

**THE MADHYA PRADESH INDUSTRIAL DISPUTES RULES,  
1957**

## Table of Contents

PRELIMINARY	5
1. Title and Application	5
2. Interpretation	5
PART I	5
PROCEDURE FOR REFERENCE OF INDUSTRIAL DISPUTES TO BOARDS OF CONCILIATION COURTS OF ENQUIRY LABOUR COURTS OR INDUSTRIAL TRIBUNALS	5
3. Application	5
4. Attestation of Application	6
5. Notification of appointment of Board Court Labour Court or Tribunal	6
6. Notice to parties to nominate representatives	6
7. Arbitration Agreement	6
PART II ARBITRATION AGREEMENT	6
8. Attestation of the Arbitration Agreement	7
8A. <sup>3</sup> [Notification regarding arbitration agreement by majority of each party	7
PART III	7
POWERS PROCEDURE AND DUTIES OF CONCILIATION OFFICERS BOARDS COURTS LABOUR COURTS TRIBUNAL AND ARBITRATORS	7
9. Conciliation proceedings in public utility service	7
10. Conciliation proceedings in non-public utility service	7
10A. <sup>4</sup> [Parties to submit statements	8
10B. Proceedings before the Labour Court or Tribunal	8
13. Place and time of hearing	9
14. Quorum for Board and Courts	9
15. Evidence	10
16. Administration of oath	10
17. Summons	10
18. Service of summons or notice	10
19. Description of parties in certain cases	10
20. Manner of service in the case of numerous persons as parties to a Dispute	10
21. Procedure at the first sitting	11
22. Board Court Labour Court Tribunal or Arbitrator may proceed ex parte	11
23. Power of entry and inspection	11
24. Powers of Boards Courts Labour Courts and Tribunals	11
25. Assessors	11

25A. Acknowledgment and publication of report and awards	11
25B. Copies of awards	12
26. Fees for copies of awards or other documents of Labour Court or Tribunal	12
27. Decision by majority	13
28. Correction of errors	13
29. Right of representatives	13
30. Proceedings before a Board Court Labour Court or Tribunal	13
PART IV	13
REMUNERATION OF CHAIRMAN AND MEMBERS OF COURTS PRESIDING OFFICERS OF LABOUR COURTS AND TRIBUNALS ASSESSORS AND WITNESSES	13
31. Travelling Allowance	13
32. Fees	13
33. Expenses of witnesses	13
34. Notice of Change	14
PART V NOTICE OF CHANGE	14
35. Manner of service of notice of change	14
PART VI REPRESENTATION OF PARTIES	14
36. Form of authority under section 36	14
37. Parties bound by acts of representative	14
PART VII WORKS COMMITTEE	14
38. Constitution	14
39. Number of members	15
40. Representatives of employer	15
41. Consultation with trade unions	15
42. Groups of workmen's representatives	15
43. Electoral constituencies	16
44. Qualification of candidates for election	16
45. Qualifications for voters	16
46. Procedure for election	16
47. Nomination of candidates for election	16
48. Scrutiny of nomination Papers	17
49. Voting in election	17
50. Arrangements for election	17
51. Officers of the Committee	17
52. Term of office	18
53. Vacancies	18

54.	Power to co-opt	18
55.	Meetings	18
56.	Facilities for meeting etc.	18
57.	Dissolution of Works Committee	18
	PART VIII MISCELLANEOUS	19
58.	Memorandum of settlement	19
59.	Complaints regarding change of conditions of service etc.	19
60.	Application under section 33	20
61.	Protected workmen	20
62.	<sup>10</sup> [Application for recovery of dues	21
63.	Appointment of Commissioner	21
64.	Fees for the Commissioner etc.	21
65.	Time for submission of report	22
66.	Local Investigation	22
67.	Commissioner's report	22
68.	Powers of Commissioner	22
69.	Summoning of witnesses etc.	23
70.	Representation of parties before the Commissioner	23
71.	Notice of strike	23
72.	Notice of lock-out	23
73.	Report of Lock-out or strike	23
74.	Report of notice of strike or lock-out	23
75.	Register of settlements	24
75A.	<sup>12</sup> [Notice of lay-off	24
75B.	<sup>13</sup> [Application for permission to lay off under section 25M	24
76.	<sup>14</sup> [Notice of retrenchment	25
76A.	Notice of and application for permission for retrenchment	25
76B.	Notice of and application for permission to close down an undertaking	26
76C.	Notice of and application for permission for closure	26
77.	Maintenance of seniority list of workmen	26
78.	Re-employment of retrenched workmen	27
79.	Penalties	27
80.	Repeal	27

## THE MADHYA PRADESH INDUSTRIAL DISPUTES RULES, 1957

### PRELIMINARY

#### 1. Title and Application

- (1) These Rules may be called the Madhya Pradesh Industrial Disputes Rules, 1957.
- (2) They shall extend to the whole of Madhya Pradesh in relation to all such industrial disputes as are not governed by the Industrial Disputes (Central) Rules, 1956.
- (3) They shall come into force at once.

