

THE ASSAM INDUSTRIAL DISPUTES RULES, 1958

ARRANGEMENT OF RULES

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THE ASSAM INDUSTRIAL DISPUTES RULES, 1958*

The 31st December, 1959
27th January, 1960

No. GLR. 176/58.— *In exercise of the powers conferred by Section 8 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor of Assam is pleased hereby to make the following rules, the same having been previously published as required by sub-section (1) of the said section, namely—*

PRELIMINARY

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 of Court or, if the Court consists of one person only, such person;
- (c) “Committee” means a Works Committee constituted under sub-section (1) of Section 3 of the Act;
- (d) “Form” means a form in the Schedule to these rules;
- (e) “Section” means a section of the Act;
- (f) “State Government” means the State Government of Assam;
- (g) All other words and expressions used herein and defined shall have the meaning respectively assigned to them under the Act.

PART - I

PROCEDURE FOR REFERENCE OF INDUSTRIAL DISPUTES TO BOARDS OF CONCILIATION, COURTS OF ENQUIRY, LABOUR COURTS, 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 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 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 effort 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, Tribunal together with names of persons constituting the Board, Court, Labour Court and 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 person to represent them on 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 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

*. Published in the Assam *Gazette* Part IIA, dated 3rd February, 1960.

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

["7A. Notification regarding arbitration agreement by majority of each party.- Where an Industrial Dispute is agreed to be referred for arbitration and the State Government is also satisfied that the person making the arbitration agreement represent the majority of each party, it shall publish a notification in this behalf in the *Official Gazette* for the information of the employers and workmen who are not parties to the arbitration agreement but are concerned in the dispute."]¹

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

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

(b) in the case of workmen, either by the President and Secretary of a trade union of the workmen or by five representatives of the workmen 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 Rule 74 or Rule 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 in 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, with effect from such date as may be specified therein.

11. 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 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-rule (1) or sub-rule (2) shall be transmitted to the State Government and the Labour Commissioner, Assam, by the Conciliation Officer, concerned together with his report under sub-section (4) of Section 12.

1. Inserted "Rule 7A" *vide* Notification No. GLR.175/69/2, *See* A.G. Part IIA, dated 7th January, 1970.

(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 as 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.

(6) The Conciliation Officer may ask for comments on the statement referred to in sub-rules 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-rule (4) of Rule 11.

(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 for reference :

Provided further that where the Labour Court or Tribunal as the case may be, considered it necessary, may extend the time-limit for the filling 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.

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 proceedings expeditiously and in such manner as he may deem fit.

15. Place and time of hearing- Subject to the provisions contained in Rule 12, the sitting of a Board, Court, Labour Court or Tribunal 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-

	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 the case of a Court -	
where the number of members is not more than 2...	1
where the number of members is more than.....	2
but less than 5	2
where the number of members is 5 or more	3

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

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

the Board, Court, Labour Court and Tribunal thinks necessary for the purposes of such investigation or adjudication.

20. Service of summons or notice— Subject to the provisions contained in Rule 22, any notice, summons, process or order issued by a Board, Court, Labour Court and 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, 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.

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, Tribunal or an arbitrator and such persons are members of any trade union or association, the service of notice on the Secretary, or where there is no Secretary, on the principal officer of the trade union or association shall be deemed to be service on such persons.

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

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

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, Tribunal or Arbitrator may proceed ex-parte— If without sufficient causes being shown, any 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.

25. Power of entry and inspection— A Board, or Court, or any member thereof, or a Conciliation Officer, a Labour Court, Tribunal or any person authorised in writing by the Board, Court, Labour Court, 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 in writing by a Board, Court, Labour Court, or Tribunal after he has given reasonable notice, enter any building, factory workshop, or other place or premises whatsoever, and inspect the same or any work machinery, appliance or article, therein or interrogate any 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 on affidavit,

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

27. All books, papers and other documents or things produced before a Board, Court, Labour Court or Tribunal whether voluntarily or in pursuance of a summon 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 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.

