

ASSAM INDUSTRIAL DISPUTES RULES, 1958

Preliminary

COMMENTS

Preamble. Under S. 38 of the Industrial Disputes Act, 1947, the State Government is empowered to make rule as provided and detailed therein. Section 38 (2) of the said Act gives power to the appropriate Government to frame rules to lay down the powers and procedure of Conciliation Officers, and so are the rules herein framed [AIR 1966 Assam 138]. Such rules have been framed for the purpose of giving effect to the provision of the said Act and without prejudice to the generally of the powers, for the specific purposes as detailed in sub- S (2) of 38 of the said Act.

1. Title and application.

- (1) These rules may be called the Assam Industrial Disputes Rules, 1958.
- (2) They extend to the whole of Assam.

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 S. (1) of S. 3 of the Act;
- (d) **“Form”** means a form in the Schedule to these rules;
- (e) **“Section”** means a section of the Act;
- (f) **“State Government”** means the State Government of Assam;
- (g) All other words and expressions used herein and not defined shall have meaning respectively assigned to them under the Act.

PART I

Procedure for reference of Industrial deputes to Boards of Conciliation, Courts of Enquiry, Labour Courts, Industrial Tribunals

3. Application.

An application under sub -S. (2) of S.10 for the reference of an industrial dispute to a Board, Court, Labour Court or Tribunal shall be made in Form "A" and shall be delivered personally or forwarded by registered post in triplicate to the Secretary to the Government of Assam, Labour Department. The application shall be accompanied by a statement setting forth -

- (a) the parties to the dispute;
- (b) the specific matters in dispute;
- (c) the total number of workman employed in the undertaking affected;
- (d) an estimate of the number of workman affected or likely to be affected by the dispute ;and

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

COMMENTS

Rule 3. Section 10 of the Industrial Dispute Act deals with reference of dispute to Boards, Courts or Tribunals. Where the parties to an industrial dispute desire to have their differences settled through Court, they cannot themselves apply to the courts or the Tribunal, they are to move the Governments for reference under S 10 of the Act giving an application under this rule [see AIR 1949 Mad 616; and also AIR 1952 Mad 74]. Such an application is however not required where appropriate Government is required to make reference under S.10 (1) of the said Act.

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 a trade union of a workman, or by five representatives of the workman duly authorised in this

behalf at a meeting of the workman held for the purpose.

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

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

6. Notice to Parties to nominate representatives.

- (1) If the State Government proposes to appoint a Board, it shall send a notice in Form 'B' to the parties requiring them to nominate persons to represent them in the Board and the time to be allowed for making nomination shall not be more than seven days from the date of service of the notice.
- (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 workman 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 workman who are not members of a trade union, to any one of the five representatives of the workmen who have attested the application made under R-4;

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

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 Government of Assam, Labour Department, the Labour Department, the Labour Commissioner, Assam and the Conciliation Officer concerned. The agreement shall be accompanied by consent in writing of the arbitrator or arbitrators.

COMMENTS

Rule 7. Section 10-A of the Industrial Disputes Act deals with the voluntary reference of disputes to arbitration, which has all the essential attributes of a statutory arbitration under S .10 of the Act [AIR 1970 MP 63], and the arbitrator so appointed may only be described loosely as a statutory arbitrator [AIR 1967 Pat 224] and an arbitrator appointed under this section is not a Tribunal [AIR 1968 Pat 66]. Award of an arbitrator exercising judicial functions should *ex facie* show the reasons on which the award is based [AIR 1970 MP 63]. Reference under S. 10-A can only be made in industrial dispute as defined in the Act [AIR 1963 Pat 170]. Any dispute not being within the ambit of an industrial

dispute cannot be referred. Neither S 10-A nor any other provision in the Act provides that an arbitrator should incorporate the reasons or grounds of his reason in the award [AIR 1963 SC 874].

7.A Notification regarding arbitration agreement by major of each party.

Where an industrial dispute is agreed to be referred for arbitration and the State Government is also satisfied that the persons making the arbitration agreement represent the majority of each party, it shall publish a notification in this behalf in the official Gazette for information of the employers and workman who are not parties to the arbitration agreement but are concerned in this dispute.

COMMENTS

Rule 7.A. This rule was inserted *vide* Notification **No. GLR 175/69/2**, dated the 25th November, 1969 to come into force immediate effect.

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8. Attestation of the arbitration agreement.

The arbitration agreement shall be signed-

- (a) in the case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent , manager, or other principal officer of the corporation;
- (b) in the case of workman , either by the President and Secretary of a trade union of the workman or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.

PART III

Powers procedure and duties of Conciliation Officers, Boards, Courts, Labour Courts, Tribunals and Arbitrators.

9. Conciliation proceeding in public utility service.

- (1) The conciliation Officer, on receipt of a notice of a strike or lock out given under Rs. 74 or Rs. 75, 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 question.

- (2) Where the Conciliation Officer receives any information about an existing or apprehended industrial dispute not arising out of notice of strike or lock out he may intervene in the dispute and may, if he deems necessary commence conciliation proceedings.

10. Conciliation proceedings in non-public utility service.

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

11. Parties to submit statements.

- (1) The party-representing workman involved in an industrial dispute in a public utility service shall forward a statement of its demands along with a copy of the notice prescribed under Rs. 74 to the Conciliation Officer concerned. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.

- (2) The party representing workmen involved in a dispute in a non public utility service, shall forward a statement of its demands to the Conciliation Officer concerned before such date as may be specified by him for commencing conciliation proceedings. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.
- (3) The statement of demands submitted by the party representing the workmen under sub-R (1) or sub-R (2) shall be transmitted to the State Government and the Labour Commissioner, Assam, by the Conciliation Officer concerned together with his report under sub-S (4) of S.12.
- (4) Where an employer, or a party representing workmen, applies to the State Government for reference of an industrial dispute to a Labour Court or Tribunal, such application shall be accompanied by a statement of the demands or points in dispute, with as many spare copies thereof as there are opposite parties.
- (5) The statement referred to in sub-Rr. (1), (2) and (4) and every copy thereof required under the said sub-rules to accompany the said statement shall be duly signed, on behalf of the party, by the person making it.

- (6) The Conciliation Officer may ask for comments on the statement referred to in sub-Rr. (1) and (2) from the opposite party.

12. Proceedings before the Labour Court/Tribunal.

- (1) Where the State Government refers any case for adjudication to a Labour Court/ Tribunal, it shall send to the Labour Court/ Tribunal concerned and to the opposite party concerned in the industrial dispute, a copy of every such order of reference together with a copy of the statement received by that Government under sub-R. (4) of Rs.11.
- (2) Within two weeks of the receipt of the statement referred to in sub-R, 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 references;

Provided further that where the Labour Court or Tribunal, as the case may be, considered it necessary, may extend the time-limit for the filing of rejoinder by any party.

- (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, may, for reasons to be recorded in writing, fix a later date for the first hearing of the dispute.

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

(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, 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 of more than three adjournments at the instance of any one of the parties to the dispute.

COMMENTS

Rule 12. Under S.38 (a) of the Industrial Disputes Act the appropriate Government is empowered to make rules to provide powers and procedure of Conciliation Officers, Boards, Courts (Labour Courts, Tribunal and National Tribunal) including rules as to the summoning of witnesses, the production of documents relating to the subject matter of an enquiry or investigation, the number of members necessary to form a quorum and the manner of submission of reports and awards.

13. The Conciliation Officer may hold a meeting of the representatives of both parties jointly or of each party separately.
14. The Conciliation Officer shall conduct the proceeding expeditiously and in such manner as he may deem fit.
15. **Place and time of hearing.**

Subject to the provisions contained in R .12, the sitting of a Board, Court, Labour Court or Tribunals or of an Arbitrator, shall be held at such times and places, as the case may be, as the Chairman, Presiding Officer or Arbitrator, as the case may be, may fix and the Chairman, Presiding Officer or the Arbitrator, as the case may be, shall inform the parties of the same in such manner as he thinks fit.