#### 2. Interpretation

In these rules, unless there is anything repugnant in the subject or context:

- (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 subsection (1) of section 3 of the Act;
- (d) 'Form' means a form in the Schedule to these Rules;
- (e) 'Conciliation Officer' means the Conciliation Officer appointed by the State Government for the locality, or the industry, as the case may be;
- (f) 'Labour Commissioner' means the Labour Commissioner of Madhya Pradesh appointed by the State Government;
- (g) 'Section' means a section of the Act;
- (h) 'Assistant Labour Commissioner' means the Assistant Labour Commissioner appointed by the State Government for the Division concerned and also includes an Assistant Labour Commissioner appointed for the purposes of these Rules;
- (i) With reference to clause (g) of section 2 it is hereby prescribed that in relation to an industry carried on by or under the authority of a department of the State Government, the officer-in-charge of the industrial establishment shall be the 'employer' in respect of that establishment.

### PART I

#### PROCEDURE FOR REFERENCE OF INDUSTRIAL DISPUTES TO BOARDS OF CONCILIATION COURTS OF ENQUIRY LABOUR COURTS OR INDUSTRIAL TRIBUNALS

#### 3. Application

An application under sub-section (2) of section 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 Madhya Pradesh in the Department of Labour. The application shall be accompanied by a statement setting forth,

- (a) the parties to the dispute;

- (b) the specific matters in dispute;
- (c) the total number of workmen employed in the undertaking affected;
- (d) an estimate of the number of workmen affected or likely to be affected by the dispute; and
- (e) the efforts made by the parties themselves to adjust the dispute.

#### **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 trade union of the workmen, or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.

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

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

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

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

## **PART II**

### **ARBITRATION AGREEMENT**

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

An arbitration agreement for the reference of an industrial dispute to an arbitrator or arbitrators shall be made in Form C and shall be delivered personally or forwarded by registered post <sup>1</sup>[to the Secretary to the Government of Madhya Pradesh in the Labour Department (in triplicate)], the Labour commissioner and the Conciliation Officer

concerned. The agreement shall accompanied by the consent, in writing, of the arbitrator or arbitrators.

#### **8. Attestation of the Arbitration Agreement**

The arbitration agreement shall be signed,

- (a) in the case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager, or other principal officer of the Corporation;
- (b) <sup>2</sup>[in the case of workmen, by any officer of a trade union of the workmen or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen duly held for the purpose.

Explanation- In this rule 'officer' means any of the following officers, namely:

- (a) the President;
- (b) the Vice-President;
- (c) the Secretary (including the General Secretary);
- (d) a Joint Secretary;
- (e) any other officer of the trade union authorised in this behalf by the President or Secretary of the Union.]

#### **8A. <sup>3</sup>[Notification regarding arbitration agreement by majority of each party**

Where an industrial dispute has been referred to arbitration and the State Government is satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette for the information of the employees and workmen who are not parties to the arbitration agreement but are concerned in the dispute.]

### **PART III**

#### **POWERS PROCEDURE AND DUTIES OF CONCILIATION OFFICERS BOARDS COURTS LABOUR COURTS TRIBUNAL AND ARBITRATORS**

#### **9. Conciliation proceedings in public utility service**

The Conciliation Officer, on receipt of a notice of strike or lock-out given under rule 71 or rule 72, shall forthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.

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

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

**10A. <sup>4</sup>[Parties to submit statements**

- (1) The party representing, workmen involved in an industrial dispute in a public utility service shall forward a statement of its demands along with a copy of the notice prescribed under rule 71 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 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-rule (1) or sub-rule (2) shall be transmitted to the State Government by the Conciliation Officer concerned with his report under subsection (4) of section 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 disputes, with as many spare copies thereof as there are opposite parties.
- (5) The statement referred to in sub-rules (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.