29. Copies of awards or other documents of Labour Court Board, Court or Tribunal- All applications, whether stamped or unstamped for copies of awards or other documents of Labour Court, Board, Court, or Tribunal shall be accompanied by necessary folio in accordance with Rule 3 of the Assam Record Hand Book and a copy 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.

30. Decision by majority- All question 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.

31. 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.

32. 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.

33. 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

34. 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 the performance of his duties, at the rate admissible and subject to the conditions applicable to a Government servant of the first grade under the Fundamental Rules unless the State Government decides otherwise.

35. 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.

36. 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 witness shall be made in the same procedure as is being followed in Civil Courts.

PART - V

NOTICE OF CHANGE

37. 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 of the Act shall give notice of such intention in Form 'E'.

38. Manner of service 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 personnel service is not practicable, cause the service of any such notice to be made by affixing the same to a notice board at or near the entrance or entrances of the establishment concerned and the notice shall remain so affixed for 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

39. Form of Authority under Section 36- The authority in favour of a person or persons to represent a workman or group of workmen or an employer in any proceeding under the Act shall be in Form 'F'.

40. 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

41. 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.

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 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.

43. Representatives of employer- Subject to the provisions of these rules, the representative 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.

44. Consultation with trade unions- (1) Where any workmen of an establishment are members of a registered trade union, the employer shall ask the union to inform him in writing-

- (a) how many of the workmen are members of the union; and
- (b) how their membership is distributed among the sections, shops or department 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 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 Rule 44, 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 44 within one month such 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 44, the election shall be held on receipt of the decision of the Conciliation Officer.

46. 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 in two electoral constituencies, the one consisting 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 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.

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 representative 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 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 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. 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 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 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 47 or (b) the requirement of Rule 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 validly nominated is equal to the number of seats, the candidates shall be forthwith declared duly elected.

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

(3) The election shall be held in such manner as may be convenient for each electoral constituency.

(4) The voting shall be conducted by the employer and if any of the candidates belong to a union such of them as the union may nominate shall be associated with 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.

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

54. Officer 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.

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 unexpired term of his predecessor.

(3) A member who, without obtaining leave from the Committee fails to attend three consecutive meeting of the Committee shall forfeit his membership.

56. Vacancies- In the event of workmen's representative ceasing to be a member under sub-rule (3) of Rule 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 person 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 often than once in 3 months (a quarter).

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

59. 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.

60. 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 representative 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 person, 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 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 workman, 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 officebearer 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 to 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 Section 33-A of the Act shall be presented in triplicate in Form 'T' 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 marking it or by some other persons proved to the satisfaction of the Labour Court or Tribunal to be acquainted with the acts of the case.

(3) The person verifying shall specify, by references to the numbered paragraphs of the complaint, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

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

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

application as many copies thereof as there are opposite-parties.

(2) An employer seeking the approval of the Conciliation Officer, Board, Labour Court or Tribunal as the case may be, of any 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 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 specify by reference to the numbered paragraphs of the application, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

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

64. Protected workmen— (1) Every registered trade union connected with an industrial establishment, to which the Act applies, shall communicate to the employer before the 30th September every year. The names and addresses of such of the officers of the union who are employed in that establishment and who, in the opinion of the union, should be recognised as "protected workmen". Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.

(2) The employer shall subject to Section 33, sub-section (4) recognise such workmen to be "protected workmen" for the 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 the addresses under sub-rule (1), the list of workmen recognised as protected workmen.

(3) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workmen, admissible for the establishment, under Section 33, sub-section (4), the employer shall recognise as protected workmen only such maximum number of workmen :

Provided that, where there is more than one registered trade union in the establishment, the maximum number shall be so distributed by the employer among the unions that the members of recognised protected workmen in individual unions bear roughly the same proportion to one another as the membership figures of the unions. The employer shall in that case intimate in writing to the President or the Secretary of the union the number of protected workmen allotted to it :

Provided further that where the number of protected workmen allotted to a union under this sub-rule, falls short of the number of officers of the union seeking protection, the union shall be entitled to select the officers to be recognised as protected workmen. Such selection shall be made by the union and communicated to the employer within five days of the receipt of the employer'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.- (1) Where any money is due from an employer to a workman or a group of workman under a settlement or an Award or under the provisions of Chapter VA 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 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.]¹

["65A. Application for computation money value of any benefits.- Where any workman or a group of worker 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

1. Substituted Rule 65 *vide* Notification No. GLR.175/69/2, *See* A.G. Part IIA, dated 7th January, 1970. Before substitution Rule 65 read as follows--

"65. Application for recovery of dues- An application under Section 33-C shall be delivered personally or forwarded by registered post in triplicate to the Secretary to the Government of Assam, Labour Department, Guwahati."