16. Quorum for Boards and Courts.

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

(i) in the case of a Board- Quorum

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

Where the numbers of members is 5... .. 3

(ii) in the case of a Court-

Where the numbers of members is not more than 2...1

Where the numbers of members is more than 2 but less than 5 2

Where the numbers of members is 5 or more..... 3

17. Evidence.

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

18. 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.

19. Summons.

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

20. Service of summons or notice.

Subject to the provisions contained in R.22, any notice, summons, process or order issued by a Board, Court, Labour Court or Tribunal or an Arbitrator, empowered to issue such notice, summons, process or order may be served either personally or by registered post.

21. Description of parties in certain cases.

Where in any proceeding before a Board, Court, Labour Court or Tribunal or an Arbitrator, there are numerous persons arrayed on any side, such persons shall be described as follows;

- (1) all such persons as are members of any trade union or association shall be described by 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 or Tribunal or Arbitrator, as the case may be, may determine.

22. Manner of Service in the case of numerous persons as parties to a dispute.

- (1) Where there are numerous persons as parties to any proceeding before a Board, Court, Labour Court or Tribunal or 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 or Tribunal or Arbitrator and such persons are not members of any trade union or Association, the Board, Court, Labour Court or 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-R.(2) shall also be considered as sufficient in the case of such workmen as cannot be ascertained and found.

23. Procedure at the first sitting.

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

24. Board, Court, Labour Court or Tribunal or Arbitrator may proceed *ex parte*.

If without sufficient causes being shown, any party to proceedings before a Board, Court, Labour Court or Tribunal or Arbitrator fails to attend or to be represented, the Board,

Court, Labour Court or Tribunal or Arbitrator may proceed as if the party had duly attended or had been represented.

25. Power of entry and inspection.

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

26. 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 of affidavit;

And Board, Court, Labour Court or Tribunal may summoned and examine any person whose evidence appears to it to be material shall be deemed to be a civil court within the meaning of Ss. 430 and 482 of the Code of the Criminal Procedure, 1898.

27. All books papers and other documents or things produced before a Board, Court, Labour Court or Tribunal or whether voluntarily or in pursuance of a summons may be inspected by the Board, Court, Labour Court or Tribunal and also by such parties as it would allow, but the information obtained therefrom shall not, except as provided in the Act, be made public and such parts of the books, papers, documents or things as do not relate to the matters in dispute may be sealed up.

28. Assessors.

Where assessors are appointed to advice a Tribunal under sub-S (4) of S 7-A by the Court, Labour Court or Tribunal under sub-S. (5) of S. 11, the court, Labour Court or Tribunal, as the case may be, shall in relation to proceeding

before it, obtain the advice of such assessors, but such advice shall not be binding on it.

29. Copies of award or other documents of Labour Court, Board, Court or Tribunal.

All applications, whether stamped or unstamped for copies of awards of other documents of Labour Court, Board, Court or Tribunal shall be accompanied by necessary folios in accordance with R 3 of the Assam Record Hand Book and all copies shall be made on folios:

Provided that in case of certified copies of the award or documents the court fees shall be chargeable under the Court Fees Act.

29. Decision by Majority.

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

30. 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.

31. Rights of Errors.

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

32. Proceeding before a Board, Court, Labour Court or Tribunal.

The proceeding 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

33. Travelling allowance.

The Chairman or a member of a Board or Court, or the Presiding Officer or an Assessor of a Labour Court or Tribunal if a Non official shall be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with performance of his duties, at the rate admissible and subject to the conditions applicable to a Government servant of the first grade under Fundamental Rules unless the State Government decides otherwise.

COMMENTS

Rule 34. This rule has been framed as provided in S.(2) (c) of the Industrial Disputes Act.

34. Fees.

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

35. Expenses of Witnesses.

Every person who is summoned and duly attends or otherwise appears as a witness before a Board, 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 the State where the investigation, enquiry, adjudication or arbitration is being conducted. The payment of expenses of witnesses shall be made in the same procedure as is being followed in Civil Courts.

PART V

Notice of change

36. Notice of change.

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

37. Manner of service of notice.

(1) Where there are numerous workman affected by a notice of change the majority of such workmen are members of any trade union, the service of notice by registered post, on the Secretary or where there is no Secretary, on the principal officer of the trade union shall be deemed to be service on all such workmen. The employer shall, at the time, arrange to exhibit the notice by affixing it to a notice board in the manner specified in sub R (2):

Provided that if the Secretary or the principal officer refuses to receive the notice or that for another reason the notice cannot be served on the Secretary or the Principal Officer in the ordinary way, the exhibition of the notice in the manner specified in Sub (2) shall be deemed to be service on all such workmen.

- (2) Where there are numerous workmen affected by a notice of change and the majority of such workmen are not members of any trade union or association the employer shall, where personal service is not practicable, cause the service of any such notice to be made by affixing the same to a notice board at or near the entrance or entrances of the establishment concerned and the notice shall remain so affixed for a period of twenty- one days. The notice shall be in English, the regional language and the language understood by the majority of the workmen in the establishment concerned.
- (3) A copy of the notice shall simultaneously be forwarded by the employer to the Conciliation Officer concerned and the Labour Commissioner, Assam, Shillong.

PART VI

Representation of parties

38. Form of authority under S.36.

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

COMMENTS

Rule 39. Section 36 of the Industrial Disputes Act deals with the representation of parties in any proceeding under the Act.

40. Parties bound by acts of representative.

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

PART VII
Work committee

41. Constitution.

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

Comments

Rule 41. Section 3 of the Industrial Disputes Act deals with the constitution of Work committee. The concluding lines of sub-S (1) of the section has been recast to ensure that the workmen's representatives on works committees shall be chosen from among the workmen themselves, and that the trade union to be consulted shall be registered.

The present rule has been framed as empowered under S. 38 (2) (b) of the Act.

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42. 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 numbers of members shall not exceed twenty;

Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

43. 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.

44. Consultation with unions.

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

(b) how their membership is distributed among the sections, shops or departments of the establishment.

(2) Where an employer has reason to believe that the information furnished to him under sub-R (1) by the 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.

45. Groups of workmen's representatives.

On receipt of the information called for under R.44 the employer shall provide for the election of workmen's representatives on the Committee in two groups:

(a) those to be elected by the workmen of the establishment who are members of the registered trade union or unions ; and

(b) those to be elected by the workmen of the establishment who are not members of the registered trade union or unions;

bearing the same proportion to each other as the union members in the establishment bear to the non-members:

Provided that where more than half workmen are members of the union or any one of the unions, no such divisions shall be made;

Provided further that where a registered trade union neglects or fails to furnish the information called for under sub-R(1) of R.44 within one month of the notice requiring it to furnish such information to 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-R (2) of Rs. 44 the election shall be held on receipt of the decision of the Conciliation Officer.

46. Electoral constituencies.

When under R 45 the workmen's representatives are to be elected in two groups, the workmen entitled to vote shall be divided in two electoral constituencies, the one consisting of those who are members of the registered trade union and the other of those who are not:

Provided that the employer may, if he thinks fit, subdivide the two electoral constituencies and direct that

workmen shall vote in either, by groups, sections, or departments.

47. Qualification of candidates of election.

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

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

48. Qualifications for voters.

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

49. 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 10 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 numbers of seats to be elected by the groups, section, shops or departments and the number to elect 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.

50. Nominations 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 groups, section, shop or department the candidate seeking election will represent, and shall be delivered to the employer.

51. Scrutiny of nomination papers.

- (1) On the day following the last fixed for filling nomination papers the nomination papers shall be scrutinised by the employer in the presence of candidates and the attesting persons and those which are not valid shall be rejected.
- (2) For the purpose of Sub (1), a nomination paper shall be held to be not valid if (a) the candidate nominated is ineligible for membership under R 47; or b) requirements of R.50 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.

52. Voting in election.

- (1) If the number of candidates who have been validity nominated is equal to the number of seats, the candidates shall be forthwith declared duly elected.
- (2) If in any constituency the number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for 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 election.
- (5) Every workmen 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.

