Subsidiary Rules.

32. 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.

33. Expenses of witnesses.

- Every person who is summoned and duly attends or otherwise appears as a witness before a Board, Court, Labour Court, Industrial Tribunal or an Arbitrator, shall be entitled to an allowance for diet, travelling and other expenses according, in the City of Calcutta, to the rules prescribed for witnesses in the High Court and, elsewhere, to the rules prescribed in respect of witnesses in the District Courts by the Civil Procedure Code and the High Court's Civil Rules and Orders and he may in the discretion of such Board, Court, Labour Court, Industrial Tribunal or Arbitrator, also be allowed compensation for loss actually suffered by reason of his attendance, as in the case of witnesses before the Civil Court. A person examined as an expert may be allowed, in addition to travelling and other expenses, reasonable remuneration for the time occupies both in giving evidence and in performing any work of an expert character necessary for the case. Where he is a Government servant, the rules contained in the High Court's Civil Rules and Orders shall apply. Notice of Change

34. 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 E.

35. 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 or association, the notice in Form E shall be served on the Secretary or Principal Officer of the trade union or association and copies of such notices shall be affixed on Notice Boards at or near the entrance or entrances of the establishment concerned and notice shall remain so affixed for a period of twenty one days. The notice shall be in English, Bengali and in the language understood by the majority of the workmen in the establishment concerned. 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 all such workmen : Provided that if the Secretary or the Principal officer refuses to receive the notice or that for any other reason the notice cannot be served on the Secretary or the Principal Officer in the ordinary way the exhibition of the notice on the Notice Boards in the manner specified in sub-rule (2) shall be deemed to be service on all such workmen. (2) Where there are numerous workmen affected by a notice of change and the majority of such workmen are not members of any trade union or association, the employer shall, where personal service is not practicable, cause the service of any such notice to be made by the 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, Bengali and in the language understood by the majority of the workmen in the establishment concerned. (3) Two copies of such notice shall simultaneously be forwarded by the employer to the Labour Commissioner. Works Committee.

36. Constitution.

(1) Any employer in respect of whom an order under sub-section (1) of section 3 has been made shall forthwith proceed to constitute a works committee in the manner hereinafter provided. (2) Any employer, in respect of whom an order under sub-section (1) of section 3 has been made, may, if subsequently, on all days during any period of twelve months the number of workmen employed by him be less than one hundred, apply to the Labour Commissioner for revocation of the said order. On receipt of such application the Labour Commissioner shall make an enquiry and may, if satisfied as to the merits of the application, recommend to the State Government for revocation of the said order. The State Government may then revoke the said order, if it considers necessary to do in the public interest.

37. Number of members.

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

38. Representatives of employer.

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

39. Consultation with trade unions.

(1) Where any workmen of an establishment are members of a registered trade union, the employer shall ask the union to inform him in writing (a) how many of the workmen are members of the union ; and (b) how their membership is distributed among the sections, shops or departments of the establishment. (2) Where an employer has reason to believe that the information furnished to him under sub-rule (1) by any trade union is false, he may after informing the union refer the matter to the Labour Commissioner, West Bengal for his decision ; and the Labour Commissioner after hearing the parties shall decide the matter and his decision shall be final.

40. Groups of workmen's representatives.

- On receipt of the information called for under rule 39. the employer shall provide for the election of workmen's representatives on the committee in two groups - (1) those to be elected by the workmen of the establishment who are members of the registered trade union or unions, and (2) those to be elected by the workmen of the establishment who are not members of the registered trade union or unions, bearing the same proportion to each other as the union members in the establishment bear to the non-members : Provided that where more than half the workmen are members of the union or any one of the unions, no such division shall be made : Provided that where a registered trade union neglects or fails to furnish the information called for under sub-rule (1) of rule 39 within one month of the date of the notice requiring it to furnish such information such union shall for the purpose of this rule be treated as if it did not exist : Provided further that where any reference has been made by the employer under sub-rule (2) of rule 39, the election shall be held on receipt of the decision of the Labour Commissioner.

41. Electoral Constituencies.

- Where under the rule 40, the workmen's representatives are to be elected two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of a registered trade union and the other of those who are not : Provided that the employer may, if he thinks fit, sub-divide the two electoral constituencies and direct that the workmen shall vote in either by groups, sections, shops or departments.

42. Qualifications of candidates for election.

- Any workman of not less than 19 years of age and with a service of not less than one year in the establishment may if nominated as provided in these rules be a candidate for election as a

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

43. Qualification for voters.

- All workmen, other than casual employees, who are not less than 18 years of age and who have put in not less than six month's continuous service in the establishment shall be entitled to vote in the election of the representative of workmen.

44. Procedure for election.

(1) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmen's representatives on the committee. (2) For holding the election, the employer shall also fix a date which shall not be earlier than three days and later than ten days after the closing date for receiving nominations. (3) The dates so fixed shall be notified at least seven days in advance to the workmen and the registered trade union or unions concerned. Such notice shall be affixed on the notice board or given adequate publicity amongst the workmen. The notice shall specify number of seats to be elected by the groups, sections, shops or departments and the number to be elected by the members of the registered trade union or unions and by the non-members. (4) A copy of such notice shall be sent to the registered trade union or unions concerned.

45. Nomination of candidates for election.

(1) Every nomination shall be made on a nomination paper in Form F copies of which shall be supplied by the employer to the workmen requiring them. (2) Each nomination paper shall be signed by the candidate to whom it relates and attested by at least two other voters belonging to the group, section, shop or department the candidate seeking election will represent, and shall be delivered to the employer.

46. Scrutiny of nomination papers.

(1) On the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those which are not valid shall be rejected. (2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid if (a) the candidate nominated is ineligible for membership under rule 42 or (b) the requirements of rule 45 have not been complied with: Provided that where a candidate or the person attesting is unable to be present at the time of the scrutiny, he may send a duly authorised nominee for the purpose.

47. Voting in election.

(1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall be forthwith declared duly elected. (2) If in any constituency the number of

candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election.(3)The election shall be held in such manner as may be convenient for each electoral constituency.(4)The voting shall be conducted by the employer, and if any of the candidates belong to a union such of them as the union may nominate shall be associated with the election.(5)Every workman entitled to vote at an electoral constituency shall have as many votes as there are seats to be filled in the constituency :Provided that each voter shall be entitled to cast only one vote in favour of any one candidate.

48. Arrangements for election.

- The employer shall be responsible for all arrangements in connection with the election :Provided that where there is a dispute or an apprehended dispute or where either the employer or the workers make a specific request to the Labour Commissioner, the Labour Commissioner shall depute an officer to supervise the election.

49. Officers of the Committee.

(1)The Committee shall have among its office-bearers a Chairman, a Vice-Chairman, a Secretary and a Joint Secretary. the Secretary and the Joint Secretary shall be elected every year.(2)The Chairman shall be nominated by the employer from amongst the employer's representatives on the Committee and he shall ordinarily be the head of the employer's establishment. The Vice-Chairman shall be elected by the employer's representatives on the committee from amongst themselves. In the absence of the Chairman, the Vice-Chairman shall preside over the Committee meetings :Provided that the position may be reviewed by the State Government after three years from 1960 or from the date of formation of the Works Committee for the first time, whichever is later, and the post of Chairman may then be held by an employees representative elected by such representatives on the Committee from amongst themselves if Government so directs :Provided further that if an employees representative is elected to the post of Chairman, the Vice-Chairman shall be nominated by the employer from amongst the employer's representatives on the Committee and he shall ordinarily be the head of the employer's establishment.(3)The Committee shall elect the Secretary and the Joint Secretary provided that where the Secretary is elected from amongst the representatives of the employers the Joint Secretary shall be elected from amongst the representatives of the workmen and vice versa :Provided further that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the employer or the workmen for two consecutive years.

50. Term of Office.

(1)The term of office of a workmen's representative on the committee other than a member chosen to fill a casual vacancy shall be two years and such further period as may elapse between the expiry of the said two years and the date on which his successor is elected.(2)A member chosen to fill a casual vacancy, shall hold office for the unexpired term of his predecessor.(3)A member who, without obtaining leave from the committee, fails to attend three consecutive meetings of the committee shall forfeit his membership.

51. Vacancies.

- In the event of the workmen's representative ceasing to be a member under sub-rule (3) of rule 50 or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise his successor shall be elected in accordance with the provisions of these rules from the same group, section, shop or department to which the member vacating the seat belonged.

52. Power to co-opt.

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

53. Meetings.

(1)The Committee may meet as often as necessary but not less often than once in three months (a quarter).(2)The employer shall, after giving not less than three day's notice, convene the first meeting of the Works Committee for selection of the office bearers under rule 49.

54. Facilities for meeting etc.

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

54A. Functions of the Works Committee.

- The functions of the Works Committee shall relate amongst others to the following matters, namely :-(i)Conditions of work, such as ventilation, lighting, temperature and sanitation including latrines and urinals,(ii)amenities, such as drinking water, canteens, dining rooms, crèches, rest rooms, medical and health services.(iii)safety and accident prevention, occupational diseases and protective equipments.(iv)adjustment of festival and national holidays,(v)administration of welfare and fine funds,(vi)educational and recreational activities, such as libraries, reading rooms, cinema shows, sports, games, picnic parties, community welfare and celebrations.(vii)promotion of thrift and savings,(viii)Implementation and review of decisions arrived at in the meetings of the Works Committee.