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."]¹

66. 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 the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950.

67. Fees for the Commissioner, etc.- (1) The Labour Court 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 Commissioner 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.

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.

1. Inserted "Rule 65A" by *vide* Notification No. GLR.175/69/2, *See* A.G. Part IIA, dated 7th January, 1970.

(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 ground in to 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 Rule 66 directing him to make such investigation and to report thereon to it.

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

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

(3) Where the Labour Court is for any reason dissatisfied with the proceeding of the Commissioner it may direct such further enquiry to be made as it shall think fit.

71. Powers of Commissioner- Any Commissioner appointed under these rule may, unless otherwise direct by the order of appointment-

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

(c) at any reasonable time enter upon or into any premises mentioned in the order.

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

(2) Every person who is summoned and appears as a witness before the Commissioner shall be entitled to payment by the Labour Court out of the sum deposited under Rule 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- 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-rule (1), the employer shall forthwith intimate the fact to the Labour Commissioner Assam, Gauhati and the Conciliation Officer having jurisdiction in the matter.

75. Notice of lock-out- The notice of lock-out to be give by an employer carrying on a public utility service shall be Form "M".

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

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

- (1) The Secretary to the Government of Assam, Labour Department, Gauhati.
- (2) The Labour Commissioner, Assam, Gauhati.
- (3) The Director of Statistics, Assam, Gauhati.

(4) The District Magistrate concerned.

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

["78A. Notice of Layoff.- (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 0-1 and 0-2 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 Section 25-C.

78B.- 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 25M shall be made in Form 0-3 and delivered to the authority specified under sub-section (1) either personally or by registered post acknowledgement due and where the application is sent by registered post the date on which the same is delivered to the said authority shall be deemed to be the date on which the application is made, for the purpose 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 sub-section (4) of Section 25M.

(4) Where the permission to lay-off has been granted by the said authority, the employer concerned shall give to the Labour Commissioner, Assam, a notice of commencement and termination of such lay-off in Form 0-1 and 0-2 respectively and where permission

to continue a lay-off 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 0-1, in case such a notice has not already been given under sub-rule (1) of Rule 78-A, and a notice of termination of such lay-off in Form 0-2.

(5) The notice of commencement and termination of lay-off referred to in sub-rule (4) shall be given within the period specified in sub-rule (1) of Rule 78-A."¹

79. Notice of retrenchment- If any employer desires to retrench any workmen employed in his industrial establishment who has been in continuous service for not less than one year under him (hereinafter referred to as "workmen" in this rule and in Rule 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 given to the workman notice of retrenchment shall be sent within three days from the date on which notice is given to the workman;
- (b) where no notice is given to the workman and he is paid one month's wages in lieu thereof, notice of retrenchment shall be sent within three days from the date on which such wages are paid; and
- (c) where retrenchment is carried out under an agreement which specifies a date for the termination of service, notice of retrenchment shall be sent so as to reach the State Government 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.

["79-A. 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 PA and served on the State Government of such authority as may be specified by that Government under the said clause either personally or by registered post acknowledgement due and where the notice is served by registered post, the date on which the

1. Inserted Rule 78A & 78B *vide* Notification No. GLR.138/76/52 dated 2nd April, 1976 (w.e.f. 7/4/1978), *See* A.G. Part IIA, dated 7th April, 1976.

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-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 PB (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 acknowledgement due and where the application is sent 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 on which the application is made for the purposes of sub-section (5) of the said Section.