53. Arrangement for election.

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

54. Officers of the Committee.

- (1) The Committee shall have among its office-bearers a Chairman, a Vice Chairman, A Secretary and a Joint Secretary. The Secretary and the Joint Secretary shall be elected every year.

- (2) The committee shall elect the Chairman and the Vice Chairman; provided that where the Chairman elected from amongst the representatives of the employers, the Vice Chairman shall be elected from amongst the representatives of workmen and *vice versa*.

Provided further that the post of the Secretary and 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.

55. 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.

56. Vacancies.

In the event of workmen's representative ceasing to be a member under sub-R (3) of R. 55 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.

57. Power to co-opt.

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

during which the particular question is before the Committee.

58. Meetings.

(1) The Committee may meet as often as necessary but not less than once in 3 months (a quarter).

(2) The Committee shall at its first meeting regulate its own procedure.

59. Facilities for meetings, etc.

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

60. Dissolution of Works Committee.

The State Government or where the power under S.3 has been delegated to any officer or authority under S .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 function.

Provided that where a Works Committee is dissolved under this rule, the employer may and if so required by the State Government or, as the case may be, by such officer or authority, shall take steps to reconstitute the Committee in accordance with these rules.

PART VIII

Miscellaneous

61. Memorandum of settlement.

- (1) A settlement arrived at in the course of conciliation proceeding or otherwise, shall be in Form 'H'.

- (2) The Settlement shall be signed –
 - (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, be the agent, manger or other principal officer of the corporation.

 - (b) In the case of workmen, either by the President or the Vice President, or the Secretary or the Joint Secretary, or the Local Secretary, or the Assistant Secretary, or the Group Secretary, of a trade union of workmen, or by any other office bearer of a trade union on a written authority from the President or the General Secretary to sign the settlement in question, or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.

- (3) Where a settlement is arrived at in the course of conciliation proceeding the Conciliation Officer shall send a report thereof to the State 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 proceedings before a Board or a Conciliation Officer, the parties to the settlement shall jointly send a copy thereof the State Government, the Labour Commissioner, Assam, and to the Conciliation Officer concerned.

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

- (1) Every complaint under S .33-A of the Act shall be presented in triplicate in Form 'F' and shall be accompanied by as many copies of the complaint as there are opposite parties to the complaint.
- (2) Every complaint under sub-R (1) shall be verified at the foot by the workmen making it or some other persons proved to the satisfaction of the Labour Court or Tribunal to be acquainted with the facts of the case.

- (3) The person verifying shall specify, by reference to the numbered paragraphs of the complaint, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.
- (4) The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

63. Application under S.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-S (1) or sub-S (3) of S.33 shall present an application in Form 'J' in triplicate to such Conciliation Officer, Board, Labour Court or Tribunal and shall file along with the application as many copies thereof as there are opposite parties.
- (2) An employer seeking the approval of the Conciliation Officer, Board, Labour Court or Tribunal, as the case may be, of any action taken by him under Cl.(a) or Cl.(b) of sub S (2) of S.33 shall present an application in Form 'K' in triplicate to such Conciliation Officer, Board, Labour Court or Tribunal and shall file along

with the application as many copies thereof as there are opposite parties.

- (3) Every application under sub-R (1) or sub (2) shall be verified at the foot by the employer making it or by some other person proved to the satisfaction of the Conciliation Officer, Board, Labour Court or Tribunal to be acquainted with facts of the case.
- (4) The person verifying shall be signed by reference to the numbered paragraphs of the application, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.
- (5) The verification shall be signed by the person making it and shall state the date on which and the place at which it was verified.

64. Protected workmen.

- (1) Every registered trade union connected with an industrial establishment, to which the Act applies, shall communicate to the employer before the 30th September every year, the names and addresses of such of the officers of the union who are employed in that establishment and who, in the opinion of the

union, should be recognised as “protected workmen”, Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.

- (2) The employer shall subject to S.33, sub-S (4) recognise such workmen to be “protected Workmen” for the purposes of Sub-S (3) of the said Section and communicate to the union, in writing, within fifteen days receipt of the names and the addresses under sub R (1), the list of workmen recognised as protected workmen.
- (3) Where the total number of names received by the employer under sub-R (1) exceeds the maximum number of protected workmen, admissible for the establishment, under S.33, sub-S (4), the employer shall recognise as protected workmen only such maximum on workmen;

Provided that, where there is more than one registered trade union in the establishment, the maximum numbers shall be 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 be entitled to select the officers to be recognised as protected workmen. Such selection shall be made by the union and communicated to the employer within five days of the receipt of the employer 's letter.

- (4) When a dispute arises between an employer and any registered trade union in any matter connected with the recognition of 'protected workmen' under this rule, the dispute shall be referred to the Labour Commissioner, Assam, whose decision thereon shall be final.

65. Application for recovery of dues from employer.

Where any money is due from an employer to a workmen or a group of workmen under a settlement or an award or under the provisions of Chapter V-A of the Industrial Disputes Act, 1947, the workman or the group of workmen as the case may be, may apply in Form K-1 for the recovery of the money due:

Provided that in the case of a person authorised in writing by the workman, or in the case of the death of the workman the assignee or heir of the deceased workman, the application shall be made in Form K-2.

COMMENTS

Rule 65. This rule was substituted *vide* Notification No. GLR 175/69/2, dated the 25th November, 1969 to come into force with immediate effect and the substituted R.65 read as follows:

“65. Application for recovery of dues.

An application under S. 33-C shall be delivered personally or forwarded by registered post in triplicate to the Secretary to the Government of Assam, Labour Department, Gauhati.”

65-A. Application for computation of money value of any benefits.

Where any workmen or a group of workmen is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money, the workmen or the group of workmen, as the case may be, may apply to the specified Labour Court in Form K-3 for the determination of the amount due or, as the case may be amount at which such benefit should be computed.

COMMENTS

Rule 65-A. This was inserted by Notification No. GLR 175/69/2, dated the 25th November, 1969 to come into force with immediate effect.

.....

66. Appointment of Commissioner.

Where it is necessary to appoint a commissioner under sub-S (3) of S.33-C of the Act, the Labour Court may appoint a person with experience in the particular industry, trade or business involved in the industrial dispute or a person with experience as a Judge of a civil court, or as a Stipendiary Magistrate or as a Registrar or Secretary of a Labour Court, or Tribunal constituted under any Provisional Act or State Act or 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.

67. 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 the 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 installments and on such dates as it may consider fit.
- (4) The undisbursed balance, if any, of the sum deposited shall be refunded to the party or parties who deposited the sum in the same proportion as that in which it was deposited.

68. 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 any reason the commissioner anticipates that the date fixed for the submission of his report is likely to be exceeded, he shall apply before the expiry of the said date, for extension of time setting forth grounds thereof and the Labour Court shall take such ground into consideration in passing orders on the application:

Provided that the Labour Court may grant extension of time notwithstanding that no application for such extension has been received from the commissioner within the prescribed time limit.

69. 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 R.66 directing him to make such investigation and to report thereon to it.

70. Commissioner's report.

- (1) The commissioner, after such local inspection as he deems necessary and after reducing to writing the evidence taken by him, shall return such evidence together with his report in writing signed by him to the Labour Court.
- (2) The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the industrial dispute, but 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 matter in which he has made the investigation.
- (3) Where the Labour Court is for any reason dissatisfied with the proceeding of the commissioner it may direct such further inquiry to be made as it shall think fit.

71. Powers of commissioner.

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

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

72. Summoning of witnesses, etc.

- (1) 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 R. 67, 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.

73. Representation of parties before the Commissioner.

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

74. 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 strike under sub-R (1), the employer shall forthwith intimate the fact to the Labour Commissioner of Assam, Gauhati and the Conciliation Officer having jurisdiction in the matter.

COMMENTS

Rule 74. Section 22 of the Act deals with the prohibition of strikes and lock-outs and S.23 deals with general prohibitions of strikes and lock-outs.

Section 24 details what are illegal strikes and lock-outs.

Under 25 financial aids to illegal strikes and lock-outs are prohibited.

75. Notice of lock-out.

The notice of the lock-out to be given by an employer carrying on a public utility service shall be in Form "M".

76. Report of lock-out.

The notice of lock out or strike in a public utility service to be submitted by the employer under sub- S.(6) of S. 22 shall be sent by registered post or given personally to the Conciliation Officer appointed for the local area concerned., with the copy by registered post to-

- (1) The Secretary to the Government of Assam, Labour Department, Gauhati;

- (2) The Labour Commissioner, Assam, Gauhati;
- (3) The Director of Statistics, Assam, Gauhati;
- (4) The District Magistrate concerned.

77. Register of Settlement.

The Conciliation Officer shall file all settlements effected under this Act, in respect of dispute in the area within his jurisdiction in a register maintained for the purposes as in Form "O".

78.A Notice of lay-off.

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

COMMENTS

Rule 78- A. This rule was inserted *vide* Notification N. GRL 138/76/52, dated the 2nd April, 1976, to come into force at once. These rules were made in exercise of the powers conferred by Sub-S. (1) of S. 38 of the Industrial Disputes, Act, after considering the objections and suggestions received from the public on publication of the draft rules in the Assam Gazette *vide* Notification No. GLR 138/76/27, dated the 10th March, 1976.

.....

78. Application for permission to lay off under S.25-M.

- (1) Application for the permission to lay off any workman under sub-S.(1) or for permission to continue a lay off under sub-S (2) of S. 25 M shall be made in Form O-3 and delivered to the authority specified under sub-S.(1) either personally or by registered post acknowledgement due and where the application is sent by registered post the date on which the same is delivered to the said authority shall be deemed to be the date on which the application is made, for the purpose of Sub S.(4) of the said section.
- (2) The application for permission shall be made in triplicate and sufficient number of copies of the application for the 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, so as to enable the authority to communicate the permission or refusal to grant permission within the period specified sub S.(4) of S. 25-M.
- (4) Where the permission to lay off has been granted by the said authority, the employer concerned shall give to the Labour Commissioner, Assam, a notice of commencement and termination of such lay off in Form O-1 and O-2 respectively and where permission to continue a layoff has been granted by the said authority, the employer shall give to the Labour Commissioner, Assam, a notice of commencement of such lay-off in Form O-1, in case such a notice has already been given under sub-R. (1) of R. 78-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-R (4) shall be given within the period specified in sub-R (1) of R.78-A.

COMMENTS

Rule 78-B This rule was inserted *vide* Notification No. GRL 138/76/52. dated the 2nd April, 1976 to come into force at once.

.....

79. 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 (hereafter referred to as “workmen” in this rule and in Rr. 80 and 81), he shall give notice of such retrenchment as in Form “P” to the State Government and such notice shall be served on that Government by registered post in the following manner:

- (a) where notice is to give to workman, notice of the 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, notice of the 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 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 within 3 days of the agreement.

COMMENTS

Rule 79. Section 25-F of the Industrial Disputes Act prescribes the conditions precedent to retrenchment of workmen and S. 25-G of the said Act details the procedure for retrenchment.

.....

79.A. Notice of the Application for permission for retrenchment.

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

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

deemed to be the date on which the application is made for the purpose of sub-S (5) of the said section.

- (3) The notice or, as the case may be, the application shall be served or made in triplicate and sufficient number of copies thereof for service on the workman concerned shall be submitted along with the notice or, as the case may be, the application.
- (4) The employer concerned shall furnish to the State Government or such authority to whom the notice for retrenchment has been given or the application for permission for retrenchment has been made, under Cl, (c) of sub-S (1) or, as the case may be, sub-S (4) of said S. 25-N, such further information as the State Government or, as the case may be, the authority considers necessary for arriving at a decision on the notice or, as the case may be, the application, as and when called for the by such authority, so as to enable the State Government or such authority to communicate its permission or refusal to grant permission within the period specified in sub-S (3) or, as the case may be , sub-S (5) of the said S.25-N.

COMMENTS

Rule 79-A. This rule was inserted *vide* Notification No. GLR 138/76/52, dated the 2nd April, 1976, to come into force at once.

79.B. Notice of Closure.

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

COMMENTS.

Rule -B. This rule was inserted *vide* Notification No. GRL 138/76/52, dated eh 2nd April 1976, to come into force at once.

.....

79-C. Notice of the application for permission for closure.

- (1) Notice under sub-S (1) of S.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-S (3) of S. 25 -O , shall be made in Form QB (with attested copy of the notice served by the employer under sub-S.(1) of S. 25-FFA appended thereto) and delivered to the State Government either personally or by registered post acknowledgement due and where the application is sent by registered post the date on which the same is delivered to the State Government shall be deemed to be the date on which the application is made for the purpose of sub-S. (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.

COMMENTS

Rule 79-C. This rule was inserted *vide* Notification No. GLR 138/76/52, dated the 2nd April, 1976, to come into force at once.

80. Maintenance of seniority list of Workmen.

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

81. Re-employment of retrenched workmen.

(1) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies be registered post to every one of all the

retrenched workmen eligible to be considered therefore, to the address given by him at the time of retrenchment or at any time thereafter:

Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the seniormost retrenched workmen in the list referred to in R.80 the number of such seniormost workmen being double the number of such vacancies;

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

- (2) Immediately after complying with the provision of sub-R.(1), the employer shall 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 sub-rule.
- (3) Unless there are good reasons to the contrary an employer shall re-employ retrenched workmen in order of their seniority as shown in the list maintained under R.80:

COMMENTS

Rule 81. Section 25-H of the Industrial Dispute Act deals with the re-employment of retrenched workmen.

82. Penalties.

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

83. Repeal.

The Assam Industrial Disputes Rules, 1947, are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

FORM 'A'

[See Rule 3]

Form of application for reference of an industrial dispute to a Board of Conciliation /Court of Enquiry/ Tribunal /Labour Court under S.10.(2) of the Industrial Disputes Act, 1947

Whereas an industrial dispute is apprehended/ exists betweenandit is expedient that the matters specified in the enclosed statement, the dispute, investigation and settlement are connected with or relevant to the dispute, the dispute, investigation and settlement should be referred for enquiry by a Board of Conciliation/Court of Enquiry/Labour Court/Tribunal, an application is made under sub-S.(2) of S. 10 for adjudication of the Industrial Disputes Act, 1947 that the said matters/dispute should be referred to a Board of Conciliation/ account 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 theheld on the....19...

A statement giving the particulars required under R.3 of the Assam Industrial Disputes Rules, 1958, is attached.

Dated

Signature

To

The Secretary to the Government of Assam, Labour Department
Gauhati.

Statement required under R.3 of the Assam Industrial Disputes Rules, 1958 to accompany the form of application prescribed under sub -S (2) of S. 10 of the Industrial Disputes Act, 1947-

- (a) Parties to the dispute including the name and address of the establishment or undertaking involved.
- (b) Specific matters in dispute.
- (c) Total number of workmen employed in the undertaking affected.
- (d) Estimated number affected or likely to be affected by the dispute.
- (e) Efforts made by the parties themselves to adjust the dispute.

FORM 'B'

[See Rule 6]

Whereas an industrial dispute has been arisen between/is apprehended between.....andand it is expedient to refer the said dispute under S.10 of the Industrial Disputes Act,1947 to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the.....the name (s) , address (es) of on (two person s) whom you wish to recommended for appointments as your representative(s) on the said Board.

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

Secretary to the Government of Assam, Labour Department.

Form 'C'
[See Rule 7]

Agreement

[Under Section 10-A of the Industrial Dispute Act ,1947]

Between

Names of the 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 names (s) and address (es) of the arbitrator (s)]-

- (i) Specified 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 decisions of the Arbitrators shall be binding on us/in case the arbitrators are equally divided in their opinion, that they shall appoint another person as whose award shall be binding on us.

The Arbitrator(s) shall make his/ their award within a period of(here specify the period agreed upon by the parties) or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically lapsed and we shall be free to negotiate for fresh arbitration.

Witness:

(1)

(2)

Signature of the parties
Representing employers.....
Representing workman.....

Copy to-

- (i) The Conciliation Officer concerned (here enter office address of the Conciliation Officer in local area concerned).
- (ii) The Labour Commissioner, Assam, Gauhati.
- (iii) The Secretary to the Government of Assam, Labour Department.

.....

* Strike out the portions inapplicable.

COMMENTS

Form C. In this Form the word “we further agree that the majority decision of the arbitrators shall be binding on us” were substituted by the words “We furtherfresh arbitration”, *Vide* Notification No. GLR 175/62/2, dated the 25th November, 1969 to come into force with immediate effect.

FORM 'D'

[See Rule]

Whereas an industrial dispute betweenandhas been referred to this Board of Conciliation for investigation and settlement/Court of Enquiry for investigation/Labour Court/ Tribunal in person under S. 10 of the Industrial Disputes Act,1947, you are hereby summoned to appear before the Board/ Court/Labour Court/Tribunal in person on theday ofato'clock in thenoon 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.

Board of Conciliation

Chairman/Secretary-----

Court of Enquiry

Dated

Labour Court

Presiding Officer/ Registrar-----

Tribunal

FORM “E”

[See Rule 37]

Notice of change to be given by an employer

Name of the employeraddress.....

To,

The Secretary /Principal Officer of the union
/association

The workman /workmen affected

Dear Sir/Madam,

In accordance with S.9-A of the Industrial Disputes Act, 1947, I/ we beg to inform you that it is my/ our intention to effect the change /changes specified in the Annexure to this letter, with effect from.....

Yours faithfully

Signature.....

Name.....

Designation.....

Annexure

(Here specify the change/changes intended to be effected).

FORM 'F'
[See Rule 39]

Before(here mention the authority concerned)

Reference No.ofworkmen

Versus

.....Employer

In the matter of..

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

Dated thisday of19....

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

Address

Accepted

Signature of representative(s)

Address

12 ALA -12

FORM 'G'

[See Rule 50]

Form of Nomination paper

| | |
|--------------------------------------|-------------------------------|
| Name of the 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.

Signature of Proposer.

Date

I agree to the proposed nomination

Signature of candidate

Date

Attested by : (1)

(2)

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

FORM 'H'

[See Rule 61]

Form for memorandum of Settlement

Name of parties-

Representing employer(s)

Representing workmen:

Short recital of the case /Term of Settlement.....

Witnesses:

Signature of

the parties

(1)

(2) * Signature of Conciliation Officer/Board of Conciliation

Copy to:

- ** (1) Conciliation Officer concerned. (Here enter the office address of the Conciliation Officer in the local area concerned).
- (2) Labour Commissioner, Assam, Gauhati.
- (3) The Secretary to the Government, Labour Department, Gauhati.

• In case settlement effected by Conciliation Officer/Board of Conciliation.

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

Form 'I'
[See Rule 64]
Complaint under S.33-A of the Industrial Disputes
Act, 1947

Labour Court.....

Before the Tribunal

A.....Complaint(s)

Address-

Versus

B..... Opposite -Party (ies)

Address-

In the matter of Reference No..

The petitioner(s) begs/beg to complain that the opposite party(ies) has/have been guilty of a contravention of the provisions of S. 33 of the Industrial Disputes Act, 1947 (14 of 1947) as shown below:

(Here set out briefly the particulars showing the matter in which the alleged contravention has taken place and grounds on which the order or act of management is challenged.)

The complainant(s) accordingly prays/pray that the Labour Court/Tribunal be pleased to decide the complaint

set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint and its annexure required under R.62 of the Industrial Disputes Rules, 1958, are submitted herewith.

Signature of the Complaint(s)

Dated thisday of19.

VERIFICATION

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

This verification is signed by me aton.....day of19....

Signature or Thumb impression
of The person verifying

FORM 'J'
[See Rule 63]

**Application for permission under sub-S (1) /sub -S
(3) of S.33 of the Industrial Disputes Act , 1947
(14 of 1947) , in the matter of
Reference No.....**

Before(here mention the Conciliation Officer, Board,
Labour Court or Tribunals)

.....Applicant

A.

Address-

Versus

.....Opposite Party(ies)

B.

Address(es)

The above mentioned applicant begs to state as follows:

[Here mention the action specified in Cl.(a) or Cl (b) of sub -S
(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 Cl.(a) or Cl.(b) of sub-S (1) /sub-S (3) of S. 33]

Signatures of applicant

Dated thisday of19.

Space for verification

(Signature of the person verifying)

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

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

FORM 'K'

[See Rule 63 (2)]

**Application under sub-S. (2) of S. 33 of the
Industrial Disputes Act, 1947 (14 of 1947), in the
matter of Reference No.....**

Before(here mention the Conciliation Officer, Board ,
Labour Court, or tribunal)

AApplicant

Address-

Versus

B. Opposite-Party (ies)

Address(es) –

The above mentioned applicant begs to state as follows :

(Here set out the relevant facts and circumstances of the case),

- The workman/workmen discharged/ dismissed under Cl.(b) of S. (2) of S.33 has/have been laid wages for one month.

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

[Here mention the action taken under Cl.(a) or Cl.(b) of sub-S
(2) of S. 33]

Signature of the applicant

Dated thisday of19...

Space for verification

(Signature of the person verifying)

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

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

- Delete if not applicable

FORM K-1

[See Rule 66]

Application under sub-S (1) of S. 33-C of the Industrial Disputes, Act ,1947

To

The Secretary to the Government of Assam
Labour Department, Shillong.

Sir,

- I /we have to state that * I am/ we are entitled to receive from M/s.....a sum of Rs..... * on account ofunder the provisions of Chapter V-A of the Industrial Disputes Act, 1947 in terms of award, dated thegiven by...../in terms of the settlement , dated the.....arrived at between the said M/sand their workmen through the duly elected representatives.
- I/ we further state that * I am /we served the management with a demand notice by registered post on.....for the said amount which the management has neither paid nor offered to pay to * me/us even though a fortnight has since elapsed. The details of the amount has been mentioned in the statement hereto annexed.

I/we request that the said sum may kindly be recovered from the management under sub-S (1) 33-C of the Industrial Disputes Act, 1947 and paid to me/ us as early as possible.

Signature of the applicant(s)

1.

2.

Address(es)

3.

4.

Station.....

Date.....19... ..

(ANNEXURE)

[Here indicate the details of the amounts (s) claimed]

- Strike out the portions inapplicable

COMMENTS

Form K-1. This form was inserted *vide* Notification No. GLR 175/69/2, dated the 25th November, 1969 to come into force with immediate effect.

.....

FORM K -2

[See Proviso to Rule 65]

**Application by a person authorised by a
workman or by the assignee or heir of a
deceased workman under sub-S (1) off S. 33-C of
the Industrial Disputes Act, 1947.**

To,

The Secretary to the Government of Assam
Department of Labour, Shillong

Sir,

I * Shri/shrimati/Kumari.....have to state that * Shri /Shrimati/Kumari* is /was entitled to receive from M/sa sum of Rs.* on account ofunder the provisions of Chapter V-A of the Industrial Disputes Act, 1947, in terms of the award, dated the.....given byin terms of settlement , dated thearrived at between the said M/s.....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 amount which the managements 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 annexed.

I request that the said sum may kindly be recovered from the management under sub-S.(1) OF 33-C of the Industrial Disputes Act, 1947, and paid to me as early as possible.

I * have been duly authorised in writing by.....(here insert the name of the workman) to make this application and to receive the payment of the aforesaid amount due to him. A copy of such authority is enclosed herewith.

Station...

Signature of the applicant.....

Date.....

Address....

