

# The Rajasthan Industrial Disputes Rules, 1958

RAJASTHAN

India

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### Rule THE-RAJASTHAN-INDUSTRIAL-DISPUTES-RULES-1958 of 1958

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The Rajasthan Industrial Disputes Rules, 1958 Published vide Notification No. F.1(44) Lab./56, dated 4-6-1958, published in Rajasthan Gazette, part 4-C, dated 17-7-1958 In exercise of the powers conferred by Section 38 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the State Government hereby makes the following rules the same having been previously published and further amended by the following notifications: Preliminary

#### 1. Title and Application.

(1) These rules may be called the Rajasthan Industrial disputes Rules, 1958. (2) They shall come into force on such [date] as the State Government may by notification in the Official Gazette appoint in the behalf.

#### 2. Interpretation.

- In these rules, unless there is anything repugnant in the subject or context :- (a) "Act" means the Industrial Disputes Act, 1947 (14 of 1947); (b) "Chairman" means the Chairman of a Board or Court or if the Court consists of one person only, such [person]; (c) "Committee" means a Works Committee constituted under sub-section (1) of section 3 of the Act; (d) "Form" means a form in the Schedule to these rules; (e) "Section" means a section of the Act; (f) [ "Schedule" means a Schedule annexed to the Act.] [Renumbered and inserted by F. 3(31) Lab./62, 21-10-63, IV-C, w.e.f. 05-12-63] (g) [ [Renumbered and Inserted by F. 3(31) Lab./62, 21-10-63, IV-C, w.e.f. 05-12-63] With reference to clause (g) of section 2 it is hereby prescribed that in relation to an industry carried on by or under the authority of a Department of the State Government, the Officer-in-charge of the Industrial Establishment shall be the "employer" in respect of that establishment.

## Part I

### **2A. [ [Rules 2A to 2G inserted by D. 4638/F. 3(21)/Lab/59, 24-6-60, IV-C Extraordinary, w.e.f. 27-06-60]**

(1)The Register of representative unions shall be in Form I, appended to these rules.(2)The application for registration of a union as a representative union shall be in Form 2, appended to these rules.

### **2B.**

Every union approaching the Registrar appointed under section 3A of the Act, for registration as a representative union under section 9D of the Act, shall be required to deposit a fee of Rs. 10/- alongwith such application for registration.

### **2C.**

(1)For ascertaining the membership of unions for the purposes of section 9E, 9F, 9G or 9H, the Registrar shall hold an inquiry in the manner hereafter provided.(2)The Registrar shall fix a date for holding an inquiry to ascertain such membership and shall give fifteen day's notice thereof to the union or unions concerned.(3)On receipt of such notice, every such union may submit its objections, if any, to the Registrar in writing in duplicate and shall also produce before the Registrar, the following documents:-(a)Membership Register;(b)Counterfoils of receipts of subscription for three calendar months immediately preceding the calendar month, in which the application is made;(c)Minute Books;(d)Cash Book;(e)Bank Pass Book, if any;(f)An audited statement of membership for each of the three calendar months, immediately preceding the calendar months, in which the application is made.(g)Such other documents as the Registrar may, from time to time direct during the course of an inquiry.(4)Every such objection shall be accompanied by a deposit of Rs. 5/-.(5)Where the union, to whom notice has been given under sub-rule (2), fails to be present before the Registrar on the date fixed for the inquiry or fails to produce the documents, as required by sub-rule (3), then:-(a)If such union is an applicant., the Registrar may dismiss the application and(b)If such union is not an applicant the Registrar may proceed with the inquiry ex parte:Provided that on sufficient cause being shown by the union, whose application has been dismissed, the Registrar may set aside the order of dismissal and fix a date for holding the inquiry.(6)The documents produced at the inquiry, by the union shall be opened to inspection to other unions, who may be party to the inquiry, for a period of ten days from the date of their production or for such other period as the Registrar may allow.(7)The Registrar may adopt such sampling method as he may deem fit in verifying the membership register of union.(8)Where in respect of objections raised against the membership of a union the number of witnesses to be examined is very large, the Registrar may, examine such number of witnesses as he may determine, by adopting such sampling method as the Registrar may deem fit. The Registrar may, with the consent of the parties, examine the witnesses in camera.(9)If, in the course of the inquiry, the Registrar comes to a conclusion that an objection raised against the membership of the union was

frivolous or vexatious, he may impose a fine not exceeding Rs. 5/- for every such objection.

## **2D.**

On being satisfied that the application submitted by an applicant union is perfectly in order, the Registrar shall issue a certificate to such union in Form 3 appended to these rules.

## **2E.**

The application and fee under section 9-G of the Act, shall be the same, as prescribed under rule 2-A(2) and 2-B above.

## **2F.**

An application made under section 9-G shall be sent for publication in the State Gazette immediately on receipt in the office of the Registrar in Form 4, appended to these rules, so that it is brought to the notice of all concerned, not less than fourteen days before the expiry-' of the period of notice prescribed under sub-section (1) of section 9-G.

## **2G.**

Every order passed under section 9-E or section 9-F or section 9-G and every order passed in appeal under section 9-1 shall be published in the State Gazette, for information of the concerned persons.]Procedure for reference of industrial disputes to Board of Conciliation Courts of Enquiry, Labour Courts, Industrial Tribunals or National Tribunals.

## **3. Application.**

- An application under sub-section (2) of section 10 for the reference of an industrial dispute to a Board, Court, Labour Court, Tribunal or National Tribunal shall be made in Form A and shall be delivered personally or forwarded by registered post in triplicate to the Secretary to the Government of Rajasthan Labour Department, Jaipur. The application shall be accompanied by a statement setting forth-(a)the parties to the dispute;(b)the specific matters in disputes;(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.

## **4. Attestation of application.**

- The application and the statement accompanying it shall be signed-(a)in the case of an employer by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of the Corporation;(b)in the case of workmen, either by the President and Secretary of State union of the workmen, or by five representatives of the

workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.

## **5. Notification of appointment of Board, Court, Labour Court, Tribunal or National Tribunal.**

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

## **6. Notice to parties to nominate representative.**

(1) If the Government proposes to appoint a Board, it shall send a notice in Form B to the parties requiring them to nominate within a reasonable time persons to represent them on the Board. (2) The notice to the employer shall be sent to the employer personally, or if the employer is an incorporated company or a body corporate, to the agent, manager or other principal officer of such company or body. (3) The notice to the workmen shall be sent—(a) in the case of workmen who are members of a trade union, to the President or Secretary of the trade union; and (b) in the case of workmen who are not members of a trade union, to any one of the five representatives of workmen, who have attested the application made under rule 3; and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof on the notice boards in a conspicuous manner at the main entrance to the premises of the establishment.

## **6A. [ [Inserted by D. 4638/F. 3(21)/Lab/59, 24-6-60, IV-C Extraordinary, w.e.f. 27-06-60]**

(1) The Registrar shall maintain a register for registering submission (Agreements) sent to him, under sub-section (2) of section 10-B. (2) The Registrar shall cause such submission to be published in the Official Gazette after it has been registered with him. [[6B] [Re-numbered by GSR 309/F. 3(14)/Lab/63, 07-01-72, IV-C(1), w.e.f. 23-01-75]. The Registrar shall maintain a register for entering awards received under sub-section (1) of section 101 of the Act, in Form 5, appended to these rules.

## **Part II – Arbitration Agreement**

### **7. Arbitration Agreement.**

- An Arbitration Agreement for the reference of an industrial dispute to an arbitrator or arbitrators shall be made in Form C and shall be delivered personally or forwarded by registered post in triplicate to the Secretary to the Government of Rajasthan, Labour Department, Jaipur, the Labour Commissioner, Rajasthan, Jaipur and the Conciliation Officer concerned. The agreement shall be accompanied by the consent, in writing of the Arbitrator or Arbitrators.

## **8. Arbitration Agreement.**

- [(1) An Arbitration Agreement referred to in section 10B(1) of the Act, shall be made in Form C and shall be delivered personally or forwarded by registered post to the Registrar (in triplicate) mentioned in sub-section (2) of section 10B by the signatories to the agreement or any of them.] [Renumbered and added by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67](2)[ Attestation of the Arbitration Agreement. - The Arbitration Agreement shall be signed-(a)[ in the case of an employer-(i)by the employer himself, or(ii)if any group or association of employers is a party to the agreement by a person authorised in writing in this behalf by such group or association, or(iii)if the employer is an incorporated company or other body corporate, by the Agent. Manager or other principal officer of the corporation, if so authorised in writing by the employers.](b)in the case of workmen, either by the President and Secretary of a trade union of the workmen or by the five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.[Explanation.- An this rule, 'officer' means any of the following officers of the trade union, namely:-(a)President;(b)Vice-President;(c)Secretary (including the General Secretary);(d)Joint Secretary; and(e)any other officer of the trade union authorized in this behalf by the President and Secretary of the Union.]

## **Part III – Powers, Procedure and Duties of Conciliation Officers, Boards, Courts, Labour Courts Tribunals and Arbitrators.**

### **9. [] [Renumbered by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67] Conciliation proceedings in public utility service.**

(1)The Conciliation Officer, on receipt of a notice of strike or lock-out given under rule 71 or 72 rule shall forthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.(2)[ Where the Conciliation Officer receives no notice of a strike or lock out under rule 71 or 72 but he considers it necessary to intervene in the dispute, he may give formal intimation in writing to the parties concerned, declaring his intention to commence conciliation proceedings with effect from such date as may be specified herein.] [Inserted by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67]

### **10. Conciliation proceedings in non-public utility service.**

- Where the Conciliation Officer receives any information about an existing or apprehended industrial dispute which does not relate to public utility service and he considers necessary to intervene in the dispute, he shall give formal intimation, in writing to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be specified therein.

**10A. [ Parties to submit statements. [Rules 10A added by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67]**

- The employer or the party representing workmen involved in an industrial dispute shall forward a statement setting further the specific matter in dispute to the Conciliation Officer concerned wherever his intervention in the dispute is required.] [Added by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67]

**10B. [ Proceeding before the Labour Court or Tribunal. [Substituted by GSR 114 F.1(2)(8)/Shram/76, 05-01-87, IV-C(1), w.e.f. 26-03-87, page 337]**

(1) While referring an industrial dispute for adjudication to a Labour Court or the Tribunal, the State Government shall direct the party raising the dispute to present and file a statement of claim complete with relevant documents, list of reliance and witnesses with the Labour Court or the Tribunal within fifteen days of the receipt of the order of reference and also forward a copy of such statement to each one of the opposite parties involved in the dispute. (2) The Labour Court or the Tribunal after ascertaining that copies of statement of claims are furnished to the other side by party raising the disputes, shall fix the first hearing on a date not beyond one month from the date of receipt of the order of reference and the opposite party or parties shall file their written statement together with documents list of reliance and witnesses within a period of fifteen days from the date of first hearing and simultaneously forward a copy thereof to the other party. (3) Where the Labour Court or the Tribunal, as the case may be, finds that the party raising the dispute though directed did not forward the copy of the statement of claims to the opposite party or parties, it shall give directions to the concerned parties to furnish the copies of the statement to the opposite party or parties and for the said purpose the Labour Court or the Tribunal may extend the time limit for filing of the statement either under sub-rule (1) or written statement under sub-rule (2) by an additional period of fifteen days. (4) The party raising a dispute may submit a rejoinder if it chooses to do so, to the written statements by the appropriate party or parties within a period of fifteen days from the filing of written statement by the later. (5) The Labour Court or the Tribunal, as the case may be, shall fix a date for evidence within one month from the date of receipt of the statements, documents, list of witnesses, etc., which shall be ordinarily within sixty days of the date on which the dispute was referred for adjudication. (6) Evidence shall be recorded either in court on an affidavit but in the case of affidavit the opposite party shall have the right to cross examine each of the deponents filing the affidavit. As the oral examination of each witness proceeds, the the Labour Court or the Tribunal shall make a memorandum of the substance of what is being deposed. While recording the evidence the Labour Court or the Tribunal shall follow the procedure laid down in rule 5 of Order 18 of the First Schedule to the Code of Civil Procedure, 1908. (7) On completion of evidence either arguments shall be heard immediately or a date shall be fixed for arguments/oral hearing which shall not be beyond a period of fifteen days from the close of evidence. (8) The Labour Court or the Tribunal, as the case may be, shall not ordinarily grant an adjournment for a period exceeding a week at a time but in any case not more than three adjournments in all will be granted at the instance of the parties to the dispute: Provided that the Labour Court or the Tribunal, as the case may be, for the reasons to be recorded in writing, grant an adjournment exceeding a week at a

time but in any case not more than three adjournments at the instance of any one of the parties to the dispute.(9)In case any party defaults or fails to appear at any stage the Labour Court or the Tribunal, as the case may be, may proceed with the reference ex parte and decide the reference application in the absence of the defaulting party:Provided that the Labour Court or the Tribunal, as the case may be, may on the application of either party, filed before the submission of the award revoke the order, that the case shall proceed ex parte, if it is satisfied that the absence of the party was on justiciable grounds.(10)The Labour Court or the Tribunal, as the case may be, shall submit awards to the State Government within one month from the date of oral hearing/arguments or within the period mentioned in the order of reference whichever is earlier.(11)In respect of reference under section 2-A, the Labour Court or the Tribunal, as the case may be, shall ordinarily submit its awards within a period of three months:Provided that the Labour Court or the Tribunal may, as and when necessary. extend the period of three months and shall record its reasons in writing to extend the time for submission of the award for another specified period.] [Renumbered and added by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67]Note - The above rule was substituted by amending Notification No. 10 dated 5.1.1987 published on 26.3.1987 for the following:-"10B. Proceeding before the Labour Court or Tribunal.- (1) Where the State Government refers any industrial dispute for adjudication to a Labour Court or Tribunal within two weeks of the date of receipt of the order of reference, the party representing workmen and the employer involved in the dispute shall file with the Labour Court or the Tribunal, as the case may be a statement of the demands relating only to the issues as are included in the order of reference and shall also forward a copy of such statements, to each one of the opposite parties involved in the said dispute:Provided that where the Labour Court or Tribunal as the case may be considers it necessary, it may extend the time limit for filing of such statements.(2)Within two weeks of the receipt of the statements referred to in sub-rule (1), the opposite party shall file its rejoinder with the Labour Court or Tribunal, as the case may be and simultaneously forward a copy thereof to the other party:Provided that such rejoinder shall relate only to such of the issues as are included in the order for reference:Provided further that where the Labour Court or Tribunal, as the case may be, considers it necessary, it may extend the time limit for the filing of such rejoinder.(3)The Labour Court or Tribunal, as the case may be, shall ordinarily fix the date for the first hearing of the dispute within six weeks of the date on which it was referred for adjudication:Provided that the Labour Court or Tribunal, as the case may be, for reasons to be recorded in writing, fix a later date for the first hearing of the dispute.(4)The hearing shall ordinarily be continued from day-to-day and arguments shall follow immediately after the closing of evidence.(5)The Labour Court or Tribunal, as the case may be, shall not ordinarily grant an adjournment for a period exceeding a week at a time and not more than three adjournments in all at the instance of any one of the parties to the dispute:Provided that the Labour Court or Tribunal, as the case may be, may, for reasons to be recorded in writing, grant an adjournment exceeding a week, or more than three adjournments at the instance of any one of the parties to the dispute.(6)The Labour Court or Tribunal, as the case may be, shall, as the examination of such witness proceeds, make a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the presiding officer:Provided that the Labour Court or Tribunal, as the case may be, may follow the procedure laid down in rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908, if it considers necessary so to do, in view of the nature of the particular industrial dispute pending before it."

## 11.

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

## 12.

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

## 13. Place and time of hearing.

- [Subject to the provisions contained in rules 10A and 10B] [Inserted by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67], the sitting of a Board, Court, Labour Court, Tribunal or of an Arbitrator shall be held at such times and places as the Chairman or the Presiding Officer or the Arbitrator, as the case may be, may fix and the Chairman, Presiding Officer or 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 a sitting of a Board or Court shall be as follows:-

	Quorum
(i) In the case of a Board- where the number of members is 3	2
(ii) In the case of a Court- where the number of members is not more than 2 <sup>1</sup> where the number of members is more than 2 but 2 less than five	1

## 15. Evidence.

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

## 15A.

[x x x] [Deleted by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67].



## **16. Administration of oath.**

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

## **17. Summons.**

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

## **18. Service of summons or notice.**

- Subject to the provisions contained in rule 20, any notice, summons, process or order issued by a Board, Court, Labour Court, Tribunal or Arbitrator empowered to issue such notice, summons, process or order, may be served either personally or by registered post.

## **19. Description of parties in certain cases.**

- Where in any proceeding before a Board, Court, Labour Court, Tribunal or an Arbitrator there are numerous persons arrayed on any side such person shall be described as follows:- (1) All such persons as are members of any trade union or association shall be described by the name of such trade union or association; and (2) All such persons as are not members of any trade union or association, shall be described in such manner as the Board, Court, Labour Court, Tribunal or Arbitrator, as the case may be, may determine.

## **20. Manner of service in the case of numerous persons as parties to a dispute.**

- 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 person. (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.

## **21. Procedure at the first meeting.**

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

## **22. Board, Court, Labour Court, Tribunal or Arbitrator may proceed ex-parte.**

- If without sufficient cause being shown, any party to 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 the party had duly attended or had been represented.

### **22A. [ Setting aside ex parte decision. [Inserted by GSR 6/F. 1(2)(28)/Shram/72, 01-05-73, IV-C(1), w.e.f. 03-05-73]**

(1)On an application made within fifteen days of the ex parte decision, the Board, Court, Labour Court, Tribunal or Arbitrator may, on sufficient cause being shown after notice to the opposite party set aside either wholly or in part, an ex parte decision.(2)The Board, Court, Labour Court, Tribunal or Arbitrator may, on an application, extend the time of fifteen days as prescribed in sub-rule (1) on sufficient cause being shown.(3)Applications under sub-rules (1) and (2) shall be supported by an affidavit.]

## **23. Power of entry and inspection.**

- A Board or Court, or any member thereof or a Conciliation Officer, a Labour Court. Tribunal or any person authorised in writing by the Board, Court, Labour Court or Tribunal in this behalf may, for the purposes of any conciliation, investigation, enquiry or adjudication entrusted to the Conciliation Officer, Board, Court, Labour Court and Tribunal under the Act, at any time between the hours of sunrise and sunset and the case of a person authorised in writing by a Board, Court, Labour Court, or Tribunal after he has given reasonable notice, enter any building, factory, workshop or other 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 conciliation, 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 adjournment;(c)reception of evidence taken on affidavit;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 Criminal Procedure, 1898.

## **25. Assessors.**

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

## **26. Fee for copies of awards, etc.**

(1) Fees for making a copy of an award or an order of a Labour Court, Tribunal or an Arbitrator or of the report of the Board of Conciliation or of any other document filed in any proceeding before such Labour Court, Tribunal, Arbitrator or Board of Conciliation shall be charged as follows:-(a)for the first 200 words or less, seventy five paise,(b)for every additional 160 words or fraction thereof, thirty seven paise:Provided that where an award or order or document exceeds five pages, the approximate number of words per page shall be taken as the basis for calculating the total number of words to the nearest hundred, for the purpose of assessing the copying fee:[Provided further that in relation to an industry carried on by or under the authority of any department of the State Government, no fees for making a copy of such award, order or document shall be chargeable, if application therefor is made by employer of such industry or by a legal practitioner representing such employer.] [Added by GSR 309/F. 3(14)/Lab/63, 07-01-72, IV-C(1), w.e.f. 23-01-75](2)For certifying a copy of any such award or order or document, a fee of Re. 1/- shall be payable.[Provided that no fees for certifying such copy shall be chargeable from the employer of an industry referred to in second proviso to sub-rule (1) and from his legal practitioner.] [Added by GSR 309/F. 3(14)/Lab/63, 07-01-72, IV-C(1), w.e.f. 23-01-75](3)Copying and certifying fees shall be payable in cash in advance.(4)Where a party applies for immediate delivery of a copy of any such award or order or document, an additional fee equal to one- half of the fee leviable under this rule shall be payable.

## **27. Decision by majority.**

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

## **28. Correction of errors.**

- The Labour Court, Tribunal or Arbitrator may correct any clerical mistake or error arising from an accidental slip or omission in any award it he issues.

## **29. Right of representatives.**

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

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

## **Part IV – Remuneration of Chairman and members of Courts, Presiding Officers of Labour Courts, Tribunals, Assessors and Witnesses.**

### **31. Travelling Allowance.**

- The Chairman or a member of a Board or Court or the Presiding Officer or an Assessor of Labour Court or Tribunal 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 Rajasthan Travelling Allowance Rules and Audit Accounts, issued by the Government from time to time.

### **32. Fees.**

- The Chairman and 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 Government in each case.

### **33. Expenses of witnesses.**

- Every person who is summoned and duly attends or otherwise appears as a witness before Board, Court, Labour Court, Tribunal or an Arbitrator shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil courts in this state where the investigation, enquiry, adjudication or arbitration is being conducted.

## **Part V – Notice of Change**

### **34. Notice of change.**

- Any employer intending to effect any change in the conditions of service applicable to any workmen in respect of any matter specified in the Fourth Schedule shall give notice of such intention in Form E.[The notice shall be displayed conspicuously by the employer on a notice board at the main entrance of the establishment, and in the Manager's office:Provided that where a registered union exists a copy of the notice shall also be served on the Secretary of the union.]  
[Added by F. 3(31) Lab./62, 21-10-63, IV-C, w.e.f. 05-12-63]

### **35.**

[x x x] [Deleted by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67].

## **Part VI – Representation of Parties**

### **36. Form of authority under section 36.**

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

### **37. Parties bound by acts of representative.**

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

## **Part VII – Works Committee**

### **38. Constitution.**

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

### **39. Number of members.**

- The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and classes of workmen engaged in, and to the sections, shops or departments of the 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 employers.

#### **40. Representatives of employer.**

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

#### **41. Consultation with trade unions.**

(1) Where any workman 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 Conciliation Officer concerned for his decision and the Conciliation Officer after hearing the parties shall decide the matter and his decision shall be final.

#### **42. Groups of workmen's representative.**

- On receipt of the information called for under rule 41, 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 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 further that where a registered trade union, neglects or fails to furnish the information called for under sub-rule (1) of rule 41 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 41, the election shall be held on receipt of the decision of the Conciliation Officer.

#### **43. Electoral Constituencies.**

- Where under rule 42, the workmen's representatives are to be elected in two groups the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members 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 workmen shall vote in either by groups, sections, shops or departments.

#### **44. Qualification of candidates for election.**

- Any workman of not less than 10 years of age and with a service of not less than one year in the establishment may if nominated as provided in these rules be a candidate for election as a

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

#### **45. Qualifications for voters.**

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

#### **46. Procedure for election.**

(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 the number of seats to be elected by the groups, sections, shops or departments and the number to be elected by the members of the registered trade union or unions and by the non-members. (4) A copy of such notice shall be sent to the registered trade union or unions concerned.

#### **47. Nomination of candidates for election.**

(1) Every nomination shall be made on a nomination paper in Form G copies of which shall be supplied by the employer to the workmen requiring them. (2) Each nomination 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.

#### **48. Security of nomination papers.**

(1) On the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinized 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 44 or (b) the requirements of rule 47 have not been complied with: Provided that where a candidate or an attesting person is unable to be present at the time of scrutiny, he may send a duly authorised nominee for the purpose.

## **49. Voting in election.**

(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.

## **50. [ Arrangements for election. [Inserted by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67]**

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

## **51. Officers of the Committee.**

(1)The Committee shall have among its office bearers a Chairman. Vice-Chairman, a Secretary and a Joint Secretary. The Secretary and the Joint Secretary shall be elected every year.(2)The Committee shall elect the Chairman and the Vice-Chairman provided that where the Chairman is elected from amongst tire representatives of the employers, the Vice-Chairman shall be elected from amongst the representatives of workmen and vice versa:Provided further that the post of the Chairman or the Vice Chair man, as the case may be shall not be held by a representative of the employer or the workmen, for two consecutive terms.(3)The Committee shall elect the Secretary and the Joint Secretary provided that where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the workmen and vice versa: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.

## **52. 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.(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.

## **53. Vacancies.**

- In the event of workmen's representative ceasing to be a member under sub-rule (3) of rule 52 or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be elected, in accordance with the provisions of this part from the same group,



section, shop or department to which the member vacating the seat belonged.

#### **54. Power to co-opt.**

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

#### **55. Meetings.**

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

#### **56. Facilities for meeting, etc.**

- The employer shall provide accommodation for holding meetings of the Committee. He shall provide all necessary facilities to the Committee. The Committee shall ordinarily meet during working hours of the establishment concerned on any working day and the representative of the workmen shall be deemed to be on duty while attending the meeting.

#### **57. Dissolution of Works Committee.**

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

### **Part VIII – Miscellaneous**

#### **58. Memorandum of settlement.**

(1)A settlement arrived at in the course of conciliation proceedings or otherwise, shall be in Form 'H'.(2)The settlement shall be signed by-(a)in the case of an employer, by the employer himself or by his authorised agent, or when the employer is an incorporated Company or other body corporate, by the agent, manager or other principal officer of the corporation;(b)in the case of workmen, either by the President and Secretary of a trade union of workmen, or by five representatives of the workmen

duly authorised in this behalf at a meeting of the workmen held for the purpose.[Explanation.- In this rule, 'officer' means any of the following officers, namely:-(a)the President,(b)the Vice-President,(c)the Secretary (including the General Secretary),(d)a Joint Secretary,(e)any other officer of the trade union.](3)Where a settlement is arrived at in the course of conciliation proceeding the Conciliation Officer shall send a report thereof to the [State] [Substituted by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67] Government together with a copy of the memorandum of settlement signed by the parties to the dispute.(4)Where a settlement is arrived at between an employer and his workmen otherwise than in the course of conciliation proceeding before a Board or a Conciliation Officer, the parties to the settlement shall jointly send a copy thereof to the [State] [Inserted by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67] Government and the Labour Commissioner, Rajasthan and to the Conciliation Officer concerned.

## **59. Complaints regarding change of conditions of service etc.**

(1)Every complaint under section 33A of the Act shall be presented in triplicate in Form I and shall be accompanied by as many copies of the complaint as there are opposite parties to the complaint.(2)Every complaint under sub-rule (1) shall be verified at the foot by the workmen making it or by some other person proved to the satisfaction of the Labour Court or Tribunal to be acquainted with the facts of the case.(3)The person verifying 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 it was signed.

## **60. Application under section 33.**

(1)An employer intending to obtain the express permission in writing of the Conciliation Officer, Board, Labour Court or Tribunal as the case may be under sub-section (1) or sub-section (3) of section 33 shall present an application in Form J in triplicate to such Conciliation Officer, Board, Labour Court or Tribunal and shall file alongwith 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 K in triplicate to such Conciliation Officer, Board, Labour Court or Tribunal and shall file alongwith 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 some other person proved to the satisfaction of the Conciliation Officer, Board, Labour Court or Tribunal to be acquainted with the facts of the case.(4)The person verifying shall specify by reference to the numbered paragraphs of the application, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.(5)The verification shall be signed by the person making it and shall state the date on which and the place at which it was verified.

## **61. Protected workmen.**

(1) Every registered trade union connected with an industrial establishment, to which the Act applies, shall communicate to the employer before the 30th September every year, the names and addresses of such of the officers of the union who are employed in that establishment and who, in the opinion of the union, should be recognised as "protected workmen". Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change. (2) The employer shall subject to section 33, sub-section (4), recognize such workmen to be "protected workmen" for the purposes of sub-section (3) of the said section and communicate to the union, in writing, within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workmen recognised as protected workmen. (3) Where the total number of names received by the employer under sub-rule (1), exceeds the maximum number of protected workmen, admissible for the establishment under section 33, sub-section (4), the employer shall recognize 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: Provided further that where the number of protected workmen allotted to a union under this sub-rule, falls short of the number of officers of the union seeking protection, the union shall be entitled to select the officers to be recognised as protected workmen. Such selection shall be made by the union and communicated to the employer within five days of the receipt of the employer. (4) When a dispute arises between an employer and any registered trade union in any matter connected with the recognition of 'protected workmen', under this rule, the dispute shall be referred to the Conciliation Officer concerned, whose decision thereon shall be final.

## **62. [ Application for recovery of dues. [Substituted by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67]**

(1) Where any money is due to a workman from any employer under a settlement, or an award or under the provisions of Chapter VA, the workman concerned may apply in Form K-1 for the recovery of the money due to him. (2) Where any workman is entitled to receive from the employer any benefit which is capable of being computed in terms of money, the workman concerned may apply to the specified Labour Court in Form K-2 for the determination of the amount at which such benefit should be computed. (3) Where the Labour Court has determined the amount of the benefit under sub-rule (2), the workman concerned may apply in Form K-3 for the recovery of the money due to him.] [Added by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67]

## **63. Appointment of Commissioner.**

- Where it is necessary to appoint a Commissioner under sub-section (3) of section 33-C of the Act, the Labour Court may appoint a person with experience in the particular industry, trade or business

involved in the industrial dispute or a person with experience as a Judge of a Civil Court, or as a stipendiary Magistrate or as a Registrar or Secretary of a Labour Court or Tribunal constituted under the Act or of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950.

#### **64. Fees for the Commissioner, etc.**

(1)The Labour Court shall, after consultation with the parties, estimate the probable duration of the enquiry and fix the amount of the Commissioner's fees and other incidental expenses and direct the payment thereof into the nearest treasury, within a specified time by such party or parties and in such proportion, as it may consider fit. The commission shall not issue until satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Labour Court:Provided that the Labour Court may from time to time direct that any further sum or sums be deposited into the treasury within such time and by such parties, as it may consider fit:Provided further that the Labour Court may in its discretion, extend the time for depositing the sum into the treasury.(2)The Labour Court may, at any time, for reasons to be recorded in writing, vary the amount of the Commissioner's fees in consultation with the parties.(3)The Labour Court, may direct that the fees shall be disbursed to the Commissioner in such instalments and on such dates, as it may consider fit.(4)The undisbursed balance, if any, of the sum deposited shall be refunded to the party or parties who deposited the sum in the same proportion as that in which it. was deposited.

#### **65. Time for submission of report.**

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

#### **66. Local Investigation.**

- In any industrial dispute in which the Labour Court deems a local investigation to be requisite or proper for the purpose of computing the money value of a benefit, the Labour Court may issue a Commission to a person referred to in rule 63 directing him to make such investigation and to report thereon to it.

#### **67. Commissioner's report.**

- The Commissioner after such local inspection as he deems necessary and after reducing to writing the evidence taken by him, shall return such evidence together with his report in writing signed by him to the Labour Court.(2)The report of the Commissioner and the evidence taken by him (but not

the evidence without the report) shall be evidence in the industrial dispute and shall form part of the record of the proceedings in the industrial dispute, but the Labour Court, or, with the permission of the Labour Court, any of the parties to the industrial dispute may examine the Commissioner personally before the Labour Court regarding any of the matters referred to him or mentioned in his report or as to his report or as to the manner in which he has made the investigation.(3)Where the Labour Court is for any reasons dissatisfied with the proceeding of the Commissioner, it may direct such further enquiry to be made, as it shall think fit.

## **68. Powers of Commissioner.**

- Any Commissioner appointed under these rules may, unless otherwise directed by the order of appointment-(a)examine the parties themselves and any witnesses whom they or any of them may produce, and any other person whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him;(b)call for and examine documents and other things relevant to the subject of enquiry;(c)at any reasonable time enter upon or into any premises mentioned in the order.

## **69. Summoning of witnesses etc.**

- () The provisions of the Code of Civil Procedure, 1908 (Act V of 1908) relating to the summoning, attendance, examination of witnesses and penalties to be imposed upon witnesses, shall apply to persons required to give evidence or to produce documents before the Commissioner under these rules.(2)Every person who is summoned and appears as a witness before the Commissioner shall be entitled to payment by the Labour Court out of the sum deposited under rule 64, of an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing in the Civil Courts.

## **70. Representation of parties before the Commissioner.**

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

## **71. Notice of strike.**

(1)The notice of strike to be given by workmen in a public utility service shall be in Form L.(2)On receipt of a notice of a strike under sub-rule (1), the employers shall forthwith intimate the fact to the Conciliation Officer having jurisdiction in the matter.

## **72. Notice of lock-out.**

- The notice of lock-out to be given by an employer on a public utility service shall be in Form M. [The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the Manager's Office:Provided that where a trade union exists, a copy of

the notice shall also be served on the Secretary of the Union.] [Added by F. 5(5)/Lab. 59, 28-10-60, IV-C, w.e.f. 17-11-60]

### **73. Report of lock-out or strike.**

- The notice of lock-out or strike in a public utility service to be submitted by the employer under sub-section (2) of section 22, shall be in Form N.

### **74. Report of notice of strike or lock-out.**

- The report of notice of a strike or lock-out to be submitted by the employer under sub-section (6) of section 22, shall be sent by registered post or given personally to the Conciliation Officer appointed for the local area concerned, with copy by registered post to:- (1) The Secretary to the Government, Labour Department, Government of Rajasthan, Jaipur. (2) The Labour Commissioner, Rajasthan, Jaipur. (3) The District Magistrate concerned.

### **75. Register of settlements.**

- The Conciliation Officers shall file all settlements effected under this Act in respect of disputes in the area within his jurisdiction in a register maintained for the purpose as in Form.

### **75A. [ Notice of lay off. [Inserted by F. 3(31) Lab./62, 21-10-63, IV-C, w.e.f. 05-12-63]**

(1) If any workman employed in an industrial establishment as defined in the explanation to section 25 of the Act, not being an industrial establishment referred to in sub-section (1) of that section, is laid off, then the employer concerned shall give notice of the commencement and the termination of such lay off in Forms O-1 and O-2 respectively within three days of such commencement or termination, as the case may be. (2) Such notice shall be given by an employer in every case irrespective of whether in his opinion the workman laid off is or is not entitled to compensation in section 25-C of the Act.]

### **75B. [ Application for permission to lay off under section 25M. [Inserted by GSR 28 F.1(2)(8)/Shram/78, 27-05-76 IV-C(1), w.e.f. 27-05-76, page 121]**

(1) Application for permission to lay off any workman under subsection (1) or for permission to continue a lay off under sub-section (2), of section 25M, shall be made in Form O-3 and delivered to the authority specified under sub-section (1) either personally or by registered post acknowledgment due and where the application is sent by registered post the date on which the same was delivered to the said authority shall be deemed to be the date on which the application was made, for the purposes of sub-section (4) of the said section. (2) The application for permission shall be made in triplicate and sufficient number of copies of the application for service on the workmen concerned shall also be submitted along with the application. (3) The employer concerned shall furnish to the

authority to whom the application for permission has been made such further information as the authority considers necessary for arriving at a decision on the application, as and when called for by such authority as to enable the authority to communicate the permission or refusal to grant permission within the period specified in sub section (4) of section 25M.(4)Where the permission to lay off has been granted by the said authority, the employer concerned shall give to the Regional Dy./Asstt. Labour Commissioner concerned, a notice of commencement and termination of such lay off in Form O-1 and O-2 respectively and where permission to continue a lay off has been granted by the said authority, the employer shall give to the Regional Deputy/Assistant Labour Commissioner concerned, a notice of commencement of such lay-off in Form O-1, in case such a notice has not already been given under sub-rule (1) of rule 75 A, and a notice of termination of such lay off in Form O-2.(5)The notice of commencement and termination of lay off referred to in sub-rule (4) shall be given within the period specified in sub-rule (1) of rule 75-A],

## **76. Notice of retrenchment.**

- If any employer desires to retrench any workman employed in his industrial establishment, who has been in continuous service for not less than one year under him (hereinafter referred to as "workman" in this rule and in rules 77 and 78, he shall be given notice of such retrenchment as in Form F-G to the State Government, the Labour Commissioner, the Regional Dy, Labour Commissioner, Assistant Labour Commissioner and the Employment Exchange concerned and such notice shall be served on the State Government, the Labour Commissioner, the Regional Dy. Labour Commissioner/Assistant Labour Commissioner and the Employment Exchange concerned by registered post in the following manner.-(a)where notice is given to the workman, notice of retrenchment shall be sent within three days from the date on which notice is given to the workman;(b)where no notice is given to the workman and he is paid one month's wages in lieu thereof, notice of retrenchment shall be sent within three days from the date on which such wages are paid; and(c)Where retrenchment is carried out under an agreement which specifies a date for the termination of service, notice of retrenchment shall be sent so as to reach the State Government, the Labour Commissioner, Regional Deputy Labour Commissioner, Assistant Labour Commissioner and the Employment Exchange concerned at least one month before such date:Provided that if the date of termination of service agreed upon is within 30 days of the agreement, the notice of retrenchment shall be sent to the State Government, the Labour Commissioner, the Regional Deputy Labour Commissioner, the Assistant Labour Commissioner and the Employment Exchange concerned, within 3 days of the agreement.

## **76A. [ Notice of, and application for permission for retrenchment. [Rules 76A and 76C inserted and expression 76B substituted by GSR 28 F.1(2)(8)/Shram/78, 27-05-76 IV-C(1), w.e.f. 27-05-76, page 121]**

(1)Notice under clause (c) of sub-section (1) of section 25N, for retrenchment shall be served in Form PA and served on the State Government or such authority as may be specified by that Government under the said clause either personally or by registered post acknowledgement due and where the notice is serviced 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 attested copies 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 that Government either personally or by registered post acknowledgement due and where the application is sent by registered post the date on which the same was delivered to State Government or the authority shall be deemed to be the date on which the application was made for the purposes of sub-section (5) of the said section.(3)The notice or as the case may be, the application shall be served or made in triplicate and sufficient number of copies of the application for service on the workmen concerned shall be submitted alongwith the notice or as the case may be, the application.(4)The employer concerned shall furnish to the State Government or the authority to whom the notice for retrenchment has been given or the application for permission for retrenchment has been made, under clause (c) of sub-section (1) or as the case may be, sub-section (4) of the said 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, as sub-section (5) of the said section 25N].

**76B. [] [Substituted by GSR 28 F.1(2)(8)/Shram/78, 27-05-76 IV-C(1), w.e.f. 27-05-76, page 121] [Notice of closure. [Inserted by GSR 61/F. 1(2)(28)/Shram/72, 18-06-74, IV-C(1), w.e.f. 22-08-74]**

- If an employer intends to close down an undertaking, he shall give notice of such closure in Form Q to the State Government, the Labour Commissioner, the Regional Dy. Labour Commissioner, the Assistant Labour Commissioner and the Employment Exchange concerned by registered post.]

**76C. [ Notice of, and application for permission for closure. [Inserted by GSR 28 F.1(2)(8)/Shram/78, 27-05-76 IV-C(1), w.e.f. 27-05-76, page 121]**

(1)Notice under sub-section (1) of section 25-O of intended closure shall be given in Form QA and served on the State Government either personally or by registered post acknowledgement due.(2)Application for permission to close down an undertaking, under sub-section (3) of section 25-O, shall be made in Form QB (with attested copy of the notice served by the employer under sub-section (1) of section 25FFA appended thereto) and delivered to the State Government either personally or by registered post acknowledgement due and where the application 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 a decision on the notice, or, as



the case may be, the application, and calls for from such employer.]

## **77. Maintenance of seniority list of workmen.**

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

## **78. Re-employed of retrenched workman.**

(1)At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display of a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to everyone of all the retrenched workmen eligible to be considered therefor, to the address given by him at the time of retrenchment or at any time [thereafter] [Substituted by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67]: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 workman in the list referred to in rule 77 the number of such senior most workmen being double the number of such vacancies:Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workman.(2)Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:Provided that the provisions of this sub-rule need not be complied with by the employer in any case where intimation is sent to every one of the workman mentioned in the list prepared under rule 77.

## **79. Penalties.**

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

## **80. Repeal.**

- The Industrial Disputes (Central) Rules, 1947 adopted so far in this State 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.Form A(See rule 3)Form of application for the reference of an industrial dispute to a Board of Conciliation under section 10(2) of the-Court of EnquiryLabour CourtTribunalIndustrial 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 that the dispute investigation and settlement with or relevant to the dispute should be referred for enquiry by a Board of Conciliation, an application is hereby made under sub-section (2) of section 10 of adjudication.a

Court of Enquiry, a Labour Court, a Tribunal, of the Industrial Disputes Act, 1947, that the said matters should be referred to said dispute, a Board of Conciliation, a Court of Enquiry, a Labour Court, a Tribunal. This application is made by the undersigned who have/has been duly authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the..... held on the..... 19..... A statement giving the particulars required under Rule 3 of the Rajasthan Industrial Disputes Rules, 1957, is attached. Dated the..... Signature of the Applicant(s). To The Secretary to the Government Labour Department, Government of Rajasthan, Jaipur. Statement required under rule 3 of the Rajasthan Disputes Rules, 1957, to accompany the form of application prescribed under subsection of section 10 of the Industrial Disputes Act, 1947. (a) Parties to the dispute including the names and address of establishment or undertaking involved. (b) Specified 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 dispute. (e) Efforts made by the parties themselves to adjust the dispute. Form B (See rule 6) Whereas an 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 and address 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 Government will select and appoint such person(s), as it thinks fit to represent you. Secretary to the Government Labour Department, Government of Rajasthan, Jaipur. Form C (See Rule 7) (Under section 10A of the Industrial Disputes Act, 1947) between Names of parties. Representing employers; Representing workmen; It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of..... (here specify the name(s) and address(es) of the arbitrator(s); (i) Specify matters in dispute. (ii) Details of the parties to the dispute including the name and address of the establishment or Undertaking involved. (iii) Name of the union, if any representing the workmen in question. (iv) Total number of workmen employed in the Undertaking affected. (v) Estimated number of workmen affected or likely to be affected by the dispute. [We further agree that the majority decision of the arbitrators shall be binding on us.] [Where applicable.]

Witnesses: Signature of the Parties.

- (1) Representing employers.
- (2) Representing workmen.

Copy to:-(i) The Conciliation Officer (here enter office address of the Conciliation Officer in local area concerned). (ii) The Labour Commissioner, Rajasthan, Jaipur. (iii) The Secretary to the Government, Labour Deptt. Government of Rajasthan, Jaipur. Form D (See rule 17) Whereas an industrial dispute between ..... and ..... has been referred to this Board of Conciliation for investigation and settlement. Court of Enquiry for investigation. Labour Court/Tribunal for adjudication. Under section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Board/Court/Labour Court/Tribunal in person on the day of..... at.... O'clock in the noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Board/Court/Labour Court/Tribunal. Dated.....

Board of Conciliation

Court of Enquiry

Chairman/ Secretary

Presiding Officer/Secretary Labour Court Tribunal

[Form E] [Substituted by F. 3(31) Lab./62, 21-10-63, IV-C, w.e.f. 05-12-63](See rule 34)Notice of change of service conditions prescribed by an employer.Name of employer

.....Address.....Dated the.....day of.....In accordance with section 9A of the Industrial Disputes

Act, 1947, I/we hereby give notice to all concerned that it is my/our intention to effect the change/changes specified in the annexure, with effect from ..... in the conditions of service applicable to workmen in respect of the matters specified to the Fourth Schedule to the said

Act.Signature.....Designation. ....(Here specify the change/'changes intended to be effected)Form F(See rule 36)Before (here mention the authority concerned)Reference

No.....of.....WorkmenVersus.....Employer.In the matter of .....

I/we hereby authorise Shri/ Sarvashri.....to represent me/us in the above matter.Dated this.....day of..... 19 ....Signature of person(s) nominating the

representative.AcceptedAddressSignature of representative (s)AddressForm G(See rule 47)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.

Dated.....

Signature of  
Proposer

I agree to the proposed nomination.

Date.....

Signature of  
Candidate.

Date.....

Attested by: (1)(2)(To be signed by any two voters belonging to the electoral constituency)Form H(See rule 58)Form of Memorandum for SettlementNames of Parties;-Representing employer(s)Representing workmen:Short recital of the caseTerms of settlement.

Witness: Signature of the Parties.....

(1) .....

.....

(2) .....

.....

[Signature of Conciliation Officer/Board of Conciliation.] [In cases of settlement effected by Conciliation Officer/Board of Conciliation.]Copy to:-(1)[ Conciliation Officer] [In cases where settlement are arrived at between the employer and his workmen otherwise than in the course of conciliation proceeding.](Here enter the office address of the Conciliation Officer in the local area

concerned)(2)The Labour Commissioner, Rajasthan. Jaipur.(3)The Secretary to Government, Labour Department, Government of Rajasthan, Jaipur.Form I(See rule 59)Before the Labour Court/Tribunal.....Complaint under section 33-A of the Industrial Disputes Act, 1947.

A ..... Complainants)

Address:-

Versus

B ..... Opposite Party(ies)

Address:-

In the matter of Reference No.....The petitioner(s) beg/begs to complaint that the Opposite Party(ies) has/have been guilty of a contravention of the provisions of section 33 of the Industrial Disputes Act, 1947 (14 of 1947) as shown below:-(Here set out, briefly the particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act, of the Management is challenged.)The complaint(s) accordingly prays/pray that theLabour Court.may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.TribunalThe number of copies of the complaint and its annexures required under rule 59 of the Rajasthan Industrial Disputes Rule, 1957 are submitted herewith.Signature of the Complainant(s).Dated this.....day of..... 19.....VerificationI do solemnly declare that what is stated in paragraphs above is true to my knowledge and that what is stated in paragraphs ..... above is stated upon information received and believed by me to be true. This verification is signed by me at on..... day of..... 19.....Signature or thumb impressionof the person verifying.Form J[See rule 60(1)]Before (here mention the Conciliation Officer/Board/Labour Court or Tribunal.)Application for permission under sub-section (1) or sub-section (3) of section 33 of the Industrial Disputes Act, 1947 (14 of 1947), in the matter of Reference No.....

A ..... Applicant

Address:-

Versus

B ..... Opposite Party(ies)

The above mentioned applicant begs to state as follows:-[Here mention the action specified in clause (a) of clause (b) of sub-section (1) grounds on which the permission is sought for].The applicant, therefore, prays that express permission may kindly be granted to him to take the following action, namely:-[Here mention the action specified in clause (a),of clause (b)of sub-section (1)sub-section (3)of section (33)]Signature of the applicantDated this..... day of..... 19.....Space for verification.(Signature of the person verifying)Date (on which the verification was signed) .....Place (at which the verification was signed) .....[Form K-1] [Substituted by F. 3(14) Lab. 63, 04-04-67, IV-C, w.e.f. 27-07-67][See rule 62(1)]To,(1)The Secretary to the Government of Rajasthan, Labour Department, Jaipur.(2)The Presiding Officer, Labour Court, Rajasthan, Jaipur.Sir,I have to state that I am entitled to receive from Messers..... ....a sum of Rs..... on account of..... under the provision of Chapter V-A of the Industrial Disputes Act 1947 in terms of award dated.....given by..... /in terms of settlement dated the ..... arrived at between the said Messers..... and their workmen through..... the duly elected representatives.I further state that I served the management with a demand notice by registered post on..... for the said sum which the management has neither paid nor offered to pay to me even though a fortnight has since elapsed. The details of the amount have been mentioned

in the statement hereto annexed. I request that the said sum may kindly be recovered from the management under sub-section (1) of section 22 of the Industrial Disputes Act, 1947. and paid to me as early as possible.

Station..... Signature of the applicant

Dated ..... Address

Annexure (Here indicate the details of the amount claimed) Form K-2 [See rule 62(2)] Application under sub-section (2) of section 33 of the Industrial Disputes Act, 1947. Before the Labour Court, Rajasthan, Jaipur. between: (1) Name of the applicant (2) Name of the employer. The petitioner..... a workman of Messrs..... of ..... is entitled to receive from the said Messrs..... the benefits mentioned in the statement hereto annexed. It is prayed that the Court be pleased to determine the amount due to the petitioner.

Station..... Signature or thumb impression

Dated ..... Address.....

Annexure (Herein set out the details of the benefits together with the case for their admissibility.) Form K-3 [See rule 62(3)] Application under sub-section (2) of section 33 of the Industrial Disputes Act, 1947. To (1) The Secretary to the Government of Rajasthan, Labour Department, Jaipur. (2) The Presiding Officer, Labour Court, Rajasthan, Jaipur. Sir, I have to state that I am entitled to receive from Messrs [.....] [Insert the name of the place where the headquarters of the Labour Court are situated.] P.O..... District (with whom I am/was employed) a sum of Rs..... under the award dated the..... given by [.....] [Insert the name of the Tribunal/Arbitrator.] / the settlement dated the ..... under Chapter V-A of the Industrial Disputes Act, 1947, according to the determination of the Labour Court..... A certified copy of the said Labour Court's finding is enclosed. I request that the said sum of money may kindly be recovered from Messrs [.....] [Insert the name and address of the concerned employer.] under sub-section (1) of section 33 of the said Act and paid to me.

Station..... Signature of the applicant

Dated ..... Address.....

Form L (See rule 71) Form of notices of strike to be given by [Workman/ Workmen] [Substituted by F. 5(5)/Lab. 59, 28-10-60, IV-C, w.e.f. 17-11-60] in a public utility service. Name of Union..... [Names of five elected representative of workmen] [Substituted by F. 5(5)/Lab. 59, 28-10-60, IV-C, w.e.f. 17-11-60] Address. Dated the ..... day of..... 19... To (The name of the employer). Dear Sir/Sirs, In accordance with the provisions contained in sub-section (1) of section 22 of the Industrial Disputes Act, 1947, I/we hereby give you notice that I propose to call a strike/we propose to go on strike on 19 .. for the reasons explained in the annexure. Yours faithfully Secretary of the Union. [Five representatives of the workmen duly elected at a meeting held on..... vide resolution attached.] [Substituted by F. 5(5)/Lab. 59, 28-10-60, IV-C, w.e.f. 17-11-60] Annexure Statement of the case. Copy to (1) Conciliation Officer. (Here enter office address of the Conciliation Officer in the local area concerned.) (2) The Labour Commissioner, Rajasthan, Jaipur. Form M (See rule 72) Form of notice of lockout to be given by an employer carrying on a public utility service. Name of employer..... Address..... Dated the..... day of..... 19..... To..... [Dear Sirs] [Substituted by F. 5(5)/Lab. 59, 28-10-60, IV-C, w.e.f. 17-11-60] [All workmen employed in the Industry. Workmen of..... Deptt./section.] [Substituted by F. 5(5)/Lab. 59, 28-10-60, IV-C,

w.e.f. 17-11-60](Here by specify the department or section affected by the lockout). The workman concerned (here specify the names of the workmen affected by the lockout).]In accordance with the provisions of sub-section (2) of section 22 of the Industrial Disputes Act 1947, I/we hereby inform you that it is my/our intention to effect a lockout with effect from.....for the reasons explained in the annexe.Yours faithfully,AnnexeStatement of the caseCopy to- (1) Conciliation Officer.(Here enter office address of the Conciliation Officer in the local area concerned).(2)The Labour Commissioner, Rajasthan, Jaipur.Form N(See rule 73)(Form of Report of Strike or Lockout in a public utility service)Information to be supplied in this form immediately on the occurrence of a strike or lockout in a public utility service to the Conciliation Officer in the local area concerned and to the Labour Commissioner, Rajasthan, Jaipur.

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

Note.- Column (3) Give the average number of workmen employed during the month previous to the day on which the strike or lockout occurred. While reckoning the average, omit the days on which the attendance was not normal for reasons other than individual reasons of particular workman. Thus days on which strike or lockout occurs or communal holiday is enjoyed by a large section of workers should be omitted.Column (4) If say, 200 workers in factory strike work and in consequence the whole factory employing 1,000 workers has to be closed then 200 should be shown under "directly" and the remaining under "indirectly". If the strike of 200 workers does not effect the working of the other departments of the Factory, the number of workers involved would only be 200 which figure should appear under "directly" and column "indirectly" would be blank.Column (8) Give the main causes of the dispute as well as the immediate cause that led to the strike or lockout.Form O(See rule 75)Register - Part I {||-| S. No.| Industry| Parties to the settlement| Date of settlement| Remarks|-| 1| 2| 3| 4| 5|-|||||}[Whether the settlement was affected at the intervention of the conciliation machinery, or by mutual negotiations between the parties, may be indicated here.] [Here insert the number of workmen.]

## Part II – (Should contain one copy each of the settlement in the serial order indicated in Part I\_).

Form O-1(See rule 75A)ToThe Labour Commissioner,Rajasthan, JaipurSir,Under rule 75A of the Rajasthan Industrial Disputes Rule, 1958, I/we hereby inform you that I/we have laid off.....

[out of a total] [Here insert the number of workmen.] of ..... workmen employed in the establishment with effect from..... from the reasons explained in the annexure.

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

Yours faithfully,[( )] [Here insert the position which the person who signs the later holds with the employer issuing the letter.]Copy to:-Conciliation Officer ..... (Here enter the office address of the Conciliation Officer of the local area concerned).Annexure"Statement of reasons"Form O-2(See rule 75A)ToThe Labour CommissionerRajasthan, JaipurSir,As required by rule 75A of the Rajasthan Industrial Disputes Rules, 1958 and in continuation of my/our notice dated.....in Form O-1, I/we hereby inform you that the lay off in my/our establishment has ended [ ] [Here insert the date.]Yours faithfully[( )] [Here insert the position which the person who signs the letter holds with the employer issuing the letter.]Copy to:-Conciliation Officer ..... (Here enter the office address of the Conciliation Officer of the local area concerned).[Form O-3] [Added by GSR 28 F.1(2)(8)/Shram/78, 27-05-76 IV-C(1), w.e.f. 27-05-76, page 121](To be submitted in triplicate with additional number of copies for service on the workmen concerned)[See rule 75B(1)]Form of application for 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 75B of the Rajasthan 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/our establishment with effect from for the reasons set out in the annexure.Permission is solicited [for the lay-off/to continue the lay-off] [Strike out whatever is inapplicable.] 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).Yours faithfully(Signature)Annexure(Please give replies against each item)

Item  
No.

1. Name of the undertaking with complete postal address, including telegraphic addresses and telephone number.  
[Names and addresses of the affected workmen proposed to be laid-off/names and addresses of the workmen laid-off before the commencement of the Industrial
2. (a) Disputes(Amendment) Act, 1976 (32 of 1976) and the dates from which each of them have been laid off.] [Strike out whichever is inapplicable.]  
(b) The nature of the duties of the workmen referred to in sub- item (a), the units/section/shops where they are working and the wages drawn by them.
3. Product/products of the undertaking.

4. Details relating to installed capacity, licenced capacity and 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 arrangements regarding offloading 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. Financial position of the company.
12. Names of the inter-connected companies or companies under the same management.
- 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) Percentage 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 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 thereof.
16. Anticipated savings due to the [proposed Say-off/lay-off] [Strike out whichever is inapplicable.] for the continuance of which permission is sought.
17. Any proposal for effecting savings on account of reduction in-
  - (i) managerial remuneration,
  - (ii) sales promotion cost, and
  - (iii) general administration expenses.
18. Position of stocks 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 lay-off/lay-off] [Strike out whichever is inapplicable.] for the continuance of which permission is sought.
21. Any specific attempts made so far to avoid the [proposed layoff/lay-off] [Strike out whichever is inapplicable.] for the continuance of which permission is sought.
22. Any other relevant factors with details thereof.

[Form P] [Inserted by GSR 61/F. 1(2)(28)/Shram/72, 18-06-74, IV-C(1), w.e.f. 22-08-74] (See rule 76) Form of notice of retrenchment to be given by an employer under clause (c) of section 25F of the Industrial Disputes Act, 1947. Name of employer.....Address.....Dated the.....day of..... 19...To The Secretary to Government, Labour Department, Government, of Rajasthan, Jaipur. Sir, Under clause (c) of section 25F of the Industrial Disputes Act, 1947 (14 of



1947), I/We hereby inform you that I/we have decided to retrench [workmen] [Here insert the number of workmen.] with effect from [.....] [Here insert the number of workmen.] for the reasons explained in the annexure.

**2. [ The workmen concerned were given on the [.....] [Delete the portion which is not applicable.] 19 one months notice in writing as required under clause (a) of section 25F of the Act. Retrenchment is being effected in pursuance of an agreement, a copy of which is enclosed. The workmen were given on the [.....] [Here insert the total number of workmen employed in the industrial establishment.] 19..... one month's pay in lieu of notice, as required under clause (a) of section 28F of that Act.]**

**3. The total number of workmen employed in the industrial establishment is [.....] [Delete the portion which is not applicable.] and the total number of those who will be affected by the retrenchment is given below:-**

Category of designation of workmen to beretrenchment	Number of workmen employed	To be retrenched
1	2	3

**4. I/We hereby declare that the workman/workmen concerned has/have been/will be paid compensation due to them under section 25F of the Act on [.....] [Here insert the date.] the expiry of the notice period.**

Yours faithfully,[ ] [Here insert the position which the person who signs this letter holds with the employer issuing the letter.]AnnexeCopy to:-

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

**2. The Labour Commissioner, Rajasthan, Jaipur.**

**3. Employment Officer, Employment Exchange ..... (enter the full address of the Employment Exchange concerned)**

[Form P-A] [Inserted by GSR 28 F.1(2)(8)/Shram/78, 27-05-76 IV-C(1), w.e.f. 27-05-76, page 121](To be made in triplicate with additional number of copies for service on the workmen concerned)[See rule 76A(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).Date.....To.....\*(The State

Government/authority specified under clause (c) of sub-section (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 subsection (1) of section 25N applied) with effect from ..... for the reasons set out in the Annexure.

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

**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:-**

1. (Category and Designation of workmen to be retrenched)

Number of workmen

(Employed

(to be retrenched)

**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 (Signature) 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. 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.
3. Product/products of the undertaking.
4. Details relating to installed capacity, licensed capacity and 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 arrangements regarding offloading 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. Financial position of the company.
12. Names of the inter-connected companies or companies under the same management.
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) Percentage 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 retrenchment resorted to in the last three years including the date 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 on account of reduction in-
  - (i) managerial remuneration,
  - (ii) sales promotion cost, and
  - (iii) general administration expenses.
20. Position of stocks on 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 attempts made so far to avoid the proposed retrenchment.
24. Any other relevant factors with details thereof.

\* Strike out whichever is inapplicable. [Form PB] [Inserted by GSR 28 F.1(2)(8)/Shram/78, 27-05-76 IV-C(1), w.e.f. 27-05-76, page 121] (To be made in triplicate with additional number of copies for service on the workman concerned). [See Rule 76A(2)] Form of application for permission for retrenchment of workmen in cases where at the commencement of the Industrial Dispute (Amendment) Act, 1976 (Act 32 of 1976), the period of notice given under clause (a) of section 25F for the retrenchment has expired. Dated..... To..... (The State Government/authority referred to in sub section (2) of section 25N of the Act). I/We have given

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

Name and addresses of workmen .....