(3) The notice or, as the case may be, the application shall be served of 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 the authority to whom the notice for retrenchment has been given or the application for permission for retrenchment has been made, under clause (c) of sub-section (1) or, as the case may be, sub-section (4) of the said Section 25N, such further information as the State Government or, as the case may be, the authority considers necessary for arriving at 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 25N.

"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, Assam, the Assistant Labour Commissioner of the area and the Employment Exchange concerned, by registered post."

"79-C. 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 QA and served on the State Government either personally or by registered post acknowledgement due.

(2) Application for permission to close down an undertaking under sub-section (3) of Section 25-O, shall be made in Form QB

(with attested copy of the notice served by the employer under sub-section (1) of Section 25FFA appended thereto) and delivered to the State Government either personally or by registered post acknowledgement due and where the application 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-section (4) of the said Section.

(3) The notice or as the case may be, the application shall be made in triplicate.

(4) The employer concerned shall furnish to the State Government to whom the notice of intended closure has been given or the application for permission to close down has been made such further information as that Government considers necessary, for arriving at a decision on the notice or, as the case may be, the application, and calls for from such employer."¹

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 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 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 by registered post to every one of all the retrenched workmen eligible to be considered therefor, to the address given by him at the time of retrenchment or at any time thereafter :

Provided that where the number of such vacancies is less than 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 Rule 80 the number of such seniormost workmen being double the number of such vacancies :

Provided further that where the vacancy is of duration of

1. Inserted Rule 79A, 79B & 79C *vide* Notification No. GLR.138/76/52 dated 2nd April, 1976 (w.e.f. 7/4/1978), *See* A.G. Part IIA, dated 7th April, 1976.

less than one month there shall be no obligation of the employer to send intimation of such vacancy to individual retrenched workmen.

(2) Immediately after complying with the provision of sub-rule (1), the employer shall 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.

(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 rule.

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 the reference of an industrial dispute

Board of Conciliation
Court of Enquiry
Tribunal

under Section 10 (2) of the Industrial

Labour Court,

Disputes Act, 1947

Whereas an industrial dispute is apprehended between
exists

and

and it is

expedient that the matters specified in the enclosed statement are
the dispute investigation and settlement

connected with or relevant to the dispute should be referred for enquiry by a Board of Conciliation an application is hereby made under sub-section (2) of Section 10 of adjudication

a Court of Enquiry
a Labour Court
a Tribunal

of the Industrial Dispute Act, 1947 that the said matters should
be referred dispute

to a Board of Conciliation
a Court of Enquiry
a Labour Court
a Tribunal

This application is made by the undersigned who have been duly
has authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the held on the 20.....

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

Dated the

Signature.....

To,

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

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

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

FORM 'B'

(See Rule 6)

Whereas an industrial dispute has arisen between
is apprehended

_____ and _____
and it is expedient to refer the said dispute under Section 10 of the Industrial Disputes Act, 1947 to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the the name(s), address(es) of on (two) person(s) whom you wish to recommend 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 appoint such person(s) as it thinks fit to represent you.

Secretary to the Govt. of Assam, Labour Department.

FORM 'C'
(See Rule 7)
Agreement

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

Between

Name of Parties :-

Representing employers :-

Representing workmen :-

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of _____

[Here specify the name(s) and address(es) of the arbitrator(s)]-

- (i) Specific matters in dispute.
- (ii) Details of the parties to the disputes including the name and address of the establishment of 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.

¹[*We further agree that **the majority decision of the arbitrators shall be binding on us.

in case the arbitrators are equally divided in their opinion, they shall appoint another person as umpire whose award shall be binding on us.

The arbitrator(s) shall make his/her 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.]

Signature of the Parties _____

Witness:-

(1)..... (2).....

Representing employers _____

Representing workmen _____

Copy to -

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

*Where applicable.

**Strike out the portions inapplicable.

1. Substituted for *We further agree, that the majority decision of the arbitrators shall be binding on us." vide Notification No. GLR.175/69/2.