ANEXURE

(Here indicate the details of the amount claimed)

COMMENTS

Form K-2. This Form was inserted vide Notification No.GLR 175/69/2, dated the 24th November, 1959 to come into force with immediate effect.

* Strike out the portions inapplicable.

FORM K-3

[See Rule 65-A]

**Application under sub-S (2) of S.33 -C of the
Industrial Disputes Act,1947**

Before the State Government/Labour Court at.....

Between:

(1) Name of the Applicant (s)

(2) Name of the employer.....

- The petitioner,.....a workman of M/s/The petitioners undersigned, workmen of M/s*is /are entitled to receive from the said M/sthe money/benefits mentioned in the statement here to annexed.

It is prayed that the Labour Court be pleased to determine the amount /amounts due to the *petitioner(s) ** under the award published under No. GLR.....datedin the Assam Gazette,

Station.....

Date.....

Signature or thumb impression (s)
of he applicant(s)
Address(es)

- 1.
- 2.
- 3.
- 4.

ANNEXURE

(Herein set out the details of the money due on he benefits accrued together with the case for their admissibility).

COMMENTS

Form K-3. This Form was inserted *vide* Notification No. GLR 175/69/2, dated the 25th November, 1969 to come into force with immediate effect.

- Strike out the portions inapplicable.
- ** If it is a case of benefit under the award, in such case full stop should be struck out.

FORM 'L'

[See Rule 74]

Form of notice of Strike to be given by employee(s) in public utility service

Name of Union/Names of elected representatives of
employees where no trade union exists.

Address.....

Dated theday of19

To.

(The Name of the employer)

Dear Sir/Sirs,

In accordance with the provisions contained in sub-S. (1) of
S.22 of the Industrial Disputes Act, 1947 I/we hereby give
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 to the Union/Representative of the employees
elected at a meeting held on.....

ANNEXURE

Statement of the case.

Copy to-

- (1) Conciliation Officer concerned.

[Here enter office address of the Conciliation Officer in the local area concerned]

- (2) The Labour Commissioner, Assam, Shillong.

FORM M

[See Rule 75]

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

Name of employer.....Address.....

Dated theday of19.

To

(The Secretary of the Union ,if any)

Dear Sir,

In accordance with the provisions of sub-S (2) of S-22 of the Industrial Disputes Act, 1947, I/we hereby inform you that if it is my /our intention to effect a lock out with effect from.....for the reasons explained in the annexure.

* Your faithfully,

* [Her insert the position which the person who signs the letter holds with employer issuing this letter]

ANNEXURE

Statement of the case.

Copy to-

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

- (2) The Labour Commissioner, Assam, Shillong.

FORM N

[See Rule 76]

Form of Report of Strike or Lock out in a utility service

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

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

Note Column (3).

Give the average number of workmen employed during the month previous to the day on which the strike or lock-out occurred. While reckoning the average, omit the days on which the attendance was not normal for reasons other than individual reasons of particular workmen. Thus days on which strike or lock out occurs on communal holidays is enjoyed by a large section of workers should be omitted.

Column (4) .

If, say 200 workers in a factory strikes work and in consequence the whole factory employing 1,000 workers has to be closed, then, 200 should be shown under “Directly” and the remaining under “Indirectly” .If the strike of 200 workers does not affect the working of the of the other departments of the factory, the number of workers involved would only be 200, which figures should appear under “Directly” and column “Indirectly” would be blank.

Column. (8) .

Give the main causes of the disputes as well as the immediate cause that led to the strike or lock-out.

FORM O

[See Rule 78]

Register –Part I

| Sl No. | Industry | Parties to the Settlement. | Date of Settlement | Remarks* |
|--------|----------|----------------------------|--------------------|----------|
| 1 | 2 | 3 | 4 | 5 |

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

PART II

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

FROM O-1

[See Rule 78-A]

To,

The Labour Commissioner, Assam

Sir,

Under R. 78-A of the Assam Industrial Disputes Rules, 1958, I/we hereby inform that I/we have laid off..... ..out of a total of *.....workmen employed in the establishment with effect from ♣.....for the reasons explained in the Annexure.

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

Yours faithfully

.....**

Copy forwarded to Assistant Labour Commissioner of the area.

[Here specify the address of Assistant Labour Commissioner of the area concerned]

ANNEXURE

Statement of Reasons

COMMENTS

Form O-1.

This Form was inserted *vide* Notification No. GRL 138/76/52, dated the 2nd April, 1976, to come into force at once.

* Here insert the number of workmen

♣ Here insert the due date.

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

.....

FORM O-2

[See Rule 78-A]

To,
The Labour Commissioner, Assam
Sir,

As required by R.78-A of the Assam 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/ ours establishment has ended on*.....

Yours faithfully

.....**

Copy to the Assistant Labour Commissioner of the area.[Here specify the address of the Assistant Labour Commissioner of the area concerned]

COMMENTS

Form O-2 .

This Form was inserted *vide* Notification No.GLR 138/76/52, dated the 2nd April, 1976, to come into force at once.

* Here insert the date.

** Here insert the position, which the person who signs the letter holds the employer issuing the letter

FORM O-3

[See Rule 78-B-(1)]

Form of application for permission to lay-off/to continue the lay-off of work men in industrial establishment to which provision of Chapter V-B of the Industrial Disputes Act, 1947 (14 of 1947) apply

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

To,

.....

(The authority specified under sub-S (1) of S. 25 -M of the Act)

Sir.

Under sub-S .(1) /sub-S (2) of S.25-M of the Industrial Disputes Act, 1947 (14 of 1947) read with sub-R (1) of R. 78-B of the Industrial Disputes Assam Rules, 1958, * I/we hereby apply for *permission to lay off/permission to continue the lay offof workmen of a total ofworkmen employed in my/our establishment with effect fromfor the reasons set out in the Annexure.

Permission is solicited *for the lay-off/to continues the lay off of the said workmen.

Such of the workmen permitted to be laid-off will be paid such compensation, if any, to which they are entitled under sub-S (6) of S. 25-M. read with S. 25-C of the Industrial Disputes Act ,1947 (14 of 1947).

Yours faithfully

(Signature)

* Strikes out whatever is inapplicable.

.....

ANNEXURE

(Please give replies against each item)

1. Name of the undertaking with complete postal address, including telegraphic addresses and telephone number.
2. ***Status of undertaking***
 - (i) Whether Central Public Sector/State Public Sector/foreign majority company/joint sector, etc.,
 - (ii) If belongs to large industrial house, please indicate the controlling groups; and if a foreign majority company, indicate the extent of foreign holdings

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

- 3.**
 - (a) *Names and addresses of the affected workmen proposed to be laid-off/names and address of the workmen laid-off before the commencement of thr Industrial Disputes (Amendment) Act, 1976 (32 of 1976) and the dates from which each of them had been laid-off.

 - (b) The nature of the duties of the workmen referred to in sub-item (a), the units/Sections/shops where they are or were working and the wages drawn by them.

- 4.** Items of manufacture and Schedule industry/industries under which they fall.

- 5.** Details relating to installed capacity, licensed capacity utilised capacity.

- 6.**
 - (i) Annual production, item wise for proceeding twelve years.
 - (ii) Productions figures, month's wise, for the proceeding twelve months.

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

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

- 9.** Position of the order book, item-wise and value-wise for a period of six months, and one year next following and for the period after the expiry of the said one year.
- 10.** Numbers of working days in a week with the number of shifts per day and the strength of workmen per each shift.
- 11.** Balance sheets, profits, and loss accounts and audit reports for the last three years.
- 12.** Financial position of the Company.
- 13.** Names of the inter-connected companies or companies under same management.
- 14.**
 - (i) The total number of workmen category wise and the number of employees other than workmen as defined under the Industrial Disputes Act, 1947 (14 of 1947) , employed in the undertaking .
 - (ii) Percentage of wages of workmen to the total cost of production.
- 15.** Administrative, general and selling cost in absolute terms per year in the last three years and percentage thereof to the total cost.
- 16.** Details of lay-off 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 therefore.