55. Dissolution of Works Committee.

- The State Government or where the power under section 3 is delegated under section 39 to the Labour Commissioner, the Labour Commissioner may, after making such inquiry as it or he may deem fit, dissolve any Works Committee at any time by an order in writing, if it or he is satisfied that the Committee has not been constituted in accordance with these rules or for any other adequate reason :Provided that where a Works Committee is dissolved under this rule, the employer may take steps to reconstitute the committee in accordance with these rules. Miscellaneous fees for copies of awards and other documents

56. Copies and application for copies.

(1) Any party to an industrial dispute desiring to obtain copies of proceedings of a Board, Court, Labour Court or Tribunal shall make an application for copies to the Chairman. Copies of any number of documents on the same record may be obtained on a single application. A stranger may obtain copies of awards and, on showing sufficient reason to the satisfaction of the Tribunal or Labour Court concerned, also copies of other proceedings on making an application for copies to the Chairman. Proceedings shall include exhibits which have been put in and formally accepted as evidence by the Board, Court, Labour Court or Tribunal. But a stranger shall not be given copies of private documents except with the consent of the person by whom they were produced, or his successor-in-interest. No copy of award shall, however, be supplied till the Government order for its Publication is issued. (2) Every application for copy shall be presented in Form G to the Chairman between the hours of 10 a.m. to 12 noon and shall be accompanied by a fee of [15 paise] only which shall be paid in court-fee stamps affixed on the application.

57. Copies to be issued on stamped paper.

(1) All copies shall be prepared on the prescribed stamped paper (i.e. the folio), [or on decoy paper/thick paper by affixing the adhesive stamp of equal value of folio.] (2) If it be not possible at once to inform the applicant what court-fee stamps and folios will be required in respect of the copies applied for, the requisite information shall be communicated to the applicant as soon as may be thereafter and in any case not later than three days from the date on which the application is received, by noting on the counterfoil portion of the application from which will be taken delivery of by the applicant from the office of the Chairman within three days from the date of filing of the application.

58. Charge to be made for copies.

(1) The charge for copies (manuscript or typewritten, certified or uncertified) shall be according to the following rates and manner, namely : (a) an impressed stamped paper of [forty paise] (i.e., folio) or on demy paper/thick paper by affixing the adhesive stamp of equal value of folio] for copies of documents containing 150 words or less, (b) an impressed stamped paper of four annas [forty paise] (i.e., folio) [or on demy paper/thick paper by affixing the adhesive stamp of equal value of folio] with

an adhesive stamp of four annas [forty paise] affixed thereto for copies of documents containing 151 to 300 words, and(c)for copies of documents containing more than 300 words, besides the requisites specified in clause (b), an additional impressed stamp paper or papers of four annas [forty paise] with an adhesive stamp of four annas [forty paise] affixed thereto, if necessary, according to the number of words to be typed or copied (four figures counting as one word at the rates shown in clauses (a) and (b). The adhesive court-fee stamps required for the copies shall be affixed to the folios across the perforated line with the figure heads above the perforated line in such a way that the portion below may clearly show the value of the court-fee stamps.(2)If any copy is to be made of a map or a plan the Chairman may get the work done by technical persons capable of doing such work and the charges thereof to be assessed by the Chairman in his discretion shall be paid to such technical persons by the applicant in cash.(3)As soon as a copy is ready, the upper half of each stamp shall be torn off each sheet along the perforated line by the comparing clerk who shall put the serial number and the date of the copy on the back of each of the upper halves so torn off and get them destroyed on the following day in presence of the Chairman and get a certificate of destruction recorded in the "Remarks" column of the register of application for copies.

59. Certification fee.

- In the case of certified copies the court-fee chargeable under the Court fees Act, 1870 (VII of 1870), shall be levied by affixing the necessary stamp to the first folio of the copy or to the map or the plan, as the case may be, and such court-fee stamp shall be punched with a square punch and signed across by the certifying officer.

60. Procedure for supplying court-fees, folios, etc. by the parties.

(1)On receipt of the information referred to in sub-rule (2) of rule 57 the applicant shall present the requisite folios, stamps, etc. to the Chairman along with the counterfoil of his original application on which receipt of the stamps, folios, etc. filed shall be acknowledged and the date on which the copy will be ready for delivery noted. The counterfoil shall then be returned to the applicant.(2)If the requisite folios, stamps, etc., are not filed within seven days from the date on which the information referred to in sub-rule (2) of rule 57 is communicated to the applicant, the application shall be liable to be struck off. An application once struck off shall not be revived. If necessary, a fresh application may be filed.

61. Delivery of copy.

- The copy shall be ready for delivery to the applicant within seven days from the date of his filing the requisites in full. If the copy be not taken delivery of within two months from its being ready for delivery, the copy and the unused stamps shall be liable for destruction. When the copy together with the unused folios, etc., is delivered to the applicant the signature therefor and the date of delivery shall be taken on the back of the application. The counterfoil shall at the same time be taken back from the applicant and kept attached to the application.

62. Register of application for copies.

- All applications for copies shall be numbered consecutively and entered in a register maintained for the purpose in Form H.

63. Register of Court-fees.

- In order to maintain a proper account of all court-fees received, a court fee register shall be maintained in Form I by the Office of the Chairman for entering therein the court-fee application for copies. Court-fees shall be cancelled by punching in the manner laid down in section 30 of the Court fees Act, 1870 (VII of 1870).

64. Certificate on copies.

(1) Each page of the copy shall be signed at the bottom by the person copying it. It shall also bear at the end, signature of the clerk who examined it. Every alteration or inter lineation shall also be initialled by him. (2) All copies shall be carefully compared by a salaried comparing clerk and if certified copies are applied for, shall be certified to be true copies. Each page shall be sealed with the seal of the office of the Labour Court or Tribunal and the copy shall be signed in full at the end by the certifying officer with the designation and date. The Head Clerk of the office of the Tribunal shall be the public officer authorised under section 76 of the Indian Evidence Act, 1872 (I of 1872), to certify all copies issued from the office of the Tribunal or Labour Court. The State Government may also appoint any other clerk of the office of the Industrial Tribunal or Labour Court to be the public officer authorised under section 76 of the Indian Evidence Act, 1872 (I of 1872), to certify all copies issued from the office of the Tribunal or Labour Court. (3) Uncertified copy may be converted into certified copy after comparison with the original upon application of any one producing the uncertified copy and upon his filing the necessary court-fee stamp required under the Court-fees Act, 1870, provided that he is not debarred under the rules from getting certified copy. Copies with notes written on them, or portions marked or underlined shall not, however, be accepted for conversion into certified copies. If the original has been amended or added to or if any order has been endorsed on it after issue of the uncertified copy, the uncertified copy shall not be converted into certified copy. (4) At the bottom of each certified copy the following particulars shall also be endorsed :-(i) Date of application for copies ;(ii) Date when requisites are notified ;(iii) Date of supply of requisites ;(iv) Date when copy was ready for delivery ;(v) Date of delivery of the copy ;(vi) Cost of copy.

65. Urgent copies.

- Application for urgent copies may be made at any time during the office hours. Such copies shall ordinarily be ready for delivery on the day following the date of filing of the urgent fees and other requisites. The additional fees for urgent copies shall be Rs. 1 up to copies with 600 words or less. For copies exceeding 600 words an additional fee of four annas [40 paise] for every 150 words or fraction thereof is to be filed. Such fees are to be filed by means of court-fee stamp to be fixed to the

application for copy or to a separate blank sheet of paper.

66. Copies required by public officers.

- No fees are to be demanded for copying or typing papers required by public officers for public purposes. In such cases the copies are to be prepared on plain paper.

67. No copy of confidential documents shall be given.

- No copy shall be granted of any notes recorded by a Labour Court or Tribunal for its own use or of any exhibit or document which the Labour Court or Tribunal may consider to be confidential.

67A. Classification of records of Industrial Tribunals and Labour Courts.

(1) Records of all cases of reference under section 10 and of complaint under section 33A shall consist of three files to be styled and marked respectively, File A, File B and File C, of which -(i) File A shall contain (a) Table of contents ; (b) Order Sheet of the whole case ; (c) Order of reference with addenda or corrigenda thereto ; (d) Statement of the case and the written statement of the parties involved ; (e) Issues ; (f) Award or decision and other orders ; (g) Printed extract of the 'Calcutta Gazette' publishing the award ; (h) Judgment or order, if any, of the High Court or the Supreme Court. (ii) File B shall contain (a) Deposition of witnesses on behalf of the parties involved ; (b) Documents admitted in evidence with a list thereof ; and (iii) File C shall contain all other papers. (2) Records of all other cases under the Act shall consist of only one file to be styled and marked File D which shall contain -(a) Order Sheet of the whole case ; (b) Original application and reply thereto, if any ; (c) Deposition of witnesses examined ; (d) Documents admitted in evidence with a list thereof ; (e) Orders and decision.

67B. Preservation of records of Industrial Tribunals and Labour Courts.

(1) Files of the records of Industrial Tribunals and Labour Courts as specified in column (1) of the Table below, shall be preserved for the periods specified in the corresponding entries in column (2) of the said Table : Table

| Files | Period of preservation |
|--------|---|
| (1) | (2) |
| File A | Six years from the date of publication of the award in the "Calcutta Gazette" or in cases of appeal, six years from the date of judgment or order of the High court or the Supreme Court as the case may be |
| File B | Three years from the date of publication of the award in the "Calcutta Gazette" |
| File C | One year from the date of publication of the award in the "Calcutta Gazette". |
| File D | Four years from the date of the last order passed. |

(2) If any original document admitted in evidence is required by the party filing the same before the

expiry of the period of appeal, the same may be allowed to be taken back after a certified copy thereof has been furnished and the party concerned agrees to refile the original when called upon by the appellate authority.