Category and designation .....

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

**3. 1/We hereby solicit permission for the retrenchment of 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.**

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) Date of notice of retrenchment given to the workman concerned under section 25F(a) and the dates on which the said notice was served on each workman concerned.
3. Product/products of the undertaking.
4. Details relating to installed capacity, licensed capacity and 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 arrangements regarding offloading 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. Financial position of the company.
12. Names of the inter-connected companies or companies under the same management.
- 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) Percentage 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 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 on account of reduction in-
    - (i) managerial remuneration,
    - (ii) sales promotion cost, and
    - (iii) general administration expenses.
  20. Position of stocks on 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 attempts made so far to avoid the proposed retrenchment.
  24. Any other relevant factors with details thereof.
- [Form Q] [Inserted by GSR 61/F. 1(2)(28)/Shram/72, 18-06-74, IV-C(1), w.e.f. 22-08-74] (See rule 76A) Form of notice of closure to be given by an employer Name of the employee ..... address..... dated the..... day of..... 19To..... Under rule 76A of the Rajasthan Industrial Disputes Rules, 1958, I/we hereby inform you that I/we have decided to close down..... (name of the undertaking) with effect from ..... for the reasons explained in the annexure. The number of workmen whose services would be terminated on account of closure of the undertaking is ..... (Number of workmen). Yours faithfully (Here insert the position which the person who signs this letter holds with the employer issuing this letter.) Annexure Statement of reasons [Form QA] [Inserted by GSR 28 F.1(2)(8)/Shram/78, 27-05-76 IV-C(1), w.e.f. 27-05-76, page 121] (To be submitted in triplicate) [See Rule 76C(1)] 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). Date..... To The Secretary to the Government of Rajasthan, Department of Labour, Jaipur. Sir, Under section 25-O of the Industrial Disputes Act, 1947 (14 of 1947), I/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). with effect from..... for the reasons explained in the Annexure.

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

**3. Permission is solicited for the proposed closure.**

**4. I/we hereby declare that in the event of approval for the closure being granted, every workmen in the undertaking to whom sub-section (7) of the said section 25-O applies will be given notice and paid compensation as specified in section 25N of the Industrial Disputes Act, 1947 (14 of 1947) as if the workmen had been retrenched under that section.**

Yours faithfully, (Signature) 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. The total number and categories of workmen affected by the proposed to be closure, along with the addresses of the workmen and the details of wages drawn by them.
3. Product/products of the undertaking.
4. Details relating to installed capacity, licensed capacity and 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 arrangements regarding offloading or sub-contracting of products or any components thereof.
8. Details of persons or the organisations to whom the job(s) is (are) being entrusted relationship/interest of the persons/organisation with the directors or the officer(s) of the company.
9. Position of the order book, item-wise and value-wise for a period of six months, and one year, next following and for the period after the expiry of the said one year.
10. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift.
11. Balance-sheets, profit and loss accounts and audit reports for the last three years.
12. Financial position of the company.
13. (i) Names of the 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 in 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 interests of the directors and officers of the company in the organisations/persons involved in selling products of the undertaking.
  19. Buying arrangements for raw materials and components.
  20. Interest 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 QB] [Inserted by GSR 28 F.1(2)(8)/Shram/78, 27-05-76 IV-C(1), w.e.f. 27-05-76, page 121][See rule 76B(2)] Form of application for permission to close down an undertaking in case where at the commencement of the Industrial Disputes (Amendment) Act, 1976 (Act 32 of 1976), the period of notice given under sub-section (1) of section 25 FFA of intention to close down an undertaking has not expired. Date..... To, The Secretary to the Government of Rajasthan, Labour Department, Jaipur. Sir, I/We have given notice on ..... under sub-section (1) of section 25 FFA of our intention to close down an undertaking specified below of..... (Name of industrial establishment) (Attested copy of the notice is appended thereto) (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-O of the Industrial Disputes Act, 1947 (14 of 1947) for the reasons set out in the Annexure.**

**4. I/We hereby declare that in the event of permission for the closure being granted every workman in the undertaking to whom sub-section (7) of the said section 25-O 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 that section.**

Yours faithfully, (Signature) 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. 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. The total number and categories of workmen affected by the proposed closure, along with the addresses of the workmen and the details of wages drawn by them.
4. Product/products of the undertaking.
5. Details relating to installed capacity, licensed capacity and utilised capacity.
6. (i) Annual production, item-wise for preceding three years.  
(ii) Production figures, month-wise, for the preceding twelve months.
7. Work-in-progress, item-wise and value-wise.
8. Any arrangements regarding offloading or sub-contracting of products or any components thereof.  
Details of persons or the organisations to whom the job(s) is (are) being entrusted
9. relationship/interest of the persons/organisation with the directors 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-sheets, profit and loss accounts and audit reports for the last three years.
13. Financial position of the company.
14. (i) Names of the 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.
15. Percentage of wages of workmen to the total cost of product.
16. Administrative, general and selling cost, in absolute terms per year in the last three years and percentage thereof to the total cost.  
Inventory position item-wise and value-wise for the preceding twelve months (inventories to be shown in respect of finished products, 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 interests of the directors and officers of the company in the organisations/persons involved in selling products of the undertaking.
19. Buying arrangements for raw materials and components.
20. Interest of the directors and officers with the organisations/persons involved in buying raw materials and components for the undertaking.
- 21.
- 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.

22. Reasons for the proposed closure.
23. Any specific attempts made so far to avoid the closure.
24. Any other relevant factors with detail thereof.

[Form 1] [Inserted by D. 4638/F. 3(21)/Lab/59, 24-6-60, IV-C Extraordinary, w.e.f.

27-06-60][Section 9C and rule 2A(2)] Register of Representative Trade Unions Serial No.....

Dated the.....Name of the Union.....Affiliated to.....Address of Head Office

.....No. and date of registration under the Indian Trade Unions Act, 1926.....

List of persons applying for registration	Total number of workmen employed in the Factory/Industry	Total union membership applying for registration	Percentage of members applying for registration to the total labour employed.	Any other information which the Registrar may require for the purpose	Remarks
1	2	3	4	5	6

1.2.3.4.5.6.

Form 2[Rule 2A(2)] Name of union .....Address.....Dated the.....day

of..... 19 To The Registrar, Industrial Disputes (Rajasthan Amendment) Act, Jaipur. Dear Sir, I beg to state that at a general meeting of the members/meeting of the executive of the above union, which was held at.....on the day..... 19, it was decided that the union should apply to you, for being entered in the Register of Representative Unions under section 9C of the Industrial Disputes (Rajasthan Amendment) Act, 1958 (Act No. 34 of 1958). A copy of the resolution signed by the President and Secretary of this union is attached.

**2. The union was registered under the Indian Trade Unions Act, 1926, on the day of..... 19, under certificate No.....issued by the Registrar of Trade Unions for the State of Rajasthan.**

**3. The union has .....members in the [.....] [Here insert the name of the factory/establishment.] (Factory/ Establishment) in the local area of.....**

**4. The constitution of the union is herewith attached.**

**5. The address of the head office of the union to which all communications and notices may be addressed is as follows:-**

Yours faithfully General Secretary/Secretary Form 3(Rule 2D) Certificate of Registration of Representative Union State Emblem No.....It is hereby certified that.....with its head office at has been registered under the Industrial Disputes (Rajasthan Amendment) Act 1958 (Act No. 34 of

1958) this day of..... 19....

JaipurThe..... 19 Registrar of  
RepresentativeUnions,Rajasthan.

Form 4(Rule 2F)It is hereby published for the information of union/unions concerned engaged in the trade union activities in the ..... \*(factory/industry) that a union styled as..... bearing Registration No..... dated the..... under the Indian Trade Unions Act, 1926, has approached this office for registration as a representative union, under the Industrial Disputes (Rajasthan Amendment) Act, 1958 (Act No. 34 of 1958) on the ground that it has (a) membership of workmen employed in the above stated factory/industry and accordingly a notice in writing has been issued on ..... to the representative union registered with this office under Registration No..... dated..... to show cause within one month of the date of receipt of such notice by such union, why the applicant union should not be registered in its place.Registrar of RepresentativeUnions, Rajasthan.Form No. 5(Rule 6C)Registration of Arbitration Award

S. No.	Name/Names of arbitrators	Name of the disputant parties	Date of giving award	Date of publication in the State Gazette.	Remarks.
Employers	Employees				
1	2	3	4	5	6