- 17.** Anticipated savings due to the *proposed lay-off /lay-off for the continuance of which permission is sought.
- 18.** Any proposal for effecting savings on account of reduction in-
 - (i) managerial remuneration;
 - (ii) sales promotion cost; and
 - (iii) general administration expenses.
- 19.** Position of stocks on last day of each of the months in the preceding twelve months.
- 20.** Annual sales figures for the last three years and months wise sales which figures for the preceding twelve months, both item-wise and value-wise.
- 21.** Reasons for the *proposed lay-off/lay-off for the continuance of which permission is sought.
- 22.** Any specific attempts made so far to avoid the * proposed lay -off/lay-off for the continuance of which permission is sought.
- 23.** Any other relevant factors with details thereof.

COMMENTS

Form 0-3.

This Form was inserted *vide* Notification No.GRL 138/76/52, dated 2nd April ,1976, to come in to force at once.

* Strike out whatever is inapplicable.

.....

FROM 'P'

[See rule 79]

**Form of notice of retrenchment to be given by an
employer under Cl. (c) of S. 25-F of the Industrial
Disputes Act, 1947**

Name of the employer.....Address.....

Dated theday of.....19.....

To,

The Secretary to the Government of Assam,
Labour Department, Shillong

Sir,

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

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

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

| Category and designation of Workmen to be retrenched (1) | Number of workmen | |
|---|-------------------|-------------------------|
| | Employed (2) | To be retrenched (3) |
| <p>4. I/ we hereby declare that the workman/workmen concerned has/have been/ will be paid compensation due to them under S.25 F of the Act on††.....the expiry of the notice period.</p> <p style="text-align: right;">Yours faithfully£</p> | | |

* Here insert the number of workmen.

† Delete the portion, which is not applicable.

†† Here insert the date.

** Here insert total number of workmen employed in the industrial establishment.

£ Here insert the position, which the person who signs the letter holds, with the employer issuing the letter.

ANNEXURE

Statement of Reasons

Copy to-

- (1) Conciliation Officer concerned [Here enter Office address of the Conciliation Officer in the local area concerned]

- (2) The Labour Commissioner, Assam, Shillong.

FORM P-A

[See Rule 79-A (1)]

**Form of the notice for permission for retrenchment
of workmen to be given by an employer under Cl.(c) of
sub-S (I) of S.25 N of the Industrial Disputes Act,
1947 (14 of 1947)**

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

Date... ..

To,

... ..

(The State Government Authority specified under Cl.(c)
of Sub-S. (1) of S. 25-N of the Act)

Sir,

Under Cl.(c) of Sub-S. (1) of S. 25-N of the Industrial
Disputes Act, 1947 (14 of 1947), I/we hereby inform you that
*I/we propose to retrench.....workmen (being
workmen to whom sub-S (1) of S. 25-N applies) with effect
from.....for the reasons set out in the Annexure.

- 2. The workmen concerned have been given notice in
writing as required under Cl.(a) of Sub-S. (1) of S. 25-N
of the Act/have not been given notice since the

retrenchment is under as agreement (a Copy of which is enclosed) as provided to the said clause.

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

| * Category and designation of Workmen to be retrenched (1) | Number of workmen | |
|--|-------------------|-------------------------|
| | Employed (2) | To be retrenched (3) |
| | | |

4. Permission is solicited for the proposed retrenchment, under Cl.(c) of Sub-S. (1) of S. 25-N 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 Cl.(b) of Sub-S. (1) of S. 25-N of the Act)

Yours faithfully
(Signature)

* Strikes out whatever is inapplicable

.....

ANNEXURE

(Please give replies against each item)

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

2. ***Status of undertaking-***
 - (iv) whether Central Public Sector/State Sector/foreign majority company /joint sector etc.....

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

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

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

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

- 5.** Details relating to installed capacity, licensed capacity and the utilised capacity.....
- 6.** (i) Annual production, item wise for preceding for three years.

(ii) Production figures month-wise for the preceding twelve months.....
- 7.** Work in progress item-wise and value wise
- 8.** Any arrangement regarding off- loading or sub-contracting of products or any components thereof.....
- 9.** Position of he 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 week with number of shifts per day and strength of workmen per each shift.
- 11.** Balance sheets, profits and loss accounts and audit reports for the last three years.
- 12.** Financial position of the company.
- 13.** Names of the inter-connected companies or companies under the same management.....

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

(ii) Percentage of wages of workmen to the total cost of production.....
- 15.** Administrative, general and selling cost in absolute terms per year fro the last three years and percentage thereof to the total cost.....
- 16.** Details and retrenchment resorted to in the last three years, including dates of retrenchment, the number of workmen involved in each case, and the reasons therefore.....
- 17.** Has any of the retrenched workmen being given re-employment and if so, when? Give details.....
- 18.** Are seniority lists maintained in respect of the categories of workmen proposed to be retrenched and if so, the details and the position of the workmen affected indicating their length of service including broken periods of Service?.....
- 19.** Anticipated savings due to proposed retrenchment.....

- 20.** Any proposal for effecting savings on account of reduction in-
- (i) managerial remuneration;
 - (ii) sales promotion cost, and
 - (iii) general administrative expenses;
- 21.** Position of Stock on the last day of each of the month in the preceding twelve months.....
- 22.** Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item-wise and value wise.....
- 23.** Reasons for the proposed retrenchment.....
- 24.** Any specific attempt made so far to avoid the proposed retrenchment.....
- 25.** Any other relevant factors with details thereof.....

FORM P-B

[See Rule 79-A (2)]

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

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

To.

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

Sir.

I/we have given notice on.....under Cl. (a) of S.25-F for the retrenchment of the workman/workmen specified below (attested copy/copies of the notice is /are appended hereto):

| Names and addresses of Workman/workmen | Category and designation |
|--|--------------------------|
|--|--------------------------|

(1)

(2)

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

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

Yours faithfully

(Signature)

ANNEXURE

(Please give replies against each item)

1. Name of the undertaking with complete postal address; including telegraphic address and telephone number.....
2. Status of undertaking-
 - (i) whether Central Public Sector/State Public Sector/foreign majority company/ joint sector, etc.....
 - (ii) if belongs to large industrial house, please indicate the Controlling groups, and if a foreign majority company, indicate the extent of foreign holdings.....
 - (iii) whether the undertaking is licensed/registered and is so, name of licensing/ registration authority and license/registration certificate numbers.....

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

(b) Date of the notice of retrenchment given to the workmen concerned under S.25-F (a) and the dates on which the said notice was served on each workmen concerned.....
- 4.** Items of manufacture and schedule industry/ industries under which they fall.....
- 5.** Details relating to installed capacity, licensed capacity and the utilised capacity.....
- 6.** (i) Annual production, item-wise for preceding three years.....

(ii) Production figures month-wise for the preceding twelve months.....
- 7.** Work in progress item wise and value wise.....
- 8.** Any arrangement regarding off-loading or sub-contracting of products or any components thereof.....

- 9.** Position of the order book item-wise and value-wise for a period of six months, and one year, next following and for the period after the expiry of the said one year.....
- 10.** Numbers of workings days in a week with number of shifts per day and strength of workmen per each shift.....
- 11.** Balance sheets, profit and loss account and audit reports for the last three years.....
- 12.** Financial position of the company....
- 13.** Names of the inter connected companies or companies under the same management.....
- 14.** .(i) The total number of workmen category-wise and the number of employees other than workmen as defined in the Industrial Disputes Act, 1947 (14 of 1947) , employed in the undertaking.....

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

- 15.** Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.....
- 16.** Details of retrenchment resorted to in the last three years, including the dates of retrenchment , the number of workmen involved on each case and the reasons therefore.....
- 17.** Has any of eh retrenched workmen been given re-employment and if so, when? Give details.....
- 18.** Are seniority list maintained in respect of the categories of workmen proposed to be retrenched and if so, the details and the position of the workmen affected indicating their length of the service including broken periods of service?
- 19.** Anticipated savings due to the proposed retrenchment.....
- 20.** Any proposal for effecting savings on account of reduction in.....