67C. Destruction of records of Industrial Tribunals and Labour Court.

(1)After the expiry of the periods of preservation provided in rule 67B, the records of Industrial Tribunals and Labour Courts shall, subject to the provisions of sub-rule (2), be destroyed and disposed of in the manner specified in sub-rule (3).(2)To enable the parties who have filed documents to withdraw the same before destruction, a notice shall be served upon each of them stating that all documents filed will unless taken back previously be destroyed after thirty days from the date of the notice. Such notice shall contain the name of the Court or Tribunal, the number and parties of the case in which the documents was filed, and the particulars of the documents. On the expiry of the said thirty days all unreturned documents shall be destroyed without fail.(3)Confidential records, or private documents not taken back or returned, shall be destroyed by burning only in the presence of a responsible officer. All other records shall be destroyed by tearing. Such torn records may be sold in auction or disposed of in any manner thought fit by the head of the office.

68. Memorandum of Settlement.

(1)A settlement arrived at in the course of conciliation proceedings or otherwise shall be in Form J.(2)The settlement shall be signed(a)in the case of the employer, -(i)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 any other principal office of the company or other corporate body, or(ii)by an officer referred to in clause (a) or clause (b) of sub-section (2) of section 36, or where the employer is not a member of any association of employer, by an officer or other employer referred to in clause (c) of the said sub-section authorised in the manner laid down in sub-rule (2) of rule 78A;(b)in the case of the workmen, -(i)by the workmen himself, or(ii)by the President or Secretary of a trade union or federation of trade unions referred to in clause (a) or clause (b) of subsection (1) of section 36, or where the workmen is not a member of any trade union, by an officer or other workmen referred to in clause (c) of the said sub-section authorised in the manner laid down in sub-rule (1) of rule 78A.(3)Where a settlement is arrived at between an employer and his workman/workmen otherwise than in course of conciliation proceeding before a Board or Conciliation Officer, the parties to the settlement shall jointly send a copy thereof to the Assistant Secretary to the Government of West Bengal, Labour Department and the Conciliation Officer concerned. either by registered post with acknowledgement due or by personal service upon receipt, during the hours respectively fixed for the purpose by the officer concerned.]

69. Complaints regarding change of conditions of service, etc.

(1)Every complaint under section 33A of the Act shall be presented in triplicate in Form K 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 shall specify, by reference to the numbered paragraphs of the complaint, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.(4)The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

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

71. 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 15 days of such change.(2)The employer shall, subject to section 33, sub-section (4),recognise such workmen to be "protected workmen" for the purposes of subsection (3) of the said section and communicate to the union in writing within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workmen recognised as "protected workmen".(3)Copies of communication under sub-rules (1) and (2) shall also be sent to the Labour Commissioner and the Conciliation Officer concerned.(4)Where the total number of names received by the employer under Sub-rule (1) exceeds the maximum number of the 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 recognised 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. A copy of this letter shall also be sent to the Labour Commissioner :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 5 days of the receipt of the employer's letter.(5)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 Labour Commissioner whose decision thereon shall be final.

72. Information to be kept confidential.

- All books, papers and other documents or things produced before a Board, Court, Labour court or Tribunal or Arbitrator whether voluntarily or in pursuance of summons may be inspected by the Board, Court, Labour Court, Tribunal or Arbitrator and also by such parties as the Board, Court, Labour Court, Tribunal or Arbitrator allows, but the information obtained therefrom shall not, except as provided in the Act, be made public; such parts of the Books, papers, documents or things as in the opinion of the Board, Court, Labour Court, Tribunal or Arbitrator do not relate to the matters at issue may be sealed up.

73. Notice of strike or lock-out.

- All notices of strikes lock-out under the Act shall be given in the following manner ; (1) In the case of a notice of strike, it shall be signed either by the President or the Secretary of the registered trade union of which the workmen are members or by seven workmen employed in the industrial establishment concerned, if the workmen are not members of a registered trade union. If the notice is given by a registered trade union, it shall be accompanied by a signed statement that any ballot or other steps necessary to be taken under the rules of the union have been taken before giving the notice; if the notice is given by the workmen it shall be accompanied by a signed statement that the majority of the workmen are in favour of giving notice of the strike and have authorised them to sign the notice ; the notice in each case shall also be accompanied by a list of demands of the workmen and if the employer refuses to receive and acknowledge with date the receipt of the notice, it shall be forwarded by registered post with acknowledgement due to the employer. Copies of the notice similarly signed and prepared shall be given to or posted to the address of the Labour Commissioner, West Bengal, Secretary to the Government of West Bengal in the Department of Labour and the District Magistrate of the district in which the industry of the establishment is carried on. The date on which the notice has been received by the employer or the date of expiry of seven days from the date of posting of the notice, whichever be earlier, shall be deemed to be the date on which the notice has been given. The intimation referred to in sub-section (3) of section 22 or the report referred to in sub-section (6) of that section regarding notices of strike shall be sent by the employer under subsection (3) or sub-section (6) of that section, as the case may be, to the Labour Commissioner. On receipt of the notice or of an intimation under sub-section (3) of section 22 or of a report under sub-section (6) of section 22 the Labour Commissioner after making such enquiries as may be deemed necessary by him, shall forward it to the Secretary to the Government of West Bengal in the Department of Labour together with a report whether he considers that the

notice has been frivolously or vexatiously given or it would be inexpedient to make a reference under clauses (c) or (d) of sub-section (1) of section 10 to a Labour Court or a Tribunal and, if so, for what reasons and whether he recommends reference of the dispute to a Board or to a Court,(2)in the case of a notice of a lock-out, it shall be signed by a Director, Manager, Secretary or an Agent representing the employer or in the case of an industry carried on by or under the authority of the State Government by the Head of the Department concerned or an authority named by him and in the case of an industry carried on by or on behalf of a local authority by the chief executive officer of that authority, it shall be accompanied by a list of changes in the conditions of labour of the workmen sought to be imposed or a statement of reasons for lock-out and copies of the notice together with the list or the statement in English, Bengali and in the language understood by the majority of the workmen in the establishment concerned shall be prominently displayed on the notice board of the establishment concerned and copies in English of the notice and the list or the statement shall be sent by registered post with acknowledgement due to the registered trade unions, if any, of the workmen and to the Labour Commissioner, West Bengal, the Secretary to the Government of West Bengal in the Department of Labour and the District Magistrate of the district in which the industry of the establishment is carried on. The intimation referred to in sub-section (3) or sub-section (6) of that section. as the case may be, to the Labour Commissioner. The date of the expiry of three days from the date of the acknowledgement of the notice by the Labour Commissioner shall be deemed to be the date on which notice has been given. On receipt of the notice or of an intimation under sub-section (3) of section 22 or report under sub-section (6) of section 22 the Labour Commissioner after making enquiries as he may deem necessary, shall forward it to the Secretary to the Government of West Bengal in the Department of Labour, together with a report whether he considers that the notice has been given frivolously or vexatiously or it would be inexpedient to make a reference under clauses (c) or (d) of sub-section (1) of section 10 of the Act to a Labour Court or a Tribunal and, if so, for what reasons and whether he recommends reference of the dispute to a Board or to a Court.

74. Recover of dues.

(1)Where any specified sum of money is due to a workman from an employer under a settlement or an award or under the provisions of Chapter VA of the Act, the workman concerned or any other person authorised by him in writing in this behalf or in the case of a deceased workman, his assignee or heirs may apply to the State Government in Form Q in duplicate for the recovery of the money due to him.(2)[* * * *] [Omitted by Notification No. 4249-IR/EIL/1A-118/79 dated 30.10.1981, w.e.f. 25.9.1979.](3)On specification of a Labour Court by the State Government the workman concerned or any other person authorised by him in writing in this behalf or in the case of a deceased workman, his assignee or heirs may apply to the Labour Court so specified in Form O-2 for actual determination of the amount of his dues.(4)On the workman's dues having been determined by the Labour Court, the workman concerned, or any other person authorised by him in writing in this behalf or in the case of a deceased workman, his assignee or heirs, may apply to the State Government for the recovery of his dues so determined in Form Q-3.(5)Where workmen employed under the same employer are entitled to receive from him any money or any benefit capable of being computed in terms of money, then a single application in Form O. O-2 or O-3 for the purpose mentioned in sub-rule (1), (3) or (4), as the case may be, may be made on behalf of or in respect of

any number of workmen by any person authorised in writing in this behalf by the workmen concerned, or by any person so authorised by their assignees or heirs in the cases of deceased workmen.

75. Register of Settlement.

- The Conciliation Officer shall file all settlements effected under this Act in respect of disputes in the area within his jurisdiction in a register maintained for the purpose in Form N or N-1 as the case may be.

76. Notice of Lay-off.

- Whenever a workman whose name is borne on the muster-rolls of an industrial establishment is laid-off by the employer, the employer shall immediately report in Form 'O' the information of such lay-off to the Labour Commissioner, the Conciliation Officer concerned and the Secretary to the Government of West Bengal, Labour Department.

76A. Application for permission to lay-off under section 25-M.