FORM 'D'
(See Rule 19)

Whereas an industrial dispute between _____ and _____ has been referred to this Board of Conciliation for investigation and settlement _____
Court of Enquiry for investigation

Labour Court/Tribunal for adjudication

under Section 10 of the Industrial Dispute Act, 1947, you are hereby summoned to appear before the Board/Court/Labour Court/Tribunal in person on the _____ day _____ at _____ O'clock in the _____ noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Board/Court/Labour Court/Tribunal.

Chairman/Secretary Board of Conciliation
Court of Enquiry

Presiding Officer/Registrar, Labour
Tribunal

FORM 'E'
(See Rule 37)

Notice of change to be given by an Employer

Name of employer _____ address _____

To,

The Secretary/Principal Officer of the Union Association

The workman/workmen affected.

Dear Sir/Madam

In accordance with Section 9A of the Industrial Disputes Act, 1947, I/ We beg to inform you that it is my/our intention to effect the change/ changes specify 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. of Workmen
versus
.....Employer.

In the matter ofI/we hereby authorise
Shri/Sarvashree to represent me/us in the
above matter Dated this day of20..

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

Accepted Address
Signature of representative(s)
Address

FORM 'G'
(See Rule 50)
Form of Nomination Paper

Name of Industrial Establishment	Group/Section/Shop/Department
----------------------------------	-------------------------------

I nominate (here enter the name of the workmen's representative eligible for Election).

As a candidate for Election to the Works Committee. He is eligible as a voter in the constituency for which he is nominated.

Signature of proposer

Date.....

I agree to the proposed nomination.

Signature of candidate.....

Date.....

Attested by : (1)

(To be signed by any to votes belonging to the Electoral constituency).

FORM 'H'
(See Rule 61)
Form for Memorandum of Settlement

Name of Parties –
Representing employer(s) :
Representing workman :

Short recital of the case
Term of Settlement

Witnesses :

(1) _____ Signature of the parties _____

(2) _____

*Signature of Conciliation Officer
Board of Conciliation

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

*In cases settlements effected by Conciliation Officer
Board of Conciliation

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

FORM 'I'
(See Rule 62)

Before the Labour Court _____
_____ Tribunal _____

complaint under Section 33A of the Industrial Disputes Act, 1947

A. _____ Complaint(S)

Address -

Versus

B. _____ Opposite - Party(ies)

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 Section 33 of the Industrial Dispute Act, 1947 (*14 of 1947*) as shown below:-

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

The complaint(s) accordingly prays/pray that the ^{Labour Court}_____ Tribunal _____ may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

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

Signature of the Complaint(s).

Dated the _____ day of _____ 20..

VERIFICATION

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

This verification is signed by me at on _____ day of _____ 20__

Signature/or Thumb-
impression of the person verifying.

FORM 'J'
(See Rule 63)

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

Application for permission under ^{sub-section (1)}_____ of Section 33 _{sub-section (3)}_____

of the Industrial Disputes Act, 1947 (*14 of 1947*), in the matter of Reference No. _____ .

A _____ Applicant.

Address-

Versus

B _____ Opposite-Party(ies)

Address(es) —

The above mentioned applicant begs to state as follows:-

[Here mention the action specified in clause (a) or clause (b) of sub-section (1) grounds on which the permission is sought for.]

The applicant, therefore, prays that express permission may kindly be granted to him to take the following action, namely:-

[Here mentioned the action specified in clause (a) or clause (b) of ^{sub-section (1)}_____ of Section 33.] _{sub-section (3)}_____

Signature of applicant.

Dated this _____ day of _____ 20---

Space for verification.

(Signature of the person verifying).

Date (on which the verification was signed) _____

Place (at which the verification was signed) _____

FORM 'K'
(See Rule 63(2))

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

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

A _____ Applicant.

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/dimissed under clause (b) of sub-section (2) of Section 33 has/have been paid wages for one month.

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

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

Signature of the applicant

Dated this _____ day of _____ 20---

Space for verification.

(Signature of the person verifying.)

Date (on which the verification was signed) _____

Place (at which the verification was signed) _____

*Delete if not applicable.