**10B. Proceedings before the Labour Court or Tribunal**

- (1) Where the State Government refers any case for adjudication to a Labour Court or Tribunal, it shall send to the Labour Court or Tribunal concerned and to the opposite party concerned in the industrial dispute, a copy of every such order or reference together with a copy of the statement received by it under sub-rule (3) or sub-rule (4) of rule 10-A.
- (2) Within two weeks of the receipt of the statement referred to in sub-rule (1) the opposite party shall file its rejoinder with the Labour Court, or Tribunal as the case may be, and simultaneously forward a copy thereof to the other party:  

Provided that such rejoinder shall relate only to such of the issues as are included in the order of reference:

Provided further that where the Labour Court or Tribunal, as the case may be, considers it necessary, it may extend the time-limit for the filing of rejoinder by any party.
- (3) The Labour Court, or Tribunal as the case may be, shall ordinarily fixed the date 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 any adjournment for 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 or more than three adjournments at the instance of any one of the parties to the dispute.]

(6) <sup>5</sup>[The Labour Court or Tribunal, as the Case may be, shall, as the examination of each witness proceeds, make a memorandum of the substance of what he deposes and such memorandum shall be written and signed by the Presiding Officer:

Provided that the Labour Court or Tribunal, as the case may be, may follow the procedure laid down in rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure 1908, if it considers necessary so to do, in view of the nature of the particular industrial disputes pending before it.]

#### **11.**

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

#### **12.**

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

#### **13. Place and time of hearing**

<sup>6</sup>[Subject to the provisions contained in rules 10-A and 10-B the sifting of a Board, Court, Labour Court or Tribunal or of an Arbitrator] shall be held at such times and places as the Chairman or the Presiding Officer or the Arbitrator, as the case may be, may fix and the Chairman, Presiding Officer or Arbitrator, as the case may be, shall inform the parties of the same in such manner as he thinks fit.

#### **14. Quorum for Board and Courts**

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

	Quorum
(i) in the case of a Board where the number of members is 3	2
Where the number of members is 5	3
(ii) in case of a Court where the number of members is not more than 2	1
where the number of members is more than 2 but less than 5	2
where the number of members is 5 or more	3

**15. Evidence**

A Board, Court, Labour Court or Tribunal or an Arbitrator may accept, admit or call for evidence at any stage of the proceedings before it/111n and in such manner as it/he may think fit.

**16. Administration of oath**

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

**17. Summons**

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

**18. Service of summons or notice**

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

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

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

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

- (1) Where there are numerous persons as parties to any proceedings before a Board, Court, Labour Court or Tribunal or an Arbitrator and such persons are members of any trade union or association, the service of notice on the Secretary or where there is no Secretary, on the principal officer, of the trade union or association shall he deemed to be service on such persons.
- (2) Where there are numerous persons as parties to any proceeding before a Board, Court, Labour Court or Tribunal or an Arbitrator and such persons are not members of any trade union or association, the Board, Court, Labour Court, Tribunal or Arbitrator, as the case may be, shall, where personal service is not practicable, cause the service of any notice to be made by affixing the same at or near the main entrance of the establishment concerned.

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

**21. Procedure at the first 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 lie may think fit to state their case.

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

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

**23. Power of entry and inspection**

A Board, or Court, or any Member thereof, or a Conciliation Officer, a Labour Court or Tribunal, or any person authorised in writing by the Board, Court, Labour Court or Tribunal in this behalf may for the purposes of any conciliation, investigation enquiry or adjudication 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 writing by a Board, Court, Labour Court or Tribunal after he has given reasonable notice, enter any building, factory, workshop, premises whatsoever, and inspect the same or an. work, machinery, appliances or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject-matter of the conciliation, investigation, enquiry or adjudication.

**24. Powers 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 civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters namely:

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

and the Board, Court, Labour Court or Tribunal may summon and examine any person whose evidence appears to it to be material and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

**25. Assessors**

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

**25A. Acknowledgment and publication of report and awards**

- (1) The date of receipt of every report of a Board or Court or every arbitration award of a Labour Court or Tribunal shall be acknowledged by the State Government or

an officer authorised by it in this behalf, (hereinafter referred to as the authorised officer).

- (2) Within thirty days of the date of receipt of the report or award by the State Government or an authorised officer, the Board, Labour Court or Tribunal shall publish the report or award, as the case may be, by pronouncing the same in open Court and also by exhibiting it on a notice board or table at its office, specified for the purpose:

Provided that the Board, Labour Court or Tribunal shall send prior intimation in writing to all the parties concerned in the disputes and to the State Government or an authorised officer, as the case may be about the date of pronouncement report or award concerned.

- (3) The State Government in or an authorised officer, as the case may be, where it or he considers it necessary so to do may also arrange to notify the report or award in the Official Gazette.]