(1) Application of permission to lay-off any workman under sub-section (1) or for permission to continue a lay-off under sub-section (2), of section 25-M shall be made in Form 'Q' 3 and delivered to the authority specified under sub-section (1) either personally or by registered post acknowledgement due and where the application is sent by registered post, the date, on which the same was delivered to the said authority, shall be deemed to be the date on which the application was made, for the purposes of sub-section (4) of the said section. (2) The application for permission to lay-off or continue a lay-off shall be made in triplicate and sufficient number of copies of the application for service on the workmen concerned shall also be submitted along with the application. (3) The employer concerned shall furnish to the authority to whom the application for permission to lay-off or continue a lay-off has been made, such further information as that authority considers necessary for arriving at a decision on the application, as and when called for by 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 section 25 M. (4) Where permission to lay-off has been granted by the said authority, the employer concerned shall give to the Secretary to the Government of West Bengal, Labour Department, Labour Commissioner, West Bengal and the Conciliation Officer concerned, notice of commencement of such lay-off in Form "O" ; and where permission to continue a lay-off has been granted by the said authority the employer shall give to the Secretary to the Government of West Bengal, Labour Department, Labour Commissioner, West Bengal and the Conciliation officer concerned, a notice of such lay-off in Form "O". (5) The notice referred to in sub-rule (4) shall be given within seven days from the date of receipt of the permission from the authority. (6) The authority shall forthwith submit a copy of his order and findings made on the application for permission to lay-off or continue a lay-off to the Secretary to the Government of West Bengal, Labour Department.

77. Notice of retrenchment.

(1)The notice of retrenchment to be given by an employer under clause (c) of section 25F shall be in Form P and such notice shall be served on the State Government either by personal service or by registered post--(i)not less than one month before the date of actual retrenchment, if notice of retrenchment is given to a workman ;(i)within three days of the date of retrenchment, if no notice is given to a workman and he is paid one month's wages in lieu thereof ;(iii)not less than one month before the date of actual retrenchment, if retrenchment is carried out under an agreement which specifies a date for the termination of service :Provided that where the agreement specifies a date for the termination of service which is within one month from the date of the agreement or where the agreement does not specify a date for the termination of service, the notice of retrenchment shall be sent to the State Government on the day next following the date of the agreement.(2)A copy of such notice under sub-rule (1) shall be served by personal service or by registered post also on the(i)Labour Commissioner, West Bengal,(ii)Conciliation Officer having jurisdiction over the area, and(iii)Employment Exchange having jurisdiction over the area.

77A. Maintenance of seniority list of workmen.

(1)Every employer shall prepare and maintain a list of all workmen in each category employed in his establishment arranged according to seniority of service in the category concerned.(2)A copy of the list of all workmen in the particular category from which retrenchment is contemplated, indicating in it the names of the persons who are proposed to be retrenched, shall be posted on a Notice Board in a conspicuous place in the premises of the establishment easily accessible to the workmen, at least seven days before the date of retrenchment, if the contemplated retrenchment takes place after the expiry of the said period of seven days.

77B. 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 on such authority as may be specified by that 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 was delivered to the State Government or the authority, shall be deemed to be the date of service of the notice for the purposes of sub-section (3) of the said section.(2)Application for permission for retrenchment under sub-section (4) of section 25N shall be made in Form PB (with an 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 Government, either personally or by registered post acknowledgement due and where the application is sent by registered post, the date, on which the same was delivered to the State Government or the authority, shall be deemed to be the date on which the application was made for the purposes of subsection (5) of the said section.(3)Where a notice under sub-rule (1) is served on, or an application under sub-rule (2) is made to, the authority specified by the State Government, the employer shall also send a copy of that notice or application to the Secretary to the Government of West Bengal, Labour Department.(4)The notice or, as the case may be, the application shall be served or made in

triplicate and sufficient number of copies of the application for service on the workmen concerned shall be submitted along with the notice or, as the case may be, the application.(5)The employer concerned shall furnish to the State Government or to 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 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.(6)The authority on whom a notice is served, or to whom an application is made, under this rule shall furnish a copy of his order and findings to the Secretary to the Government of West Bengal, Labour Department.

78. Re-employment of retrenched workmen.

(1)Every employer shall maintain a register called the Register of Retrenched Workmen which shall contain the name, nature of work, address obtained from workmen and periods of service of the retrenched workmen.(2)On the occurrence of vacancies after retrenchment, when an employer proposes to take into his employ any person. he shall (i)arrange for display on a Notice Board in the premises of the establishment of the details of the vacancies to be filled ;(ii)if the employer seeks the assistance of the Employment Exchange in the area in filling the vacancies, inform the Exchange that the names of such of his retrenched workmen as may have been registered with the Exchange may be submitted to him along with the names of other suitable candidates ; and(iii)give notice of the vacancies in writing to each individual retrenched workmen eligible to be considered for the vacancies and such notice shall be dispatched by registered post to the address of such workman obtained by the employer at the time of retrenchment ;Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior most retrenched workmen in the Register referred to in sub-rule (1), the number of such senior most workmen being double the number of such vacanciesProvided further that clause (iii) shall not apply to vacancies which are casual and of less than a month's duration or which arise after the expiry of a period of one year from the date of retrenchment :Provided also that the employer shall be free to fill up the vacancies in all cases where retrenched persons do not come forward for re-employment within the time limit laid down in sub-rule (3), or within such further period as may be allowed by the employer in spite of having received intimations from the employer.(3)A retrenched workman on receipt of notice of vacancies from the employer shall offer himself for work or send a reply within a period of ten days from the date on which the notice is posted and, if he fails to do so the employer need not intimate to him the vacancies that may occur on any subsequent occasion.

78A. Authorisation of representatives of parties.

(1)The authority to be given by the workman under clause (c) of sub-section (1) of section 36 shall be in Form R. Such authority shall be signed by the workman concerned.(2)The authority to be given by an employer under clause (c) of sub section (2) of section 36 shall be in Form R-1. Such authority

shall be signed by the employer or when the employer is an incorporated company by the agent, manager or any other principal officer of such company or body corporate.(3)The authorisation filed under sub-rule (1) or sub-rule (2) shall be accepted by the authority concerned by making an endorsement to that effect on the body of the Form R or Form R-1, as the case may be, on being satisfied that the person seeking to represent a party is acting bona fide.(4)Before accepting any authorisation filed in Form R or Form R-1 the authority concerned may call for such information as it may deem necessary for its satisfaction, and may refuse to accept such authorisation if it has reasons to believe that it was obtained by unfair means.(5)A party appearing by a representative shall be bound by the acts of that representative.

78B. Notice of Closure.

(1)The notice of closure under sub-section (1) of section 25 FFA shall be in triplicate in Form P-1 and served on the Secretary to the Government of West Bengal, Labour Department, by registered post with acknowledgement due so that such notice is received by the Secretary at least sixty days before the date on which the intended closure is to become effective. Such notice shall be signed by a person not below the rank of a manager or equivalent position, who is fully conversant with the affairs of the undertaking concerned and duly authorised to act on its behalf.(2)A copy of the notice referred to in sub-rule (1) shall also be served by registered post with acknowledgement due on(i)the Labour Commissioner, West Bengal,(ii)the Conciliation Officer having jurisdiction over the area,(iii)the Secretary, Commerce and Industries Department of the Government of West Bengal,(iv)The Director of Industries, West Bengal, and(v)The Employment Exchange having jurisdiction over the area.

78C. Notice of, and application for permission for Closure.

(1)Notice under sub-section (1) of section 25-O of intended closure shall be given in Form P-2 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 subsection (3) of section 25-O, shall be made in Form P-3 (with an 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, acknowledgement due and where the application is sent by registered post, the date on which the same was delivered to the State Government, shall be deemed to be the date on which the application was made for the purposes of sub-section (4) of the said section.(3)The notice, or, as the case may be, the application shall be made in triplicate.(4)The 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 decision on the notice, or, as the case may be. the application, and calls for from such employer.

79. Penalties.

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

80. Repeal.

- The Bengal Industrial Disputes 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 the corresponding provisions of these rules.

Schedule

Form A(See Rule 3)Form of application for the reference of an industrial dispute to a Board of Conciliation/Court of Enquiry/Labour Court / Tribunal under section 10(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 are relevant to the dispute should be referred for enquiry/investigation/adjudication by Court of Enquiry/ Board of Conciliation/Labour Court/Tribunal, an application is hereby made under sub-section (2) of section 10 of the Industrial Disputes Act, 1947, that the said matters should be referred to a Court of Enquiry/Board of Conciliation/Labour Court/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 20A Statement giving the particulars required under rule 3 of the West Bengal Industrial Disputes Rules, 1958, is attached. Dated the Signature of the applicant(s) To The Labour Commissioner, West Bengal. Statement required under rule 3 of the West Bengal Industrial Disputes Rules, 1958, 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 industrial dispute has arisen/is apprehended between and and it is expedient to refer the said dispute under section 10 of the Industrial Disputes Act, 1947, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the... .. the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) on the said Board. If you fail to make the recommendation by the date specified above, the State Government shall select and appoint such person(s) as it thinks fit to represent you. Jt. Secy. to the Govt. of West Bengal, Department of Labour Form C(See Rule 7) Arbitration Agreement(Under section 10A of the Industrial Disputes Act, 1947) Between give details of the parties to the dispute including (i) the name and address of the establishment or undertaking involved; and (ii) the name of the union, if any, representing the workmen in question/ in case the dispute is connected with, or has arisen out of, discharge, dismissal or termination of service of any individual, workman, to which no other workmen nor any union of workmen is a party, the name of the workman concerned :Some other relevant details (1) Total number of workmen employed in the establishment or under-taking involved : (2) Estimated number of workmen affected or likely to be affected by the dispute : (3) Name of the person/persons representing the employer(s) : (4) Name of the person/persons representing the workmen : I. It is hereby agreed between the parties specified above to refer the following

industrial dispute to the arbitration of ... [Here specify the name(s) and address(es) of the arbitrator(s).] Specific matters in dispute (Here give the details of the issue/issues involved) II. We agree that the majority decision of the arbitrators shall be binding on us. III. We agree that in case the arbitrators are equally divided in their opinion

Shri..... (here specify the name and address of the person) shall act as an umpire in terms of sub-section (1A) of section 10A of the Act. Signature of the parties. Witnesses : (1)..... (2)..... Dated, the.....