[FORM 'K-1'
(See Rule 65)

**Application under sub-section (1) of Section 33C of the
Industrial Disputes Act, 1947**

To,

The Secretary, to the Govt. 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 of under the provisions of Chapter VA of the Industrial Disputes Act, 1947/in terms of the Award, dated the given by /in terms of the settlement, dated the arrived at between the said M/S. and their workmen through the duly elected representatives.

*I/We further state that *I/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-section (1) of Section 33C of the Industrial Disputes Act, 1947, and paid to *me/us as early as possible.

Signature of the
applicant (s)

Address(es)

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

Station

Date 20...

*Strike out the portions inapplicable.

ANNEXURE

[Here indicate the details of the amount(s) claimed.]

FORM 'K-2'

(See Proviso of Rule 65)

Application by a person authorised by a workmen or by the assigning or heir of a deceased workman under sub-section (1) of Section 33C of the Industrial Disputes Act, 1947.

(1) The Secretary to the Govt. of Assam, Department of Labour, Shillong.

To,

Sir,

I *Shri/Shrimati/Kumari have to state that *Shri/Shrimati/Kumari* is/was entitled to receive from M/S. a sum of Rs. * on account of under the provisions of Chapter VA of the Industrial Disputes Act, 1947/in terms of the Award, dated the given by in terms of settlement, dated arrived 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 management has neither paid nor offered to pay to me even though a fortnight has since elapsed. The details of the amount have been mentioned in the statement annexed.

I request that the said sum may kindly be recovered from the management under sub-section (1) of Section 33C 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]¹

*Strike out the portions inapplicable.

1. Added FORM-K-1 & K-2 vide Notification No.GLR.175/69/2, See Assam Gazette Part IIA, dated 7th January, 1970.

FORM 'L'

(See Rule 74)

Form of notices of strike to be given by employee(s) in public utility service.

Name of Union

Names of elected representatives of employers where no trade union exists.

Address

Dated the _____ day of _____20__

To,

(The name of the employer)

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section(1) of Section 22 of the Industrial Disputes Act, 1947, $\frac{I}{We}$ hereby give notice that $\frac{I \text{ propose to call a strike}}{we \text{ propose to go on strike}}$ on _____20--, for the reason explained in the annex.

Yours faithfully,

Secretary to the Union

Representative of the employees elected at a meeting held on—

ANNEX

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 the _____ day of _____ 20—

To,

(The Secretary of the Union, if any)

Dear/Sir,

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

Yours faithfully,
*

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

ANNEX

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 public 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 undertaking	Station and District	Normal working strength	Numbers of workers involved		Strike or lock-out	Date of commencement of strike or lock-out	Cause	Was notice of strike or lock-out given, and if so, on what date and for what period.	Settlement of disputes between the employer and workmen? If any arrangements for conciliation were made there?	Any other information
			Directly	Indirectly						
1	2	3	4	5	6	7	8	9	10	11

NOTE - Column (3) Give the average number of workmen employed during the month previous to the day on which the strike or lock-out occurred. While reckoning the average, omit the days on which the attendance was not normal for reasons other than individual reasons of particular workmen. Thus days on which strike or lock-out occurs of communal holiday is enjoyed by a large section of workers should be omitted.

Column (4) If say, 200 workers in a factory strike work and in consequence the whole factory employing 1,000 workers has to be closed then, 200 should be shown under "directly" and the remaining under "indirectly". If the strike of 200 workers does not affect the working of the other departments of the factory, the number of workers involved would only be 200, which figures should appear under "directly" and column "indirectly" would be blank.

Column (5) Give the main causes of the dispute 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 effect at the intervention of the conciliation machinery, or by mutual negotiations between the parties may be indicated here.

Part II

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

FORM O-1
(See Rule 78-A)

To,

The Labour Commissioner, Assam

Sir,

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

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

Yours faithfully,
**

Copy forwarded to Assistant Labour Commissioner of the area.
(Here specify the address of the Assistant Labour Commissioner of the area concerned).

ANNEXURE

STATEMENT OF REASONS

* Here insert the number of workman.

& Here insert the date .

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

¹[FORM 0-2
(See Rule 78-A)

To,

The Labour Commissioner, Assam.