### **25B. Copies of awards**

A copy of every arbitration award or award of a Labour Court, or Tribunal shall. be sent to the Labour Commissioner and the concerning Labour Officer appointed under the Madhya Pradesh Industrial Relation Act, 1960].

### **26. Fees for copies of awards or other documents of Labour Court or Tribunal**

- (1) Fees for making a copy of an award or an order of a Labour Court or Tribunal or any document filed in any proceedings before a Labour Court or Tribunal be charged as follows:

- (a) for the first 200 words or less-75 Naya Paisa,  
 (b) for every additional 100 words or fraction thereof-37 Naya Paisa:

Provided that where an award or order or document exceeds five pages, the approximate number of words per page shall be taken as the basis for calculating the total number of words, to the nearest hundred, for the purpose of assessing the copying fee.

- (2) For certifying a copy of any such award or order or document, a fee of Re. 1 shall be payable.
- (3) Copying and certifying fees shall be payable in cash in advance.
- (4) Where a party applies for immediate delivery of a copy of any such award or order or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable.
- (5) The fee for the inspection of documents referred to in sub-rule (1) of rule 26 shall be the same as prescribed for the Court of the District Judge in the State.
- (6) <sup>7</sup>[An Arbitrator, a Labour Court, the Industrial Tribunal or a Board may supply a certified copy of an order or an award at a flat rate of Re. 1 / (Rupee one) to a law reporter by the Industrial Tribunal if such order or award is found reportable and a request for the supply of its copy has been made by such law reporter].

**27. Decision by majority**

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

**28. Correction of errors**

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

**29. Right of representatives**

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

**30. Proceedings before a Board Court Labour Court or Tribunal**

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

**PART IV****REMUNERATION OF CHAIRMAN AND MEMBERS OF COURTS PRESIDING OFFICERS OF LABOUR COURTS AND TRIBUNALS ASSESSORS AND WITNESSES****31. Travelling Allowance**

The Chairman or a member of a Board or Court, or the Presiding Officer or an Assessor of a Labour Court or Tribunal, if nonofficial, shall be entitled to draw travelling allowance and halting allowance, for any journey performed by him in connection with the performance of his duties, at the rates admissible and subject to the conditions applicable to a Government servant of the first grade under the Supplementary Rules issued by the State Government from time to time. His pay for the purpose would be considered to be Rs.750 per month unless otherwise specified by Government in any case.

**32. Fees**

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

**33. Expenses of witnesses**

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

**PART V**  
**NOTICE OF CHANGE**

**34. Notice of Change**

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

**35. Manner of service of notice of change**

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

Provided that if the secretary or the principal officer refuses to receive the notice or that for any other reason the notice cannot be served on the secretary or the principal officer in the ordinary way, the exhibition of the notice in the manner specified in sub-rule (2) shall be deemed to be service on all such workmen.

(2) Where there are numerous workmen affected by a notice of change and the majority of such workmen are not members of any trade union or association the employer shall, where personal service is not practicable cause the service of any such notice to be made by affixing the same to a notice board at or near the entrance or entrances of the establishment concerned and the notice shall remain so affixed for a period of twenty-one-days. The notice shall be in Hindi.

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

**PART VI**  
**REPRESENTATION OF PARTIES**

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

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

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

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

**PART VII**  
**WORKS COMMITTEE**

**38. Constitution**

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

**39. Number of members**

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

Provided that the total number of members shall not exceed twenty Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

**40. Representatives of employer**

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

**41. Consultation with trade unions**

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

**42. Groups of workmen's representatives**

On receipt of the information, called for under rule 41, the employer shall provide for the election of workmen's representatives on the Committee in two groups,

- (1) those to be elected by the workmen of the establishment who are members of the registered trade union or unions; and
- (2) those to be elected by the workmen of the establishment who are not members of the registered trade union or unions, bearing the same proportion to each other as the union members in the establishment bear to the non-members:

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

Provided further that where a registered trade union neglects or fails to furnish the information called for under sub-rule (1) of rule 41 within one month of the date of the notice requiring it to furnish such information such union shall for the purpose of this rule be treated as if it did not exist:

Provided further that where any reference has been made by the employer under sub-rule (2) of rule 41, the election shall be held on receipt of the decision of the Conciliation Officer.

**43. Electoral constituencies**

Where under rule 42 the workmen's representatives are to be elected in two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of a registered trade union and the other of those who are not:

Provided that the employer may, if he thinks fit, sub-divide the two electoral constituencies and direct that workmen shall vote in either by groups, sections, shops or departments.

**44. Qualification of candidates for election**

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

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

**45. Qualifications for voters**

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

**46. Procedure for election**

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

**47. Nomination of candidates for election**

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



**48. Scrutiny of nomination Papers**

- (1) On the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those which are not valid shall be rejected.
- (2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid, if,
  - (a) the candidate nominated is ineligible for membership under rule 44, or
  - (b) the requirements of rule 47 have not been complied with:

Provided that where a candidate or an attesting person is unable to be present at the time of scrutiny, he may send a duly authorised nominee for the purpose.

**49. Voting in election**

- (1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidate 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 union such of them as the union may nominate shall be associated with the election.
- (5) Every workman entitled to vote at an electoral constituency shall have as many votes as there are seats to be filled in the constituency:

Provided that each voter shall be entitled to cast only one vote in favour of any one candidate.

**50. Arrangements for election**

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

**51. Officers of the Committee**

- (1) The Committee shall have among its office bearers a Chairman, 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 is elected from amongst the representatives of the employers, the Vice-Chairman shall be elected from amongst the representatives of workmen and vice versa:

Provided further that the post of the Chairman or the Vice-Chairman, as the case, may be, shall not be held by a representative of the employer or the workmen, for two consecutive terms.

- (3) The Committee shall elect the Secretary and the Joint Secretary:

Provided that where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the workmen and vice versa:

Provided further that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the employer or the workmen for two consecutive years.

## **52. Term of office**

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

## **53. Vacancies**

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

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

The Committee shall have the right to co-opt in a consultative capacity persons employed in the establishment having particular or special knowledge 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.

## **55. Meetings**

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

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

The employer shall provide accommodation for holding meetings of the Committee. He shall 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.

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

The State Government or where the power under section 3 has been delegated to any officer or authority under section 39, such officer or authority may, after making such

inquiry as it or he may 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**

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

- (1) A settlement arrived at in the course of conciliation proceedings or otherwise, shall be in Form H.
- (2) The settlement shall be signed by,
  - (a) in the case of an employer, by the employer himself, or by his authorised agent, or when the employer is an incorporated Company or other body corporate, by the agent, manager or other principal officer of the corporation;
  - (b) in the case of workmen, either by <sup>8</sup>[the President or Secretary] of a trade union of workmen, or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.
- (3) Where a settlement is arrived at in the course of conciliation proceeding, the Conciliation Officer shall send report thereof to the State Government <sup>9</sup>[or an officer authorised in this behalf by 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 proceeding before a Board or Conciliation Officer, the parties to the settlement shall jointly send a copy thereof to the State Government, the Labour Commissioner and the Conciliation Officer concerned.

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

- (1) Every complaint under section 33-A of the Act shall be presented in triplicate in Form I and shall be accompanied by as many copies of the complaint as there are opposite parties to the complaint.
- (2) Every complaint under sub-rule (1) shall be verified at the foot by the workmen making it or by some other person proved to the satisfaction of the Labour Court or Tribunal to be acquainted with the facts of the case.
- (3) The person verifying shall specify, by reference to the numbered paragraphs of the complaint, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

- (4) The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

**60. Application under section 33**

- (1) An employer intending to obtain the express permission in writing of the Conciliation Officer, Board, Labour Court or Tribunal as the case may be, under sub-section (1) or sub-section (3) of section 33 present an application in Form 1 in triplicate to such Conciliation Officer, Board, Labour Court or Tribunal and shall file along with the application as many copies thereof as there are opposite parties.
- (2) An employer seeking the approval of the Conciliation Officer, Board, Labour Court or Tribunal, as the case may be, of any action taken by him under clause (a) or clause (b) of sub-section (2) of section 33 shall present an application in Form 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-rule (1) or sub-rule (2) shall be verified at the loot by the employer making it or by some other person proved to the satisfaction of the Conciliation Officer, Board, Labour Court or Tribunal to be acquainted with the facts of the case.
- (4) The person verifying shall specify by reference to the numbered paragraphs of the application, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.
- (5) The verification shall be signed by the person making it and shall state the date on which and the place at which it was verified.

**61. Protected workmen**

- (1) Every registered trade union connected with an industrial establishment, to which the Act applies, shall communicate to the employer before the 30th September every year, the names and addresses of such of the officers of the union who are employed in the establishment and who, in the opinion of the union, should be recognised as 'protected workmen'. Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.
- (2) The employer shall, subject to section 33, sub-section (4), recognise such workmen to be 'protected workmen' for the purposes of sub-section (3) of the said section and communicate to the union, in writing, within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workmen recognised as protected workmen, and shall forward a copy of the said communication to the Conciliation Officer concerned.
- (3) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workmen, admissible for the establishment, under section 33, sub-section (4), the employer shall recognise as protected workmen only such maximum number of workmen:

Provided that where there is more than one registered trade union in the establishment, the maximum number shall be so distributed by the employer among the union that the numbers of recognised protected workmen in individual

unions bear roughly the same proportion to one another as the membership figure of the unions. The employer shall in that case intimate in writing to the President or the Secretary of the union the number or protected workmen allotted to it:

Provided further that where the number of protected workmen allotted to a union under this sub-rule, falls short of the number of officers of the union seeking protection, the union shall be entitled to select the officers to be recognised as protected workmen. Such selection shall be made by the union and communicated to the employer within five days of the receipt of the employer's letter.

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

## **62. <sup>10</sup>[Application for recovery of dues**

- (1) 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, 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.
- (2) Where any workman or a group of workmen is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money, the workman or the group of workmen as the case may be, may apply to the specified Labour Court in Form K-3 for the determination of the amount due or, as the case may be, the amount at which such benefit should be computed.]

## **63. Appointment of Commissioner**

Where it is necessary to appoint a Commissioner under sub-section (3) of section 33-C of the Act, the Labour Court may appoint a person with experience in the particular industry, trade or business involved in the industrial dispute or a person with experience as a judge of a Civil Court, or as a stipendiary magistrate or as a Registrar or Secretary of a Labour Court, or Tribunal constituted under any Provincial Act or State Act or of a Labour Court, or Tribunal constituted under the Act or of a Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950.

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

- (1) The Labour Court shall, after consultation with the parties, estimate the probable duration of the enquiry and fix the amount of the Commissioner's fees and other incidental expenses and direct the payment thereof, into the nearest treasury, within a specified time, by such party or parties and in such proportion as it may consider fit. The Commission shall not issue until satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Labour Court:

Provided that the Labour Court may from time to time direct that any further sum or sums be deposited into the treasury within such time and by such parties as it may consider fit:

Provided further that the Labour Court may in its discretion, extend the time for depositing the sum into the treasury.

- (2) The Labour Court may, at any time, for reasons to be recorded in writing, vary the amount of the Commissioner's fees in consultation with the parties.
- (3) The Labour Court may direct that the fees shall be disbursed to the Commissioner in such instalments and on such dates as it may consider fit.
- (4) The undisbursed balance, if any, of the sum deposited shall be refunded to the party or parties who deposited the sum in the same proportion as that in which it was deposited.

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

- (1) Every order for the issue of a Commission shall appoint a date, allowing sufficient time, for the Commissioner to submit his report.
- (2) If for any reason the Commissioner 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 grounds into consideration in passing order on the application:

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

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

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

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

- (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 by the Labour Court or, with the permission of the Labour Court, shall be evidence in the industrial dispute and shall form part of the record of the proceedings in the industrial dispute and any of the parties to the industrial dispute may examine the Commissioner personally before the Labour Court regarding any of the matters referred to him or mentioned in his report or as to his report, or as to the manner in which he has made the investigation.
- (3) Where the Labour Court is for any reason dissatisfied with the proceedings of the Commissioner it may direct such further inquiry to be made as it shall think fit.

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

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

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

**69. Summoning of witnesses etc.**

- (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 the person required to give evidence or to reproduce documents before the Commissioner under these Rules.
- (2) Every person who is summoned and appears as a witness before the Commissioner shall be entitled to payment by the Labour Court out of the sum deposited under rule 64, of an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing in the Civil Courts.

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

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

**71. Notice of strike**

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

**72. Notice of lock-out**

The notice of lock-out to be given by an employer carrying on a public utility service shall be in Form M. <sup>11</sup>[The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment in the Manager's office:

Provided that where a trade union exists, a copy of the notice shall also be served on the Secretary of the Union.]

**73. Report of Lock-out or strike**

The report of lock-out or strike in a public utility service to be submitted by the employer under sub-section (3) of section 22, shall be in Form N.

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

The report of notice of a strike or lock-out to be submitted by the employer under sub-section (6) of section 22 shall be sent by registered post or given personally to the Conciliation Officer appointed for the local area concerned with copy by registered post to:

- (1) The Labour Commissioner;

- (2) The Secretary to the Government of Madhya Pradesh in the Labour Department; and
- (3) The District Magistrate concerned.

**75. Register of settlements**

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

**75A. <sup>12</sup>[Notice of lay-off]**

- (1) If any workman employed in an industrial establishment as defined in the Explanation below section 25-A (not being an industrial establishment referred to in sub-section (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 O-2 respectively within seven days of such commencement or termination, as the case may be.

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 Section 25-C]

**75B. <sup>13</sup>[Application for permission to lay off under section 25M]**

- (1) Application for permission to lay-off any workman under sub-section (1) or for permission to continue a lay-off under sub-section (2) of section 25-M shall be made in Form O-3 and delivered to the authority specified under sub-section (1) either personally or by registered post acknowledgment due and where the application is sent by registered post the date on which the same was delivered to the said authority shall be deemed to be the date on which the application was made, for the purposes of sub-section (4) of the said section.
- (2) The application for permission shall be made in triplicate and sufficient number of copies of the application for service on the workmen concerned shall also be submitted along with the application.
- (3) The employer concerned, shall furnish to the authority to whom the application for permission has been made such further information as the authority considers necessary for arriving at a decision on the application as and when called for by such authority so as to enable the authority to communicate the permission or refusal to grant permission within the period specified in subsection (4) of section 25-M.
- (4) Where the permission to lay-off has been granted by the said Authority, the employer concerned shall give to the Assistant Labour Commissioner concerned a notice of commencement and termination of such lay-off in Form O-1 and O-2, respectively, and where permission to continue a lay-off has been granted by the said authority, the employer shall give to the Assistant Labour Commissioner concerned, a notice of commencement of such lay-off in Form O-1 in case such a notice has not already been given under sub-rule (1) of rule 75-A and a notice of termination of such lay-off in Form O-2.



- (5) The notice of commencement and termination of lay-off referred to in sub-rule (4) shall be given within the period specified in sub-rule (1) or rule 75-A.]

**76. <sup>14</sup>[Notice of retrenchment**

If any employer desires to retrench any workman employed in his industrial establishment who has been in continuous service for not less than one year under him (hereinafter referred to as 'Workman in this rule and in rule 77 and 78), he shall give notice of such retrenchment as in Form 'P' to the State Government, the Labour Commissioner, the Assistant Labour Commissioner of the concerned Division and the Employment Exchange concerned and such notice shall be served on the Government, the Labour Commissioner, the Assistant Labour Commissioner, and the Employment Exchange concerned by registered post in the following manner:

- (a) where notice is given to the workman, notice of retrenchment shall be sent within three days from the date on which notice is given to the workman:
- (b) where no notice is given to the workman and he is paid one month's wages in lieu thereof, notice of retrenchment shall be sent within three days from the date on which such wages are paid; and
- (c) where retrenchment is carried out under an agreement which specified date for the termination of service, notice of retrenchment shall be sent so as to reach the State Government, the Labour Commissioner of the Division and the Employment Exchange concerned, at least one month before such date:

Provided that if the date of termination of service agreed upon is within 30 days of the agreement, the notice of retrenchment shall be sent to the State Government, the Labour Commissioner, the Assistant Labour Commissioner and the Employment Exchange concerned within 3 days of the agreement.

**76A. Notice of and application for permission for retrenchment**

- (1) Notice under clause (c) of sub-section (1) of section 25-N for retrenchment shall be served in Form P-A and served on the State Government or such authority as may be specified by that Government under the said clause either personally or by registered post acknowledgment due and where the notice is served by registered post, the date on which the same was delivered to the State Government or the authority shall be deemed to be the date of service of the notice for the purpose of sub-section (3) of the said section.
- (2) Application for permission for retrenchment under sub-section (4) of section 25-N shall be made in Form P-B with attested copy of the notice given by the employer under clause (a) of section 25-F appended thereto and delivered to the State Government or to such authority as may be specified by that Government either personally or by registered post acknowledgment due and where the application is sent by registered post the date on which the same was delivered to the State Government or the authority shall be deemed to be the date on which the application was made for the purposes of sub-section (5) of the said section.
- (3) The notice or, as the case may be, the application shall be served or made in triplicate and sufficient number of copies of the application for service on the

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

**76B. Notice of and application for permission to close down an undertaking**

He shall give notice of such closure in Form Q to the state Government, the Labour Commissioner, the Assistant Labour Commissioner of the Division and the Employment Exchange concerned, by registered posts.

**76C. Notice of and application for permission for closure**

- (1) Notice under sub-section (1) of section 25-O of intended closure shall be given in Form Q-A and served on the State Government either personally or by registered post acknowledgment due.
- (2) Application for permission to close down an undertaking, under sub-section (3) of section 25-O shall be made in Form Q-B with attested Copy of the notice served by the employer under sub-section (1) of section 25-FFA appended thereto and delivered to the State Government either personally or by registered post acknowledgment chic and where the application is sent by registered post the date on which the same was delivered to the State Government shall be deemed to be the date on which the application was made for the purposes of sub-section (4) of the said section.
- (3) The notice, or as the case may be, the application shall be made in triplicate.
- (4) The employer concerned shall furnish to the State Government to whom the notice of intended closure has been given or the application for permission to close down has been made such further information as that Government considers necessary for arriving at a decision on the notice, or, as the case may be, the application and calls for from such employers.]

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

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

## 78. Re-employment of retrenched workmen

- (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 by registered post to every one of all the retrenched workmen eligible to be considered therefor, to the addresses 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 senior-most in the list referred to in rule 77 the number of such senior most workmen being double the number of such vacancies:

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

[Provided also that if a retrenched workman, without sufficient cause being shown in writing, to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule or within 7 days thereafter, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.]

- (2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:

Provided that the provisions of this sub-rule need not be complied with by the employer in any case where intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.

## 79. Penalties

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

## 80. Repeal

All the Rules under the Industrial Disputes Act, 1947 (No. 14 of 1947) in operation in the Mahakoshal, Madhya Bharat, Vindhya Pradesh, Bhopal and Sironj regions on the date of publication of these Rules are hereby repealed:

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

<sup>1</sup> Substituted by Notification No. 7014-5052-XVI dated 5-10-1961. Published in M.P. Rajpatra Part IV (Ga) dated 3-11-1961 Page 927. See MPLT 1961 Part II [134] Pam 189.

<sup>2</sup> Substituted by Notification No. 7014-5052-XVI dated 5-10-1961. Published in M.P. Rajpatra Part IV (Ga) dated 3-11-1961 Page 927. See MPLT 1961 Part II [134] Page 189.

<sup>3</sup> Inserted by Notification No. 6639-6679-XV I dated 21-12-1966. Published in M.P. Rajpatra Part IV (Ga) dated 22-9-1967 Page 651. See MPLT 1967 Part II [298] Page 361.

<sup>4</sup> Inserted by Notification No. 12-XVI dated 16-1-1959. Published in M.P. Rajpatra dated 23-1-1959.

<sup>5</sup> Inserted by Notification No. 7014-5052-XVI dated 5-10-1961. Published in M.P. Rajpatra Part IV (Ga) dated 3-11-1961 Page 927. See MPLT 1961 Part II [134] Page 189.

<sup>6</sup> Subs. by Notification No. 12-XVI dated 16-1-1959. Published in M.P. Rajpatra dated 23-1-1959.

<sup>7</sup> Inserted by Notification No. 2635-3769-XVI dated 19-05-1973. Published in M.P. Rajpatra Part IV (Ga) dated 14-6-1973 Page 676. See MPLT 1973 Part II [291] Page 382.

<sup>8</sup> Substituted by Notification No. 7014-5052-XVI dated 5-10-1961. Published in M.P. Rajpatra dated 3-11-1961 Page 927. See MPLT 1961 Part II [134] Page 189.

<sup>9</sup> Inserted by a Notification No. 4595-3684-XVI dated 27-8-1971. Published in M.P Rajpatra, Part IV (Ga) dated 3-9- 1971 Page 479. See MPLT 1971 Part II [280] Page 261.

<sup>10</sup> Substituted by Notification No. 6639-6679-XVI dated 21-12-1966. Published in M.P Raipatra Part IV (Ga) dated 22-9-1967 Page 651. See MPLT 1967 Part II [298] Page 361.

<sup>11</sup> Added by Notification No. 9338-1546-XVI-60 dated 18-12-1962. Published in M.P. Rajpatra Part IV (Ga) dated 25-1-1963, Page 47. See MPLT 1963 Part II [17] Page 89.

<sup>12</sup> Inserted by Notification No. 9335-5023-XVI-60 dated 19-12-1962. Published in M.P. Rajpatra Part IV (Ga) dated 25-1-1963 Page 47. See MPLT 1963 Part II [18] Page 89.

<sup>13</sup> Inserted by Notification No. 4(c)-10-76-Lab-XVI dated 13-1-1978. Published in M.P Rajpatra Part IV (Ga) dated 21-4-1978 Page 149. See MPLT 1978 Part II [82] Page 82.

<sup>14</sup> Substituted by Notification No. 4(c)-10-76-Lab-XVI dated 13-1-1978. Published in M.P Rajpatra Part IV (Ga) dated 21-4-1978 Page 149. See MPLT 1978 Part II [82] Page 82.