Consent of the arbitrator/arbitrators/umpire (A) I/We agree to act as arbitrator(s) in respect of the matter(s) specified in the aforesaid agreement. Dated, the.....

Signature of the arbitrator(s). (B) I agree, to act as an umpire in terms of sub-section (1A) of section 10A of the Industrial Disputes Act, 1947 (Act 14 of 1947), in respect of the matter (s) specified in the aforesaid agreement. Dated, the Signature of the umpire. Copy to (1) Secretary to the Government of West Bengal, Labour Department. (2) Labour Commissioner, West Bengal. (3) Conciliation Officer. Delete where not applicable. Form D [See Rule 12(2)] In the office of the Conciliation Officer Whereas an industrial dispute between and has been taken up by me for investigation and settlement and your attendance is required for the purpose of examination and for production of documents in connection therewith, you are hereby summoned to appear personally before me on the day of, 20..... at o'clock in the noon at the following address to answer all material questions relating to the said dispute and you are also directed to produce on that date all the books, papers other documents in your possession or under your control relating to the matter under investigation for my inspection. This summons is issued in exercise of the power conferred by sub-section (4) of section 11 of the Industrial Disputes Act, 1947 (14 of 1947) and you are reminded that disobedience to the summons is punishable under section 32 read with the provisions of Order 16 of the Code of Civil Procedure, 1908 (5 of 1908). Given under my hand and seal of my office this the day of 20..... (Name, designation and address of the Conciliation Officer) Form D-1 (See Rule 17) To Whereas an industrial dispute between and has been referred to this Board of Conciliation for investigation and settlement/Court of Enquiry for investigation under section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Board/Court in person on day of at o'clock in the forenoon/afternoon to answer all material questions relating to the said dispute and you are directed to produce on the date 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.....

Chairman/Presiding Officer, Board of Conciliation/Court of Enquiry. Dated, this day of 20.....

Note : The summons shall be in duplicate. The duplicate copy is to be signed and returned by the person served before the date fixed. Form D-2 (See Rule 20A) Before the Industrial Tribunal/Labour Court, West Bengal, New Secretariat Buildings, Kolkata. To (Name and address of the party) Whereas an industrial dispute between and has been referred to this Industrial Tribunal/Labour Court by the Government of West Bengal, Labour Department Order No. dated for adjudication under Section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Industrial Tribunal/Labour Court on dated, at a.m./p.m. either personally or through an authorised

representative when necessary directions for filing statement of cases by the parties concerned may be given. And you are hereby required to take notice that in default of your appearance as stated above the matter will be liable to be heard and determined in your absence.....Industrial Tribunal/Labour court.Dated, this.....day of 20.....Note : The summons shall be in duplicate. The duplicate copy is to be signed and returned by the person served before the date fixed.Form D-3(See Rule 20D (2), proviso)Before the... .. Industrial Tribunal/Labour Court, West Bengal.(Name and address of the party)ToWhereas it is alleged/it appears necessary that you should be brought on the record of the present proceeding as a party in order to enable the Industrial Tribunal/Labour Court effectually and completely to adjudicate upon and settle all questions involved in the dispute, you are to show cause on or before.....dayof.....19.....why you should not be brought on the record for the said purpose....Industrial Tribunal/Labour Court.Form D-4(See Rule 20E)Before the.....Industrial Tribunal/Labour Court, West Bengal.(Name and address)ToWhereas your attendance is required to give evidence/you are required to produce the documents mentioned in the list below, on behalf of the.....in the case arising out of the industrial dispute between..... and.....referred to this Industrial Tribunal/Labour Court by the Government of West Bengal, labour Department, order on.....dated.....for adjudication under section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear personally before this Industrial Tribunal/Labour Court on the..... day of 20.....at.....o'clock in the forenoon/afternoon and to bring with you (or to send to this Industrial Tribunal/Labour Court) the said documents.List of documents

1.

2.

3. so on

Dated, this.....day of.....20.....Industrial Tribunal/Labour Court.Note : 1. The portion not applicable to be deleted.

2. The summons shall be issued in duplicate. The duplicate copy is to be signed and returned by the person served before the date fixed.

3. In case the summons is issued only for producing a document and not to give evidence, it will be sufficient compliance to the summons if the documents are caused to be produced before the Industrial Tribunal/Labour Court on the day and hour fixed for the purpose.

Form E(See Rule 34)Notice of change to be given by an employerName of employer.....Address..... Dated the.....day of.....20.....ToThe Secretary/Principal Officer of the Union/Association.Dear

Sri/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.....Anne

specify the change/changes intended to be effected. Also specify the existing conditions). Form F (See Rule 45) Form of Nomination Paper Name of industrial establishment

Group/Section/Shop/Department. I nominate.....(here enter the name of the workmen's representative eligible for election) as a candidate for election to the Works Committee. He is eligible as a voter in the constituency for which he is nominated. Date.....Signature of proposer I agree to the proposed

nomination. Signature of Candidate Date.....Attested by : (1)(2)(To be signed by any two voters belonging to the electoral constituency.) Form G (See Rule 56) Serial

No.....Form of Application for Copies (To be preserved for one year) To The

Chairman/Labour Court/Industrial Tribunal, Government of West Bengal. Sir, I require a certified/uncertified copy of the documents mentioned below, which may be

supplied. Date.....Signature of the applicant. Description of document of which copy is required Description No. and year of the case of which it forms part, names of the parties, name of the Labour Court or Tribunal, Number and date of Government Order or reference, publishing an award, etc. Report of the clerk-in-charge of the record. Folios and court-fees required. Signature of clerk-in-charge Date.....Received copy and unused folios and stamps. Signature of the

applicant Date.....Counterfoil of Application for Copies Received application for copies being serial No.....Date.....Folios and court-fees required Signature of clerk-in-charge Date.....Form H (See Rule 62) Register of Application for copies (To be preserved for years)

| Serial No. | Date of application | Name of applicant | Whether certified or un certified | Case No. | Description of document to be copied. | Date on which number of folios and stamps required were notified | Date on which requisites were filed | Number of stamps sheets 40 paise filed | Number of adhesives stamps of 40 Paise filed. | Extra fee for urgent copy filed |
|------------|---------------------|-------------------|-----------------------------------|----------|---------------------------------------|--|-------------------------------------|--|---|---------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

Form I (See Rule 63) Register of Court-fees received (To be preserved for three years)

| Date | Serial No. | Case No. | Nature of document for which filed | Fees for affidavit | Fees for application for copies and all other fees including urgent fees on copies. | total | Remarks |
|------|------------|----------|------------------------------------|--------------------|---|-------|---------|
|------|------------|----------|------------------------------------|--------------------|---|-------|---------|

Form J (See Rule 68) Form for memorandum of Settlement

1. Names and addresses of the parties

(a)The name and address of the establishment or undertaking involved :(b)The name and address of the workman involved, if the dispute or difference is connected with, or has arisen out of, his discharge, dismissal, retrenchment or termination of service and no other workman nor any union of workmen is a party to the dispute in any other case, the name and address of the union, if any, representing the workmen in question :

2. Name of the person/person representing the employer(s) :

3. Name of the person/persons representing the workman/workmen :

4. Short recital of the case :

5. Terms of settlement :

Witnesses :Signature of the parties(1).....(2).....Signature of the Conciliation Officer/Board of Conciliation.In cases of settlement effected by Conciliation Officer/Board of Conciliation.Note :- Delete where not applicable.Copy to (1)Assistant Secretary to the Government of West Bengal, Labour Department.(2)Conciliation Officer.(3)Labour Commissioner, West Bengal.Form K(See Rule 69)Before the Labour Court/Tribunal.....complaint under section 33A of the Industrial Disputes Act, 1947.A.....Complaint(s)Address :VersusB..... Opposite party(ies)Address :In the matter of reference No.....The petitioner(s) begs/beg to complain that the Opposite party(ies) has/ have, contravened the provisions of section 33 of the Industrial Disputes Act, 1947 (XIV of 1947), as shown below:[Here set out briefly the particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act of the management is challenged]The complaint(s) accordingly prays/pray that the Labour Court/Tribunal may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.The number of copies of the complaint and its annexure required under rule 70 of the West Bengal Industrial Disputes Rules, 1958, are submitted herewith.Signature of the complainants)Dated this.....day of.....20.....VerificationI do solemnly declare that what is stated in paragraphs.....above is true to my knowledge and that what is stated in paragraphsabove is stated upon information and believed by me to be true. This verification is signed by me at.....on.....day of.....20.....Signature or thumb impression of the person verifying.Form L(See Rule 70)Before.....(Here mention the Conciliation Officer, Board, Labour Court or Tribunal).Application for permission under sub-section (o)/sub-section (3) of section 33 of the Industrial Disputes Act, 1947(XIV of 1947), in the matter of reference No.....A..... ApplicantAddress :VersusB..... Opposite partyAddress :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 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 applicantDated this.....day of.....20.....Space for verification(Signature of the person verifying)Date (on which the verification was signed).....Place (at which the verification was signed).....Form M[See Rule 70(2)]Before.....(Here mention the Conciliation Officer, Board, Labour Court, or Tribunal).Application under sub-section (2) of Section 33 of the Industrial Disputes Act, 1947 (XIV of 1947), in the matter of reference No.....A.....Applicant (s)Address (es) :VersusB.....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] [Whether the settlement was effected at the intervention of the conciliation machinery, or by mutual negotiation between the parties, may be indicated] workman/workmen discharged/dismissed under clause (b) of sub-section (2) of Section 33 has/have been paid wages for one month.The applicant prays that the Conciliation Officer/Board/Labour Court/ Tribunal may be pleased to be approved 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 applicantDated this.....day of.....20.....Space for verification(Signature of the person verifying)[Date] [Whether the settlement was effected at the intervention of the conciliation machinery, or by mutual negotiation between the parties, may be indicated] (on which the verification was signed).....Place (at which the verification was signed).....[Delete] [Whether the settlement was effected at the intervention of the conciliation machinery, or by mutual negotiation between the parties, may be indicated], if not applicable.Form N(See Rule 75)Register