Sir,

As required by Rule 78-A of the Assam Industrial Disputes Rules, 1958 and in continuation of my/our notice dated *
..... in Form 0-1, I/We hereby inform you that the lay-off in my/our 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")

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

1. Inserted as new FORM "0-2" vide Notification No.GLR.138/76/52, dated the 2nd April, 1976 (w.e.f. 7.4.1976).

¹[FORM 0-3
(See Rule 78-B(1))

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

Form of application for permission to lay-off/to continue the lay-off of workmen in industrial establishment to which provisions of Chapter VB of the Industrial Disputes Act, 1947 (14 of 1947) apply

To,

.....
.....
.....

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

Sir,

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

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

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

Yours faithfully,

(Signature).

*Strike out whatever is inapplicable.

1. Inserted as new FORM "0-3" vide Notification No.GLR.138/76/52, dated the 2nd April, 1976 (w.e.f. 7.4.1976).

ANNEXURE

(Please give replies against each item)

Item No.

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

2. Status of undertaking

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

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

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

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

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

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

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

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

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

7. Work-in-progress, item-wise and 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. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift.

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

12. Financial position of the Company.

13. 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 under the Industrial Disputes Act, 1947 (14 of 1947), employed in the under-taking.

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

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

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

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 month-wise sales 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.

FORM 'P'
(See Rule 79)

Form of notice of retrenchment to be given by an employer under clause (c) of Section 25F of the Industrial Disputes Act, 1947

Name of employer Address.....

Dated the day of..... 20.....

To

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

Sir,

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

2. † The workmen concerned were give on the**..... 20.... one month's notice in writing as required under clause (a) of Section 25F of that Act Retrenchment is being effected in pursuance of an agreement, a copy of which is enclosed. The workmen were given on the** 20...., one month's pay in lieu of notice as required under clause (a) of Section 25F of that Act.

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

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

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

Yours faithfully
% %

* Hereinsert the number of workmen.

** Here insert the date.

† Delete the portion which is not applicable.

*** 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.

¹FORM PA
(See Rule 79A(1))

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

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

Date

To,

.....

.....

(The State Government/authority specified under clause (c) of sub-section (1) of Section 25N of the Act).

Sir,

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

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

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

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 clause (c) of sub-section (1) of Section 25N of the Industrial Disputes Act, 1947 (14 of 1947).

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

Yours faithfully,
(Signature)

* Strike out whatever is inapplicable.

1. Inserted as new FORM "PA" vide Notification No.138/76/52, dated the 2nd April, 1976 (w.e.f. 7.4.1976).

ANNEXURE

(Please give replies against each item)

Item No.

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

2. Status of undertaking

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

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

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

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

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

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

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

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

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

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

9. Position of the order book item-wise and value-wise for a period of six months, and one year, next following and for the period/after the expiry of the said one year.

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

11. Balance-Sheets, profit 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 for the last three years and percentage thereof to the total cost.

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

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

18. Are seniority 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. Anticipate savings due to the proposed retrenchment.

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

(i) managerial remuneration.

(ii) sales promotion cost, and

(iii) general administration expenses.

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

22. Annual sales figures for the last three years and month-wise sales 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.]

¹FORM P-B

(See Rule 79A(2))

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

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

To,

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

Sir,

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

Name and addresses of workman/workmen	category and designation
(1)	(2)

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

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

Yours faithfully,
 (Signature)

1. Inserted as new FORM "PB" vide Notification No.138/76/52, dated the 2nd April, 1976 (w.e.f. 7.4.1976).

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 group; and if a foreign majority company, indicate the extent of foreign holdings.
- (iii) Whether the undertaking is licenced/registered and if so, name of licencing/registration authority and licence/registration certificate numbers.

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

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

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

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

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

(ii) Production figures month-wise for the precedings 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 and period after the expiry of the said one year.

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

11. Balance Sheet, profit and 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 under-taking.

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

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

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

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

18. Are seniority lists maintained in respect of the categories of workmen proposed to be retrenched and if so, the details and the position of the workmen affected indicating their length of service including broken periods of service?

19. Anticipated savings due to the proposed retrenchment.

20. Any proposal for effecting savings on account of reduction in—

(i) managerial remuneration;

(ii) sales promotion cost; and

(iii) general administration expenses.

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

22. Annual sales figures for the last three years and month wise sales 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 thereof.]

¹[FORM Q"

(See Rule 79B)

Form of notice of closure to be given by an employer under Section 25FFA of the Industrial Disputes Act, 1947

Name of employer Address

Dated the day of 20

To,

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

Sir,

Under Section 25FFA 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 reason 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 entered 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).

1. Inserted as new FORM "Q" vide Notification No.138/76/52, dated the 2nd April, 1976 (w.e.f. 7.4.1976).

¹[FORM Q-A

[See Rule 79-C(1)]

(To be submitted in triplicate)

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

Date.....

To,

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

Sir,

Under Section 25-O of the Industrial Disputes Act, 1947 (14 of 1947). I/We hereby inform you that I/We propose to close down the undertaking specified below of

(Name of the Industrial Establishment)

(Give details of the undertaking)

with effect from for the reasons explained in the Annexure.

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

3. Permission is solicited for the proposed closure.

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

Yours faithfully,

1. Inserted as new FORM "QA" vide Notification No.138/76/52, dated the 2nd April, 1976 (w.e.f. 7.4.1976).

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 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 licencing/registration authority and licence/registration certificate numbers.

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

4. Items of manufacture and scheduled 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 months.

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

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

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

10. Position of the order book item-wise and value-wise for a period of six months, and one year, next following and for the period after the expiry of the said one year.

11. Number of working days in a week with the

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

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

13. Financial position of the company.

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

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

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

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

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

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

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

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

20. Buying arrangements for raw materials and components.

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

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

23. Reasons for the proposed closure.

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

25. Any other relevant factors with details thereof.]

¹[FORM Q-B

(See Rule 79C(2))

(To be submitted in triplicate)

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

To,

Date.....

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

Sir,

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

(Name of industrial establishment)

(Attested copy of the notice is appended here to)

(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-section (3) of Section 25-O of the Industrial Disputes Act, 1947 (14 of 1947), for the reasons set out in the Annexure.

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

Your faithfully,
(Signature)

1. Inserted as new FORM "QB" vide Notification No.138/76/52, dated the 2nd April, 1976 (w.e.f. 7.4.1976).

ANNEXURE

(Please give replies against each item)

Item No.

1. Name of the Industrial establishment with complete postal address, including telegraphic addresses and telephone number.
2. Status of Undertaking-
 - (i) Whether Central public sector/State public sector/foreign Majority company/joint sector, *etc.*
 - (ii) If belongs to large industrial house, please indicate the controlling group; and if a foreign majority company, indicate the extent of foreign holdings;
 - (iii) Whether the undertaking is licensed/registered and if so, name of licencing/registration authority and licence/registration certificate numbers.
3. Date of the notice under sub-section (1) of Section 25FFA and the date on which the said notice was served on the appropriate Government.
4. The total number and categories of workmen affected by the proposed closure, along with the addresses of the workmen and the details of wages drawn by them.
5. Items of 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 preceding three years.
(ii) Production figures month-wise for the preceding twelve months.
8. Work in progress item-wise and value-wise.
9. Any arrangement regarding off-loading or sub-contracting of products or any component thereof.
10. Details of persons or the organisations to whom the job(s) is (are) being entrusted relationship/interest of the person/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 sheet and profit and loss account and audit reports for the last three years.
14. Financial position of the company.
15. (i) Names of interconnected company or companies under the same management.
(ii) Details about inter-corporate investments and charges during the last one year.
(iii) 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 year for the last three years and percentage thereof to the total cost.
18. Inventory position item-wise and value-wise for the preceding twelve months (inventories to be shown in respect of finished products components and raw-materials separately item-wise and value-wise).
19. Selling arrangement for the last three years and any change in the selling arrangement in preceding twelve months.
20. Full details of the interests of the directors and officers of the company in the organisations/persons involved in selling products of the under-taking.
21. Buying arrangements for raw materials and components.
22. Interests of the 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.]