 - (i) managerial remuneration,
 - (ii) sales promotions cost; and
 - (iii) general administration expense.

- 21.** Position of Stock on the last day of each of eh month in the preceding twelve months.....
- 22.** Annual sales figures for the last three years and month wise sales figures for the preceding twelve months both item-wise and value-wise....
- 23.** Persons for the proposed retrenchment
- 24.** Any specific attempt made so far to avoid the proposed retrenchment
- 25.** Any other relevant factors with details there of.....

FORM 'Q'

[See Rule 79-B]

Form of notice to be given by an employer under S. 25-FFA of the Industrial Disputes Act, 1947

Name of the employer.....

Address.....

Dated theday of19...

To,

The Secretary to the Government of Assam
Labour Department,
Dispur, Gauhati-782006.

Sir,

Under S.25-FFA of the Industrial Disputes Act, 1947 (14 of 1947), 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 the closure of the undertaking is.....(number of workmen)

Yours Faithfully,

.....†

ANNEXURE

Statement of reasons

Copy to-

1. The Labour Commissioner, Assam ‡
2. The Assistant Labour Commissioner of the area ‡.
3. The Employment Exchange.‡

‡ [Here enter the office address of the Labour Commissioner /Assistant Commissioner and the Employment Exchange of the area concerned]

† [Here insert the position, which the person who signs the letter holds with the employer issuing this letter.]

COMMENTS

Form Q.

This Form was inserted *vide* Notification No. GLR 138/76/52, dated the 2nd April, 1976, to come into force at once.

FORM Q-A

(To be submitted in triplicate)

[See Rule 79-C(1)]

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

Date.....

To,

The Secretary to the Government of Assam.

Labour Department

Dispur, Gauhati-781006

Sir,

Under S. 25- of the Industrial Dispute 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 the effect..... 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)

2. Permission is solicited for the proposed closure.

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

Yours faithfully,

.....

ANNEXURE

(Please give replies against each item)

Item No.

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

2. Status of undertaking
 - (i) whether Central Public Sector/State public Sector/foreign majority company/joint sector, etc.,.....

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

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

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

- 4.** Items of manufactures and scheduled industry/industries under which they fall.....
- 5.** Details relating to licensed capacity, installed capacity and the utilised capacity.....
- 6.** (i) Annual production item-wise for preceding three years.....

(ii) Production figures month-wise for the preceding twelve years.
- 7.** Work in progress item-wise and value -wise.....
- 8.** Any arrangement regarding off-loading of sub -contracting of products or any component thereof.....
- 9.** Details of persons or the organisation to whom the job(s) is (are) being entrusted- relationship /interest of the persons/ organisation with the director(s) or the officer(s) of the company.....
- 10.** Position of the order book -item wise and value wise for a period of six months ,and one year next following and for the period after the expiry of the said one year.....
- 11.** Number of working days in a week with the number of shifts per day and strength of workmen per each shifts.....

- 12.** Balance sheet and profit and loss account and audit reports for the last three years.....
- 13.** Financial position of the company.....
- 14.** (i) Names of interconnected company or companies under the same arrangement.....

(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 production.....
- 16.** Administrative, general and selling cost in absolute terms per year the last three years and percentage thereof to the total cost.....
- 17.** Inventory position item-wise and value-wise for the preceding twelve months (inventories to be shown in respect

of finished products components and raw materials to be shown separately item-wise and value-wise).....

- 18.** Selling arrangements for the last three years and any change in the selling arrangements in preceding twelve months.....
- 19.** Full details of the interest of directors and officers of the company in the organisations /persons involved in selling products of the undertaking.....
- 20.** Buying arrangements for raw materials and components.....
- 21.** Interests of directors and officers with the organisations/ persons involved in buying raw material and components for the undertaking.....
- 22.** Annual sales figures for the last three years and months-wise sales figures for the preceding twelve months both item-wise and value-wise.....
- 23.** Reasons for the proposed closure.....
- 24.** Any specific attempts made so far to avoid the closure.....
- 25.** Any other factors with details thereof.....

COMMENTS

Form. Q-A .

This Form was inserted vide Notification No. GLR 138/76/52, dated the 2nd April, 1976 to come into force.

FORM Q-B

[See Rule 79-C (2)]

Form of application for permission to close down an undertaking in cases where at the commencements of the Industrial Disputes (Amendment) Act, 1976 (Act 32 of 1976), the period of notice given under sub-S (1) of S. 25-FFA of intention to close down an undertaking has not expired

(To be submitted in triplicate)

Date.....

To,

The Secretary to the Government of Assam,
Labour Department,
Dispur, Gauhati-781006.

Sir,

I/We have given notice onunder sub-S. (1) of S.25-FFA of our intention to close down an undertaking specified below.....(Name of industrial establishment) (Attested copy of the notice is appended hereto). (Give details of the undertaking).....

2. Period of notice referred to above has not expired.

3. I/We hereby solicit permission to close down the said undertaking under sub-S. (3) of S. 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 workmen in the undertaking to whom sub-S. (7) of the said S.25-O applies will be given notice and paid compensation as specified in S. 25-N 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)

- 1.** Name of Industrial establishment with complete postal address including telegraphs addresses and telephone number:
- 2.** Status of undertaking-
 - (i) whether Central public Sector/State Public Sector/foreign majority company/ joint sector, etc.
 - (ii) if belongs to a large industrial house, please indicate the controlling group; and if a foreign majority company, indicate the extent of foreign holdings.
 - (iii) Whether the undertaking is licensed/registered and if so, name of licensing/registration authority and license/registration certificate numbers.
- 3.** Date of the notice under sub-S.(1) of S. 25-FFA and the date on which the said notice was served on the appropriate Government.
- 4.** The total number and categories of workmen affected by the proposed closure, along with the addresses of the workmen and the details of wages drawn by them.

- 5.** Items manufacture and scheduled industry/ industries under which they fall.
- 6.** Details relating to licensed capacity, installed capacity and the utilised capacity.
- 7.** (i) Annual production item-wise for proceeding three years;

(ii) Production figures month-wise for the proceeding twelve months;
- 8.** Work in progress item-wise and value-wise.
- 9.** Any arrangement regarding off-loading or sub-contracting of products or any component thereof.
- 10.** Details of persons or the organisations to whom the jobs is (are) being entrusted- relationship/interest of the persons/ organisations with the director(s) or the officer(s) of the company.
- 11.** Position of the order book item wise and value wise for a period of six months, and one year, next following and for the period after the expiry of the said one year.
- 12.** Number of working days in a week with the number of shifts per day and the strength of workmen per each shift.

- 13.** Balance-sheets and profit and loss account and audit reports for the last three years.
- 14.** Financial position of the company.
- 15.** (i) Names of any interconnected company of companies under the same management.

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

(ii) Interest of any of the directors /officers of the undertaking producing same or similar type of product.
- 16.** Percentage of wages of workmen to the total cost of production.
- 17.** Administrative, general and selling cost in absolute terms per years for the last three years and percentage thereof to the total cost.
- 18.** Inventory position item-wise and value-wise for the proceeding twelve months (Inventories to be shown in respect of finished products, components and raw material to be shown separately item-wise and value-wise)
- 19.** Selling arrangements for the last three years and any change in the selling arrangement in preceding twelve months.

20. Full details of the interests of the directors and officers of the company on the organisations/ persons involved in selling products of the undertaking.
21. Buying arrangements for raw materials and components.
22. Interests of directors and officers with the organisations/ persons involved in buying raw materials and components for the undertaking.
23. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months, both item-wise and value-wise.
24. Reasons for the proposed closure.
25. Any specific attempts made so far to avoid the closure.
26. Any other relevant factors with details thereof.

COMMENTS

Form Q-B.

This Form was inserted *vide* Notification No. GRL 138/76/52, dated 2nd April, 1976 to come into force at once.

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