Serial No. Industry Parties to the Settlement Date of Settlement Remarks

Form N-1(See Rule 75)

| Serial No. | Industry | Parties to the Settlement | Name of the Conciliation Officer. | Date of filing of the Dispute | Number of Settlement | Remarks |
|------------|----------|---------------------------|-----------------------------------|-------------------------------|----------------------|---------|
|------------|----------|---------------------------|-----------------------------------|-------------------------------|----------------------|---------|

Form O(See Rule 76)Notice of Lay-OffFrom : (Here give the full name of the person(s) signing the notice with description of position(s) held, the name of undertaking and full postal address thereof).Date, the.....day of.....20To : (1) The Secretary to the Government of West Bengal, Labour Department, Writers' Buildings, Kolkata - 1.(2)The Labour Commissioner, West Bengal, New Secretariat Buildings., Kolkata - 1.(3)The Conciliation Officer concerned.Sir,In accordance with the provisions of Rule 76 of the West Bengal Industrial Disputes Rules, 1958, I/we hereby inform you that I/we have laid off.....(here insert the number of workmen) workmen with effect from.....(here insert the date).The reasons for lay-off and other relevant details are given in the statement below :Statement

1. Name of the Industrial establishment.... ..

- 2. Address of the industrial establishment**
- 3. Total Number of workmen employed normally**
- 4. Reasons for lay-off**
- 5. Date of commencement of lay-off**
- 6. Period for which lay-off will continue... ..**
- 7. Name of department, section and occupation in which the workmen are laid off.. ...**
- 8. Number of workmen laid-off**
- 9. (i) Permanent (ii) Temporary (iii) Other... ..**
- 10. Number of workmen entitled to lay-off Compensation**
- 11. Whether payment of lay-off compensation is to be made on weekly, fortnightly or monthly basis**
- 12. Particulars of alternative employment provided, if any**
- 13. Time and place for answering to muster roll... ..**
- 14. Previous instances of lay-off, if any, during the preceding 12 months**
... ..

Yours faithfully, (Signature with official seal or description of the post or positions held in the undertaking) Form O-1 (To be submitted in triplicate with additional number of copies for service on the workmen concerned) [See Rule 76A (1)] Form of application or permission to lay-off workmen in industrial establishments to which provisions of Chapter VB of the Industrial Disputes Act, 1947 (14 of 1947) apply To... .. (The authority specified under sub-section (1) of Section 25M of the Act) Sir, Under sub-section (1)/sub-section (2) of section 25M of Industrial Disputes Act, 1947 (14 of 1947) read with sub-rule (1) of Rule 76A of the West Bengal Industrial Disputes Rules, 1958 I/We hereby apply for * permission to lay-off/[permission] [Strike out whatever is inapplicable] 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] [Strike out whatever is inapplicable] for the lay-off/to continue the lay-off of the said workmen. Such of the workmen permitted to be laid off will be paid such

compensation, if any, to which he is entitled under sub-section (6) of Section 25M, read with Section 25C, of the Industrial disputes Act, 1947 (14 of 1947). Copy forwarded for information to :-Yours faithfully, (1)The Labour Commissioner, West Bengal. (2)The Conciliation Officer. (Signature)AnnexureItem No.

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

2. [(a)] [Strike out whatever is inapplicable] Names and address of the affected workmen proposed to be laid-off/names and addresses of the workmen laid off before the commencement of the Industrial Disputes (Amendment) Act, 1976 (32 of 1976) and the dates from which each of them have been laid off.

(b)The nature of the duties of the workmen referred to in sub-item (a), the units/sections/shops where they are working and wages drawn by them. (c)Number of workmen proposed to be laid off
-(i)Permanent-(ii)Temporary-(iii)Other-

3. Product/Products of the undertaking.

4. (a) Details relating to installed capacity, licenced capacity and utilised capacity.

(b)In case of plantation - total acreage - total area under crop man-acre ratio.

5. (i) Annual Production figures, month-wise for preceding three years.

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

6. Work-in-progress, item-wise and value-wise.

7. Any arrangements regarding off-loading or sub-contracting of products or any components thereof.

8. 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.

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

10. Balance-sheets, profit and loss accounts and audit reports for the last three years.

11. (a) Finance position of the company.

(b) Whether any assistance received from IRCI or such other financial institutions.

12. (a) Name of the inter-connected companies or companies under the same management.

(b) Whether there is any branch of the undertaking within or outside the State and if so, whether any lay-off has been effected on the date of application or proposed to be effected therein. If so the details thereof.

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

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

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

15. Details of lay-offs resorted to in the last three years (other than the lay-off for which permission is sought), including the periods of such lay-offs, the number of workmen involved in each such lay off and the reasons therefor.

16. Anticipated savings due to the [proposed] [Strike out whatever is inapplicable] lay-off/lay-off for the continuance of which permission is sought.

17. Any proposal for affecting savings on account of reduction in -

(i) managerial remuneration, (ii) sales promotion cost, and (iii) general administration expenses.

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

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

20. Reasons for the [proposed] [Strike out whatever is inapplicable] lay-off/lay-off for the continuance of which permission is sought.

21. Any specific attempts made so far to avoid the [proposed] [Strike out whatever is inapplicable] lay-off/lay-off for the continuance of which permission is sought.

22. Any other relevant factors with details thereof.

[Form P] [Strike out whatever is inapplicable](See Rule 77)Name of employer
...Address... ..Dated, theday of20ToThe Secretary to the
Government of West Bengal,Labour Department,Writers' Buildings, Calcutta.Sir,In accordance with
the provisions of clause (c) of Section 25F of the Industrial Disputes Act, 1947 (Act 14 of 1947), I/We
hereby inform you that I/We shall retrench/have retrenched(here insert the
number of workmen) workmen with effect from ...(here insert the date).The reasons for
retrenchment and other details are given in the annexure.Yours faithfully.(Here insert the position
which the person who signs this letter holds with the employer issuing the letter).Annexure

1. Name of the industrial establishment

2. Address of the industrial establishment :

3. Total number of workers normally employed :

4. Reasons for retrenchment :

5. Date on which retrenchment take place or will take place :

6. Department and section where retrenchment is necessary :

7. Number of workers who have been or will be retrenched :

(i)Permanent-(ii)Temporary-(iii)Others-

8. (a) Whether one month's notice has been or will be given to the workers :

(b) Whether wages have been paid in lieu of notice, and if so, to what extent :

9. Principles that will be or have been followed in selecting the workers for retrenchment :

10. (a) Whether compensation will be paid to the retrenched workers and, if so, the amount and the basis on which the compensation will be calculated :

(b) Any other benefit proposed to be paid :

11. Probable date on or about which payment of retrenchment compensation will commence :

12. Number of workers entitled to retrenchment compensation :

Signature of the person signing the attached letter. Date... .. 19 Copy to :-(i) Labour Commissioner, West Bengal, (ii) Conciliation Officer. (Here insert the office address of the Conciliation Officer of the area concerned.) (iii) Employment Exchange. (Here insert the address of the Employment Exchange of the area concerned.) Form PA (To be made in triplicate with additional number of copies for services on the workmen concerned). [See Rule 77B (1)] Form of notice for permission for retrenchment of workmen to be given by an employer under clause (c) of sub-section (1) of Section 25N of the Industrial Disputes Act, 1947 (14 of 1947). Dated To... ..
... (The State Government / authority specified under clause (c) of subsection (1) of Section 25N of the Act) Sir, Under clause (c) of sub-section (1) of Section 25N of the Industrial Disputes Act, 1947 (14 of 1947), I/We hereby inform you that I/We propose to retrench workmen (being workmen to whom sub-section (1) of Section 25N applies) with effect from for the reasons set out in the annexure.

2. The workmen concerned have been given notice in [writing] [Strike out whatever is inapplicable] as required under clause (a) of sub-section (1) of Section 25N of the Act/have not been given notice since the retrenchment being proposed to be effected under an agreement (a copy of which is enclosed) as provided in the proviso to the said clause.

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

Employed

| Category and designation of workmen to beretrenched | | Number of workmen to be retrenched |
|--|-----|---------------------------------------|
| (1) | (2) | (3) |

4. Permission is solicited for the proposed retrenchment, under clause(c) of sub-section (1) of Section 25N of the Industrial Disputes Act, 1947 (14 of 1947).

5. I/We hereby declare that the workmen permitted to be retrenched will be paid compensation due to them under clause (b) of sub-section (1) of Section 25N of the Act.

Yours Faithfully, Copy forwarded for information to:

(1) the Labour commissioner, West Bengal. (Signature)

(2) The Conciliation Officer

Annexure(Please give replies against each item)Item No.

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

2. (a) Names and addresses 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)Whether permanent/temporary/others.

3. (a) Product/products of the Undertaking.

(b)In case of plantation - total acreage - acre under crop-man-acre ratio.

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

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

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

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

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

8. 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.

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

10. Balance Sheet : Profit and Loss Account and Audit Reports for the last three years.

11. (a) Financial position of the Company.

(b) Whether any assistance received from I.R.C.I. or any other financial institutions as in the case of lay-off.

12. (a) Names of the inter-connected companies or companies under the same management.

(b) Whether there is any branch of the undertaking within or outside the State and, if so, whether any retrenchment has been effected on the date of application, or proposed to be effected therein. If so, details thereof.

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

(ii) Percentage of wages of workmen to the total cost of Production.

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

15. 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 thereof.

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

17. 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 ?

18. Anticipated savings due to the proposed retrenchment.

19. Any proposal for effecting savings on account of reduction in

(i)managerial remuneration,(ii)sales production cost, and(iii)administration expenses.

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

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

22. Reasons for the proposed retrenchment.

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

24. Any other relevant factors with details thereof.

Form PB(To be made in triplicate with additional No. of copies for service on the workmen concerned)[See Rule 77B(2)]Form of Application for permission retrenchment of workmen in cases where at the commencement of the Industrial Disputes (Amendment) Act, 1976 (Act, 32 of 1976), the period of notice given under clause (a) of Section 25F for the retrenchment has not expired.Date... ..To... ..(The State Government/Authority referred to in sub-section (2) of section 25N of the Act)Sir,I/We have given notice onunder clause (a) of Section 25F for the retrenchment of the workmen/workmen specified below (Attested copy/copies of the notice is/are appended hereto) :-

Name and addresses of 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 25N of the Industrial Disputes Act, 1947 (14 of 1947) for the reasons set out in the Annexure.

Yours faithfully, (Signature) Copy forwarded for information to : (1) The Labour Commissioner, West Bengal. (2) The Conciliation Officer. Annexure (Please give replies against each item) Item No.

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

2. (a) Names 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.

(b) Date of the notice of retrenchment given to the workmen concerned under Section 25F (a) and the dates on which the said notice was served on each workmen concerned. (c) Whether permanent/temporary/others.

3. Product/products of the undertakings.

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

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

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

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

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

8. 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.

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

10. Balance Sheet, profit and loss account and audit reports for the last three years.

(a) Financial position of the company. (b) Whether any assistance received from I.R.C.I. or any other financial institutes.

12. (a) Names of the inter-connected companies or companies under the same management.

(b) Whether there is any branch of the undertaking within or outside the State and if so, whether any retrenchment has been effected on the date or proposed to be effected therein. If so, details thereof.

13. (i) The total number of workmen 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.

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

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

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

17. 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.

18. Anticipated savings due to the proposed retrenchment.

19. Any proposal for effecting savings account of reduction in

(i)managerial remuneration ;(ii)sales promotion cost ; and(iii)general administration expenses

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

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

22. Reasons for the proposed retrenchment.

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

24. Any other relevant factors with details thereof.

Form P -1(See Rule 78-B)Notice of closureFrom : (Here give the full name of the person(s) signing the notice with description of the position he holds, the name of the undertaking and full postal address thereof.)ToThe Secretary to the Govt. of West Bengal,Labour Deptt. (Relations Branch),Writers' Buildings, Calcutta - 1.Sir,As required under sub-section (1) of section 25FFA of the Industrial Disputes Act, 1947 (Act 14 of 1947), f/we hereby give notice on behalf of the before mentioned undertaking that a final decision has been taken to close a part of the entire undertaking with effect from.(here insert the date)The reasons for such closure and other relevant details are given in the statement below.Statement

1. (a) Name of the undertaking ;

(b)Name of production or business

2. Address in full of the undertaking ;

3. Address for communication :

4. If a proprietary undertaking, names and full residential address of the owners/partners.

5. If a joint stock company :

(a)Name and full residential address of every director :(b)Name and full residential address of every person owning or controlling twenty per centum or more of the shares :

6. If closures involves part of the undertaking, the names or description and other details of the portions to be dosed :

7. Dais on which the closure will be effective :

8. Reasons for the closure with detailed sequence of events and factors lead-in to this development including steps so far taken for avoiding closure :

9. Suggestions, if any, for avoiding the closure :

10. Total number of workmen employed in the undertaking :

11. Number of workmen effected by the closure -

(a)Permanent :(b)Temporary :(c)Others :(d)Total :Your faithfully,Signature with office seal or descriptionof the post or position held in theundertaking.Copy tor warded for information to-(1)The Labour Commissioner, West Bengal, New Secretariat Building, 1, Kiron Sankar Roy Road, Calcutta - 1.(2)The Conciliation Officer(here insert the office address of the Conciliation Officer of the area concerned).(3)The Secretary to the Govt. of West Bengal, Commerce & Industries Deptt. Writers Buildings, Calcutta -1.(4)The Director of Industries. West Bengal (here insert the address).(5)The Employment Exchange ...(here insert the address of the Employment Exchange of the area concerned.)Note :(1)If the space in any column is insufficient for furnishing the required information, separate sheet maybe used.(2)Every page of the Form of notice and separate sheet, if any, used must be initialled by the person issuing the notice.Form P-2[See Rule 78-C(1)](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-o of the Industrial Disputes Act, 1947, (14 of 1947).ToDate.....The Secretary to the Government of West Bengal.Labour Department,Writers' Buildings,Calcutta.Under Section 25-o of the Industrial Disputes Act, 1947 (14 of 1947), II we hereby inform you that I/we propose to close down the undertaking specified below.of (name of the industrial establishment).(Give details of the undertaking)

1.with effect fromfor the reason 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).

2A. [The list of workmen whose services are proposed to be terminated on account of closure, showing against each workman the date of his entry into employment, the rate of wages and other allowances payable at the time of closure notice and the details of the quantum of compensation, including other legal dues, that will be paid to him, and the modes, manner and time of payment of such compensation is enclosed.

2B. An attested copy of the bank guarantee against the payment of the aforesaid compensation and other statutory dues to the workmen is enclosed.] [Inserted by notification no. 1806 -IR dated 12.11.1993]

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 25-0 applies will be given notice and paid compensation as specified in Section 25N of the Industrial disputes Act, 1947 (14 of 1947) as if the workman had been retrenched under the Section.

Yours faithfully,(Signature)Copy forwarded for information to :-(1)The Labour Commissioner, West Bengal.(2)The Conciliation Officer.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. (a) 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.

(b)No. of(i)Permanent(ii)temporary, and(iii)other workmen,

3. Product/Products of the undertaking.

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

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

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

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

7. Any arrangement regarding off-loading or sub-contracting of products or any competent thereof.

8. Details of persons or the organisations to whom the job (s) is (are) being entrusted - relationship/interest of the persons/organisations with the director(s) or the officer(s) of the company.

9. Position of the order book-item-wise and value-wise for a period of six month, 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 sheet and profit and loss account and audit reports for the last three years.

12. (a) Financial position of the company.

(b)Whether any assistance was received from I.R.C.I. or any other financial institutions.(c)Whether there is any branch of the undertaking within or outside the State and if so, whether closure has been effected on the date or proposed to be effected therein, if so, details thereof.

13. (i) Names of any inter-connected 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 the directors/officers of the undertaking producing same or similar type of product.

14. 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. 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 to be shown separately item-wise and value wise).

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

18. Full details of the interest of the directors and officers of the company in the organisations/persons involved in selling products of the undertaking.

19. Buying arrangements for raw material and components.

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

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

22. Reasons for the proposed closure.

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

24. Any other relevant factors with details thereof.

Form P-3[See Rule 78-C(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 (Act 32 of 1976) the period of notice of intention to close down an undertaking given under sub-section (1) of Sec. 25 FFA has not expired.dated.....ToThe Secretary to the Government of West Bengal,Labour Department,Writers' Buildings,Calcutta - 1Sir,I/We have given notice on.....under sub-section (1) of Section 25 FFA of our intention to close down an undertaking specified below.....(name of industrial establishment).(Attested copy of the notice is appended hereto)(Give details of the Undertaking)...

.....

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

3. I/We hereby solicit permission to close down the said undertaking under sub-section (3) of Section 25-0 of the Industrial Disputes Act, 1947 (14 of 1947) for the reasons set out in the Annexure.

4. I/We hereby declare that in the undertaking to whom sub-section (') of the said Section 25-0 applies will be given notice and paid compensation as specified in Section 25-N of the Industrial Disputes Act, 1947 (14 of 1947) as if the workman had been retrenched under that section.

Yours faithfully, Copy forwarded for information to :

(1) the Labour commissioner, West Bengal. (Signature)

(2) The Conciliation Officer

Annexure(Please give replies against each item)Item No.

1. Name of the industrial establishment with complete postal address, including telegraphic addresses and telephone numbers and also address for communication.

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

3. (a) 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.

(b)Number of (i) Permanent(ii)Temporary, and(iii)Other workmen

4. Product/products of the undertaking.

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

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

(ii)Production figures month-wise for 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. Details of persons or the organisations to whom the job (s) is (are) being entrusted - relationship/interest of the persons/organisations with the director (s) or the officer (s) of the company.

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 the number of shifts per day and the strength of workmen per each shift.

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

13. (a) Financial position of the Company.

(b) If any assistance has been taken from I.R.C.I. or any other financial institution ? If so, details thereof. (c) Whether there is any branch of the undertaking in any other State and, if so whether that branch has been or is proposed to be closed ? If so when ?

14. (i) Names of any inter-connected companies or companies under the same management.

(ii) Details about the inter-corporate investments and changes during the last one year. (iii) Interest of any of the 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 12 months. Inventories to be shown in respect of finished products, components and raw materials to be shown separately item-wise and value-wise).

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

19. Full details of the directors and officers of the company in the organisations/persons involved in selling products of the undertaking.

20. Buying arrangements for raw materials and components.

21. Interest of the directors and officers with the organisations/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.

[Form P-4] [Inserted by Notification No. 1806-IR dated 12.11.1993][See Rule 12A(2)]Before Shri.....Conciliation Officer,In the matter of an individual dispute.Between.....the applicant.and.....the opposite partyThe above mentioned applicant begs to submit that an industrial dispute relating to.....(individuals name) was raised on and.....the dispute has not yet been settled.Your applicant, therefore, prays that a certificate be issued about pendency of conciliation proceedings to enable your applicant to seek relief before the authority as provided in section 10 (1B) of the Industrial Disputes Act, 1947.....Signature of the applicantDate.....Form Q[See Rule 74(1)]Application under sub-section (1) of Section 33C of the Industrial Disputes Act, 1947 (Act 14 of 1947), for recovery of specified sum of money due from the employer.ToThe Secretary to the Government of West Bengal,Labour Department,Writers' Buildings,Calcutta - 1Name(s) and address(es) of the workman/workmen

1.

.....

2.

.....

3.

.....

4.

.....(N.B. In case there is not enough space here for writing the names and addresses of all the workmen, a separate statement showing the name and addresses of the workmen shall be enclosed and that fact shall be noted in the above space).Name and address of the employer :(In block letters)I. I/We, the above named workman/workmen I/We, the authorised agent (s) assignee (s) /heir (s) of the above named workman/workmen, namely.....apply for recovery and payment to me/us, by issue of a certificate to the Collector,.....of the amount of Rs.....(Rupees.....) due to me/us the above named workman/workmen from the above named employer under (a)Settlement; dated.....between the above named employer and.....here state the names(s) of the union/workman/workmen, as the case may be) [copy/relevant extract of the settlement enclosed];(b)award, dated.....of the.....Labour Court/Industrial Tribunal published in the "Calcutta Gazette" on.....under the Government of West Bengal, Labour Department, order No.....dated.....(copy/relevant extract enclosed);(c)arbitration award, dated.....of.....

.....Published in the "Calcutta Gazette" on under the Government of West Bengal, Labour Department, order No.....dated (Copy/relevant extract of the arbitration award enclosed).(d)section of the Industrial Disputes Act, 1947 (Act 14 of 1947).II. I/We declare that the above particulars are true and correct, that the settlement/award/arbitration award is in operation and enforceable and that recovery of the dues has not been stayed by any order of Court. I/ We approached the employer but the dues have not been paid.III. I/We enclose a separate statement explaining why the application could not be made within one year from the date on which the money became due to me/us/the workman/workmen named above.IV. I/We enclose necessary documents (true copies of the documents to be enclosed) to prove that I am/we are the authorised agen(s)/asignee(s)/ heir(s) of the workman/workmen named in column 1 of the following table

| Name(s) of the workmen/workmen(in block letters) | Names(s) of the authorized agent(s)assignee(s)/heir(s) | Nature of the document(s) enclosed |
|---|--|------------------------------------|
| 1 | 2 | 3 |
| [Form Q-1] [Omitted by Notification No. 4249-IR/EIL/IA-18/79 dated 30.10.1981 w.e.f. 25.9.1979.]Form Q-2[See Rule 74(3)]Before The.....Labour Court(Specified under the Government of West Bengal, Labour Department Order No.....,dated.....)Between | | |

1. Name (s) of the applicant (s).....

2. Name of the employer.....

The petitioner (s), the authorised agent (s)/assignee (s) heir (s) of Shri/a workman/workmen Sarvashri.....a workman/workmen of the above said employer is/are entitled to receive from the above said employer the following money/benefit due to me/us the above mentioned workman/ workmen, namely :-(Herein set out the details of the money/benefit.)It is prayed that the Court may be pleased to determine the amount of the above said money dues/benefit under sub-section (2) of Section 33C of the Industrial Disputes Act, 1947 (Act 14 of 1947).Dated, the.....Signature(s) or Thumb Impression(s)of the applicant(s).Note : Delete where not applicable.Form Q-3[See Rule 74(4)]Application under sub-section (1) of Section 33C of the Industrial Disputes Act, 1947 (Act 14 of 1947), for recovery of specified computed dues from the employer.ToThe Secretary to the Government of West Bengal,Labour Department,Writers' Buildings,Calcutta -1Name(s) and address(es) of the workman/workmen:(In Block letter)

1.

.....

2.

.....

3.

.....

4.

.....(N.B. In case there is not enough space here for writing the names and addresses of all the workmen, a separate statement showing the name and addresses of the workmen shall be enclosed and that fact shall be noted in the above space).Name and address of the employer

.....

.....Whereas an amount of Rs(Rupees.....) is due to me/us the above mentioned workman/workmen from the above mentioned employer in accordance with the decision of the Labour Court specified under the Government of West Bengal, Labour Department order No.....dated the (Certified copy of the findings enclosed).It is prayed that the said amount be recovered and paid to me/us by issue of a certificate to the collector.....under sub-section (1) of Section 33C of the Industrial Disputes Act, 1947.I. I/We enclose a separate statement explaining why the application could not be made within one year from the date on which the money became due to me/us/the workman/workmen named above.II. I/We enclose necessary documents (true copies of the

documents to be enclosed) to prove that I am/we are the authorised agent(s)/assignee(s)/ heir(s) of the workman/workmen named in column I of the following table:-

| Name(s) of the workmen/workmen(in block letters) | Names(s) of the authorized agent(s)assignee(s)/heir(s) | Nature of the document(s) enclosed |
|---|--|------------------------------------|
| 1 | 2 | 3 |
| <p>Dated, theSignature(s) or Thumb Impression (s)of the applicant(s).Note : Delete where not applicable.Form R[See sub-rule(1) of Rule 78A]Form of authority for representation of a workman under clause(c) of sub-section (1) of section 36 of the Industrial Disputes Act, 1947 (Act 14 of 1947).[Before] [Here insert Conciliation Officer/Board of Conciliation/Labour Court/Tribunal, as the case may be.]No.....ofIn the matter of.....UnionI/We hereby [authorise] [Here insert the name of the officer or the employer, as the case may be.].....who is an officer of who is a workman, employed in connection with the industry to represent me/us in the above matter.Dated, the.....day of.....19.Accepted.(Signature)AddressSignature/SignaturesAddressForm R-1[See sub-rule(2) of Rule 78A]Form of authority for representation of an employer under clause(c) of sub-section (2) of section 36 of the Industrial Disputes Act, 1947 (Act 14 of 1947).[Before*] [Here insert Conciliation Officer/Board of Conciliation/Labour Court/Tribunal, as the case may be.]No.In the matter of.....</p> | | |

1.

/We hereby [authorise] [Here insert the name of the officer or the employer, as the case may be.].....who is an officer of.....
Association.....employer engaged in.....connection with the industry, to represent me/us in the above matter.Dated, the.....day
of.....19.Accepted.(Signature)AddressSignature/SignaturesAddress[Form S] [Inserted by Notification No. 1806-1R dated 12.11.1993][See Rule 12A(3)]Whereas an industrial dispute relating to.....was raised byvide representation, dated.....And Whereas the conciliation proceeding in respect of the aforesaid dispute was started but no settlement could be arrived at as yet ;).And Whereas the party raising the dispute filed an application on.....for a certificate as per section 10(1B) of the Industrial Disputes Act, 1947, in the prescribed Form P-4;Now, Therefore, in pursuance of the provisions of section 10(1B) of the Industrial Disputes Act, 1947, this is to certify that the aforesaid conciliation proceeding is still pending before the undersigned.....Conciliation OfficerDate.....[Form T] [Inserted by notification No. 1806-IR dated 12.11.1993][See Rule 12A(4)]Before the.....Labour Court/Industrial Tribunal (specified under the Government of West Bengal, Labour Department Order No.....dated.....In the matter of an industrial disputeBetween.....the applicant,and.....the opposite party,Your above mentioned applicant begs respectfully to submit as follows :That Whereas by a representation dated.....your applicant has raised an industrial dispute relating to.....And Whereas the Conciliation Officer started conciliation proceeding but

failed to arrive at a settlement within a period of sixty days from the date of raising of the dispute
;And Whereas the said Conciliation Officer has issued a certificate about the pendency of
conciliation proceeding (copy enclosed) as provided in section 10(1B)(b) of the Industrial Disputes
Act, 1947. Now, Therefore, your applicant prays that cognizance be taken of this application and
notices be issued to the parties for hearing the matter and for framing issues for a adjudication
thereof as provided in section 10(1 B)(d) of the Industrial Disputes Act,
1947.....Signature of the applicantDate: