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NOTIFICATION

No. A. 49012/1/2013-LE&IT, the 23rd August, 2016. In exercise of the power conferred by section 38 of the Industrial Disputes Act, 1947 the Governor of Mizoram is pleased to make the following Rules, namely the Mizoram Industrial Disputes Rules, 2015. They shall come into force with effect from the date of publication in the Government Gazette.

Benjamina,
Commr. & Secretary to the Govt. of Mizoram,
Labour, Employment & Industrial Training Deptt.

THE MIZORAM INDUSTRIAL DISPUTES RULES, 2015

Preliminary

1. **Short title, extent and commencement:-**
 - (1) These Rules may be called The Mizoram Industrial Disputes Rules, 2015.
 - (2) It may extend to the whole State of Mizoram.
 - (3) It shall come into force on the date of publication in the Official Gazette.
2. **Definitions:-** In these Rules unless there is anything repugnant in the subject or context –
 - (a) "Act" means the Industrial Disputes Act, 1947 (14 of 1947);
 - (b) "Chairman" means the Chairman of a Board or Court or, if the Court consists of one person only, such person;
 - (c) "Committee" means a Works Committee constituted under the sub-section (1) of section 3 of the Act;
 - (d) "Form" means a form in the Schedule appended to these Rules.
 - (e) "Government" means Government of Mizoram.
 - (f) "Section" means a section of the Act.
 - (g) "State" means the State of Mizoram. In relation to industrial disputes in a State, for which the appropriate Government is the State Government of Mizoram, reference to the State Government shall be construed as a reference to the Administrator of the State and reference to the Labour Commissioner, Deputy Labour Commissioner/ Assistant Labour Commissioner shall be

construed as reference to the appropriate authority, appointed in that behalf by the Administrator of the State.

- (h) The words and expressions defined in these Rules but defined in the Act shall have the same meaning as defined in the Act.
- (i) With reference to clause (g) of Section 2, it is hereby prescribed that :-
 - (i) in relation to an industry, not being an industry with reference to in sub- clause (ii) carried on by or under the authority of a Department of the Central or a State Government, the officer-in-charge of the industrial establishment shall be the "employer" in respect of that establishment; and
 - (ii) in relation to an industry concerning railways, carried on by or under the authority of a Department of the Central Government-
 - (a) In the case of establishments of a Zonal Railways, the General Manager of the Railway shall be the "employer" in respect of regular Railway Servants other than casual labour.
 - (b) In the case of an establishment independent of a Zonal Railway, the Officer-in-charge of that establishment shall be the "employer" in respect of regular Railway Servants other than casual labour; and
 - (c) The District Officer in charge or the Divisional Personnel Officer or the Personnel Officer shall be the "employer" in respect of casual labour employed on Zonal railway establishment independent of a Zonal Railway.

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 posts to the Labour Commissioner, the Deputy Labour Commissioner/Assistant Labour Commissioner concerned. The application shall be accompanied by a statement setting forth-
 - (a) The parties to the disputes;
 - (b) The specific matters in disputes;
 - (c) The total number of workmen employed in the undertaking affected;
 - (d) An estimate of the number of workmen affected or likely to be affected by the disputes; and
 - (e) The efforts made by the parties themselves to adjust the disputes.
4. **Attestation of application:-** The application and the statement accompanying it shall be signed –
 - (a) In the case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate by the agent, manager or other principal officer of the Corporation;
 - (b) In the case of workmen, either by the President and Secretary of a Trade Union of the workmen or by five representatives of the workmen duly authorized in this behalf at a meeting of the workmen held for the purpose;
 - (c) In the case of an individual workman, by the workman himself or by any officer of the Trade Union of which he is a member or by another workman in the same establishment duly authorized by him in this behalf;

Provided that such workman is not a member of a different Trade Union.

5. **Notification of appointment of Board, Court, Labour Court or Tribunal:-**
The appointment of a Board, Court, Labour Court or Tribunal together with the names of persons constituting the Board, Court, Labour Court or Tribunal shall be notified in the Official Gazette.
6. **Notice to parties to nominate representatives:-**
- (1) If the state Government proposes to appoint a Board, it shall send a notice in Form B to the parties requiring them to nominate within a reasonable time persons to represent them on the Board.
 - (2) The notice to the employer shall be sent to the employer personally, or if the employer is an incorporated company or a body corporate to the agent, manager or other principal officer of such company or body.
 - (3) In the case of workmen who are not members of a Trade Union, to any one of the five representatives of the workmen who have attested the application made under Rule 3; and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof on notice boards in a conspicuous manner at the main entrance of the premises of the establishment.

PART – II

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 posts to the Labour Commissioner, the Deputy Labour Commissioner/Assistant Labour Commissioner. The agreement shall be accompanied by the consent, in writing of the arbitrator or arbitrators.
8. **(1) 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 the workmen, by any officer of the Trade Union of the workmen or by five representatives of the workmen duly authorized in this behalf at a meeting of the workmen held for the purpose.
 - (c) In the case of an individual workman, by the workman himself or by any officer of a Trade union of which he is a member or by another workman in the same establishment duly authorised by him in this behalf:
- Provided that such workman is not a member of a different Trade Union.

Explanation:- In this Rule, "Officer" means one of the following officers, namely:

- (a) The President;
 - (b) The Vice-President;
 - (c) The Secretary (including the General Secretary);
 - (d) A Joint Secretary;
 - (e) Any other officer of the Trade Union authorized in this behalf by the President and the Secretary of the Union.
- (2) **Notification regarding arbitration agreement by majority of each party:-** Where an industrial dispute has been referred to arbitration and the Government of Mizoram is satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette for the information of the employers and workmen who are not parties to the arbitration agreement but are concerned in the disputes.

PART – III**POWERS, PROCEDURE AND DUTIES OF CONCILIATION OFFICERS, BOARDS, COURTS, LABOUR COURTS, TRIBUNAL 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 71 or Rule 72, shall forthwith arrange to interview both the employer and the workmen concerned with the disputes at such places and at such time as he may deem fit and shall endeavour to bring about settlement of the dispute in question.
- (2) Where the Conciliation Officer receives no notice of strike or lock-out under Rule 71 or Rule 72 but he considers it necessary to intervene in the dispute, he may give intimation in writing to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be specified therein.

10. (1) 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.

(2) Parties to submit Statements:- The Employer or the party representing workmen, or in the case of an individual workman himself, involved in an industrial dispute shall forward a statement setting forth the specific matters in disputes to the Conciliation Officer concerned whenever his intervention in the dispute is required.

(3) Proceeding before the Labour Court or Tribunal:-

- (a) While referring industrial disputes for adjudication to a Labour Court or Tribunal, the State Government shall direct the party raising the disputes to file a statement of claim complete with relevant documents, list of reliance and witnesses with the Labour Court or Tribunal within fifteen days of the receipt of the order of reference and also forward a copy of such statement to each one of the opposite parties involved in the dispute.
- (b) The Labour Court or Tribunal after ascertaining that copies of statement of claim are furnished to the other side by the party raising the disputes shall fix the first hearing on a date not beyond one month from the date of receipt of the order of reference and the opposite party or parties shall file their written statement together with documents, list of reliance and witnesses within a period of 15 days from the date of first hearing and simultaneously forward a copy thereof to the other party.
- (c) Where the Labour Court or Tribunal, as the case may be, finds that the party raising dispute though directed did not forward the copy of the statement of claim to the opposite party or parties, it shall give direction to the concerned party to furnish the copy of the statement to the opposite party or parties and for the said purpose or for any other sufficient cause, extend the time-limit for filing the statement under sub-rule (3)(a) by an additional period of 15 days.
- (d) The party raising a dispute may submit a rejoinder if it choose to do so, to the written statement(s) by the appropriate party or parties within a period of fifteen days from the filing of written statement by the latter.
- (e) The Labour Court or Tribunal, as the case may be, shall fix a date for evidence within one month from the date of receipt of the statements, documents, list of witnesses etc. which shall be ordinarily within sixty days of the date on which the dispute was referred for adjudication.
- (f) Evidence shall be recorded either in court or on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. As the oral examination of each witness proceeds, the Labour Court or Tribunal shall make a

memorandum of the substance of what is being deposed. While recording the evidence, the Labour Court or Tribunal shall follow the procedure laid down in Rule 5 of order XVIII of the First Schedule to the Code of Civil Procedure, 1908.

(g) On completion of evidence, either arguments shall be heard immediately or a date shall be fixed for arguments/oral hearing which shall not be beyond a period of fifteen days from the close of evidence.

(h) 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 but in any case not more than three adjournments in all at the instance of any one of the parties to the disputes.

Provided that the Labour Court or Tribunal, as the case may be, for reasons to be recorded in writing, grant an adjournment exceeding a week at a time but in any case not more than three adjournments at the instance of any one of the parties to the dispute.

(i) In case any party defaults or fails to appear at any stage, the Labour Court or Tribunal, as the case may be, may proceed with the reference *ex parte* and decide the reference/application in the absence of the defaulting party.

Provided that the Labour Court or Tribunal, as the case may be, may on the application of either party filed before the submission of the award revoke the order that the case shall proceed *ex parte*, if it is satisfied that the absence of the party was on justifiable grounds.

(j) The Labour Court or Tribunal, as the case may be, shall submit its award to the State Government within one month from the date of oral hearing/arguments or within the period mentioned in the order of reference whichever is earlier.

(k) In respect of Section 2-A, the Labour Court or Tribunal, as the case may be, shall ordinarily submit its awards within a period of three months.

Provided that the Labour Court or Tribunal may as and when necessary extend the period of three months and shall record its reasons in writing to extend the time for submission of the award for another specified period.

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

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

13. **Place and time of hearing:-** Subject to the provisions contained in Rules 10 (2) and 10 (3), the sitting of a Board, Court, Labour Court or Tribunal or of an Arbitrator shall be held at such times and places as the Chairman or the Presiding Officer or the Arbitrator, as the case may be, may fix and the Chairman, Presiding Officer or Arbitrator, as the case may be, shall inform the parties of the same in such manner as he thinks fit.

14. **Quorum for Boards and Courts:-** The quorum necessary to constitute a sitting of a Board or Court shall be as follows-

(i)	In the case of Board.	Quorum
(a)	where the number of members is 3	2
(b)	where the number of members is 5	3
(ii)	in case of court –	
(a)	where the number of members is not more than 2	1
(b)	where the number is more than 2 but less than 5	2
(c)	where the number of member is 5 or more	3

15. **Evidence** :- A Board, Court, Labour Court, Tribunal or an Arbitrator may accept, admit or call for evidence at any stage of the proceeding before it/him and in such manner as it/he may think fit.
16. **Administration of oath**:- Any member of a Board or Court or Presiding Officer of Labour Court, Tribunal or an Arbitrator may administer an oath.
17. **Summons**:- A summon issued by a Board, Court, Labour Court or Tribunal shall be in Form D and may require any person to produce before it any books, papers or documents and things in the possession of or under the control of such person in any way relating to the matter under investigation or adjudication by the Board, Court, Labour Court or Tribunal which the Board, Court, Labour Court or Tribunal thinks necessary for the purposes of such investigation or adjudication.
18. **Service of Summons for notice**:- Subject to the provisions contained in Rule 20, any notice, summons, process or order issue by a Board, Court, Labour Court, Tribunal or an Arbitrator empowered to issue such notice; summons, process or order, may be served either personally or by registered post and in the event of refusal by the party concerned to accept the said notice, summons, process or order, the same shall be sent again under certificate of posting.
19. **Description of Parties in certain Cases**:- Where in any proceeding before a Board, Court, Labour Court, Tribunal or an Arbitrator, there are numerous persons arrayed on any side, such persons shall be described as follows –
 - (1) All such persons as are members of any trade union or association shall be described by the name of such trade union or association ; and
 - (2) All such persons as are not members of any trade union or association shall be described in such manner as the Board, Court, Labour Court, Tribunal or Arbitrator, as the case may be, may determine.
20. **Manner of service in the case of numerous persons as parties to a dispute**:-
 - (1) Where there are numerous persons as parties to any 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, 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 this manner specified in sub-rule (2) shall also be considered as sufficient in the case of such workmen as cannot be ascertained and found.
21. **Procedure at the first sitting**:- At the first sitting of a Board, Court, Labour Court or Tribunal, the Chairman or the Presiding Officer, as the case may be, shall call upon the parties in such order as he may think fit to state their case.
22. **Board, Court, Labour Court, Tribunal or Arbitrator may proceed ex-parte**:- If without sufficient cause being shown, any party to proceedings before a Board, Court, Labour Court, Tribunal or Arbitrator fails to attend or to be represented, the Board, Court, Labour Court, Tribunal or Arbitrator may proceed, as if the party had duly attended or had been represented.
23. **Power of entry and inspection**:- A Board, or Court, or any member thereof or a Conciliation Officer, a Labour Court, Tribunal or any person authorized in writing by the Board, Court, Labour Court or Tribunal in this behalf may, for the purposes of any conciliation, investigation, enquiry or

adjudication entrusted to the conciliation officer, Board, Court, Labour Court or Tribunal under the Act, at any time between the hours of sunrise and sunset and in the case of a person authorized in writing by a Board, Court, Labour Court or Tribunal after he has given reasonable notice enter any building, factory, workshop, or other place or premises whatsoever, and inspect the same or any work, machinery, appliance or article therein or interrogate any person thereon in respect of anything situated therein or any matter relevant to the subject-matter of the conciliation, investigation, enquiry or adjudication.

- 24. Power of Boards, Courts, Labour Courts and Tribunals:-** In addition to the powers conferred by the Act, Boards, Courts, Labour Courts and Tribunals shall have the same powers as are vested in Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely –
- a) Discovery and inspection;
 - b) Granting adjournment;
 - c) Reception of evidence taken on affidavit;
- and the Board, Court, Labour Court or Tribunal may summon and examine any person whose evidence appears to it to be material and shall be deemed to be a Civil Court within the meaning of section 480 and 482 of the Code of Criminal Procedure 1898.
- 25. Assessors:-** Where assessors are appointed to advise a Tribunal under sub-section (4) of Section 7-A or sub-section (4) of Section 7-B 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 proceedings before it, obtain the advice of such assessors, but such advice shall not be binding on it.
- 26. Fees for copies of awards or other documents of Labour Court or Tribunal:-**
- (1) Fees for making a copy of an award on an order of a Labour Court, or Tribunal of any documents filed in any proceedings shall be charged at the rate of Rs. 1 per page.
 - (2) For certifying a copy of any such award or order of document, a fee of Rs.1 shall be payable.
 - (3) Copying and certifying fees shall be payable in cash in advance.
 - (4) Where a party applies for immediate delivery of a copy of any such award or order of documents, an additional fee equal to one – half of the fee leviable under this Rule shall be payable.
- 27. Decision by majority:-** All questions arising for decision at any meeting of a Board or Court, save where the Court consists of one person, shall be decided by majority of the votes of the members thereof present (including the Chairman) at the meeting. In the event of equality of vote, the Chairman shall also have a casting vote.
- 28. Correction errors:-** A Board, Court, Labour Court, Tribunal or Arbitrator may at any time correct any clerical mistake or error arising from an accidental slip or omission in any proceeding report, award or decision either of its or his own motion or on the application of any of the parties.
- 29. Right of Representatives:-** The representatives of the parties appearing before a Board, Court, Labour Court or Tribunal or an Arbitrator shall have the right of examination, cross examination and of addressing the Board, Court, Labour Court, Tribunal or Arbitrator when an evidence has been called.
- 30. Proceeding before a Board, Court, Labour Court or Tribunal:-** The proceedings before a Board, Court, Labour Court or Tribunal shall be held in public:
Provided that the Board, Court, Labour Court or Tribunal may at any stage direct that any witness shall be examined or its proceedings shall be held *in camera*.

**PART IV
REMUNERATION OF CHAIRMAN AND MEMBERS OR PRESIDING OFFICERS OF
LABOUR COURTS, TRIBUNAL, ASSESSORS AND WITNESSES:**

31. **Travelling Allowance:-** The Chairman or a member of a Board or Court or the Presiding Officer or an Assessor of a Labour Court or Tribunal, if non-official, shall be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with the performance of his duties at the rates admissible and subject to the conditions applicable to a Government servant of the first grade under the Supplementary Rules issued by the State Government from time to time
32. **Fees:-** The Chairman and members 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 fees as may be sanctioned by the State Government in each case.
33. **Expenses of Witness:-** Every person who is summoned and who 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, inquiry, adjudication or arbitration is being conducted.

**PART V
NOTICE OF CHANGE**

34. **Notice of Change:-** Any employer intending to effect any change into the conditions of service applicable to any matter specified shall give notice of such intention in Form E.
The notice shall be displayed conspicuously by the employer on a notice board at the main entrance of the establishment in the Manager's Office.
Provided that where any registered trade union of workmen exists, a copy of the notice shall also be served by registered post on the Secretary of such union.

**PART -VI
REPRESENTATION OF PARTIES**

36. **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.
37. **Parties bound by acts of representative:-** Any party appearing by a representative shall be bound by the acts of that representative.

**PART VII
WORKS COMMITTEE**

38. **Constitution:-** Any employer to whom an order made under sub-section(1) of Section 3 relates shall forthwith proceed to constitute a Works Committee in the manner prescribed in this Part.
39. **Number of members:-** The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and classes of workmen engaged in, and to the sections, shops or departments of the establishment:

Provided that the total number of members shall not exceed twenty:

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

- 40. Representatives of Employer:-** Subject to the provisions of these Rules, the representatives of the employer shall be nominated by the employer and shall, as far as possible, be officials in direct touch with or associated with the working of the establishment.
- 41. Consultation with trade union:-**
- (1) Where any workmen of an establishment are members of registered trade union, the employer shall ask the union to inform him in writing –
 - (a) How many of the workmen are members of the union; and
 - (b) How their membership is distributed among the sections, shops or departments of the establishment.
 - (2) Where an employer has reasons 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 Deputy Labour Commissioner/Assistant Labour Commissioner for his decision and the Deputy Labour Commissioner/Assistant Labour Commissioner after hearing the parties shall decide the matter and his decision shall be final.
- 42. Group of workmen's representatives:-** On receipt of the information called for under Rule 41, the employer shall provide for the election of workmen's representatives on the committee in two groups –
- (1) those to be elected by the workmen of the establishment who are members of the registered trade union or unions; and
 - (2) those to be elected by the workmen of the establishment who are not members of the registered trade union 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 divisions shall be made:
Provided further that where a registered trade union neglects or fails to furnish the information called for under sub-rule(1) of Rule 41 within one month of the date of the notice requiring it to furnish such information, such union shall for the purpose of this rule be treated as if it did not exist.
Provided further that where any reference has been made by the employer under sub-rule (2) of Rule 41, the election shall be held on receipt of the decision of Deputy Labour Commissioner /Assistant Labour Commissioner.
- 43. Electoral constituencies:-** Where under Rule 42 the workmen's representatives are to be elected in two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of a registered trade union and the other of those who are not:
Provided that the employer may, if he thinks fit, sub-divide the electoral constituency or constituencies, as the case may be, and direct that workmen shall vote in either groups, sections, shops or departments.
- 44. Qualification of Candidates for Election:-** Any workman of not less than 19 years of age and with a service of not less than one year in the establishment may, if nominated as provided in this rule, 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.

[Explanation:- A workman who has put in a continuous service of not less than one year in two or more establishments belonging to the same employer shall be deemed to have satisfied the service qualification prescribed under this rule.]

- 45. Qualification for voters:-** All workmen who are not less than 18 years of age and who have put in not less than 6 months continuous service in the establishment shall be entitled to vote in the election of the representatives of workmen.

[Explanation:- A workman who has put in a continuous service of not less than 6 months in two or more establishment belonging to the same employer shall be deemed to have satisfied the service qualification prescribed under this rule.]

- 46. Procedure for election:-**

- (1) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmen's representatives of the Committee.
- (2) For holding the election, the employer shall also fix a date which shall not be earlier than 3 days and later than 15 days after the closing date for receiving nominations.
- (3) The dates so fixed shall be notified at least 7 days in advance to the workmen under registered trade union or unions concerned. Such notice shall be affixed on the notice-board after giving adequate publicity amongst the workmen. The notice shall specify the number of seats to be elected by the groups, sections, shops or departments and the number to be elected by the members of the registered trade unions or unions and by the non-members.
- (4) A copy of such notice shall be sent to the registered trade union or unions concerned.

- 47. Nomination of Candidate 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, sections, shops or departments the candidate seeking election will represent and shall be delivered to the employer.

- 48. Scrutiny of nomination papers:-**

- 1) On the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those which are not valid shall be rejected.
- 2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid if (a) the candidate nominated is ineligible for membership under Rule 44; (b) the requirement of Rule 47 have not been complied with:
Provided that where a candidate or an attesting person is unable to be present at the time of scrutiny, he may send a duly authorised nominee for the purpose.
- 3) Withdrawal of nominated candidate's validity:- Any candidate whose nomination for election has been accepted may withdraw his candidature within 48 hours of the completion of scrutiny of nomination papers.

- 49. Voting in election:-**

- (1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidate shall be forthwith declared duly elected.
- (2) If in any constituency the number of candidates is more than the number of seats allotted to it, voting shall take place on the date 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 belongs to a union, such of them as the union may nominate shall be associated with the election.
- (5) Every workman entitled to vote at an electoral constituency shall have as many votes as there are seats to be filled in the constituency.

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

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

51. Officers of the Committee:-

- (1) The Committee shall have among each office-bearers a Chairman, a Vice Chairman, a Secretary and a Joint Secretary. The Secretary and the Joint Secretary shall be elected every year.
- (2) The Chairman shall be nominated by the employer from amongst the employer's representatives on the Committee and he shall as far as possible be the head of establishment.
- (3) The Vice Chairman shall be elected by the members of the Committee representing the workers from amongst themselves:

Provided that in the event of equality of votes in the election of the Vice-Chairman, the matter shall be decided by a draw of lot.

- (4) The Committee shall elect the Secretary and the Joint Secretary provided that where the Secretary is elected from amongst the representatives of the employer, the Joint Secretary shall be elected from amongst the representatives of the workmen and *vice-versa*:

Provided that the post of Secretary or the Joint Secretary, as the case may be, shall not be held by representatives of the employer or the workmen for two consecutive years:

Provided further that the representatives of the employer shall not take part in the election of the Secretary or Joint Secretary as the case may be from amongst the representatives of the workmen and only the representatives of the workmen shall be entitled to vote in such elections.

- (5) In any election under sub-rule (4) in the event of equality of votes, the matter shall be decided by a draw of lot.

52. Term of office:-

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

53. Vacancies:- In the event of workmen's representative ceasing to be a member under sub-rule (3) of Rule 52 or ceasing to be employed in the establishment or in the event of his ceasing to represent the trade or vocation he was representing or resignation or death, his successor shall be elected in accordance with the provisions of this Part from the same category, group, section, shop or department to which the member vacating the seat belonged.

54. Power to co-opt:- The Committee shall have the right to co-opt in 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 considered before the Committee.

55. Meetings:-

- (1) The Committee may meet as often as necessary but not less than once in 3 months (a quarter).
- (2) The Committee shall at its first meeting regulate its own procedure.

56. Facilities for Meeting, etc.:-

- (1) The employer shall provide accommodation for holding meeting of the Committee. He shall also provide all necessary facilities to the Committee and to the member 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 representatives of the workmen shall be on duty while attending the meeting.
- (2) The Secretary of the Committee may with the prior concurrence of the Chairman put up notice regarding the work of the Committee on the notice board of the establishment.
- (3) Submission of Returns:- The employer shall submit half yearly returns as in Form G-I in triplicate to the Deputy Labour Commissioner/Assistant Labour Commissioner not later than the 20th day of the month following the half-year.

57. Dissolution of Works Committee:- The State Government or where the power under Section 3 has been delegated to any officer or authority under Section 39, such officer or authority may after making such inquiry as it or he may deem fit, dissolve any Works Committee at any time by an order in writing, if he or it is satisfied that the Committee has not been constituted in accordance with these Rules or that not less than two-thirds of the number of representatives of the workmen have without any reasonable justification failed to attend three consecutive meetings of the Committee or that the Committee had for any other reasons 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 re-constitute the Committee in accordance with these Rules.

PART VIII MISCELLANEOUS

58. Memorandum of settlement:-

- (1) A settlement arrived at in the course of conciliation proceedings or otherwise shall be in Form H.
- (2) The settlement shall be signed by –
 - (a) In case of an employer, by the employer himself or by his authorized 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 case of the workmen, by any officer of trade union of the workmen or by 5 representatives of the workmen duly authorized in his behalf at a meeting of the workmen held for the purpose.
 - (c) In case of the workman in an industrial dispute under Section 2-A of the Act, the workman concerned.

Explanation:- In this Rule, "officer" means any of the following officers, namely :-

- (a) The president.
 - (b) The Vice President.
 - (c) The Secretary (including the General Secretary)
 - (d) A Joint Secretary.
 - (e) Any other officer of the trade union authorised in this behalf by the President and the Secretary of the union.
- (3) Where a settlement is arrived at in the course of conciliation proceeding, the Conciliation Officer shall send a report thereof to the State Government together with a copy of the memorandum of settlement signed by the parties to the dispute.

- (4) Where a settlement is arrived at between an employer and his workmen otherwise than in the course of conciliation proceeding before a Board or a Conciliation Officer, the parties to the settlement shall jointly send a copy thereof to the State Government, the Labour Commissioner and to the Assistant Labour Commissioner concerned.

59. Complaints regarding change of condition of service, etc:-

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

60. Application under Section 33:-

- (1) An employer intending to obtain the expressed 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 persons proved to the satisfaction of the Conciliation Officer, Board, Labour Court or Tribunal to be acquainted with the facts of the case.
- (4) The person verifying shall specify, by reference to the numbered paragraphs of the application, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.
- (5) The verification shall be signed by the person making it and shall state the date on which and the place at which it was verified.

61. Protected Workmen:-

- (1) Every registered trade union connected with an industrial establishment to which the Act applies shall communicate to the employer before 30th April 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 recognized as "protected workmen". Any change in the incumbency of any such officer shall be communicated to the employer by the union within 15 days of such change
- (2) The employer shall subject to Section 33 and sub-section (4) recognize such workmen to be "protected workmen" for the purposes of sub-section (3) of the said section and communicate to the union in writing within 15 days of the receipt of the names and addresses under sub-rule (1) the list of workmen recognized as protected workmen for the period of 12 months from the date of such communication.

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

Provided that where there is more than one registered trade union in the establishment, the maximum number shall be so distributed by the employer among the unions that the numbers of recognized 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 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 officer of the union seeking protection, the union shall be entitled to select the officers to be recognized as protected workmen. Such selection shall be made by the union and communicate to the employer within 5 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 disputes shall be referred to Labour Commissioner or Deputy Labour Commissioner whose decision thereon shall be final.

62. Application for recovery of dues:-

- (1) Where any money is due from an employer to a workman or a group of workmen under a settlement or an award or under the provisions of Chapter 5-A/Chapter 5-B, the workmen or the group of workmen, as the case may be, may apply in Form K-1 for the recovery of the money due:

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

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

Provided that in the case of the death of the workman, application shall be made in Form K-4 by the assignee or heir of the deceased workman.

- 63. Appointment of Commissioner :-** Where it is necessary to appoint a Commissioner under sub-section (3) of Section 33-C of the Act, the Labour Court may appoint a person with experience in the particular industry, trade or business involved in the industrial dispute or a person with experience as a Judge of Civil Court or a Stipendiary Magistrate or a Registrar or Secretary of 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 Dispute (Appellate Tribunal Act) Act, 1950.

64. Fees for the Commissioner, etc:-

- (1) The Labour Court shall, after consultation with the parties, estimate the probable duration of the enquiry and fix the amount of the Commissioner's fees and other incidental expenses and direct the payment thereof into the nearest treasury within a specified time by such party or parties and in such proportion as it may consider fit. The 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 installments and on such dates as it may consider fit.
- (4) The undisbursed balance, if any, of the sum deposited shall be refunded to the party or parties who deposited the sum in the same proportion as that in which it was deposited.

65. Time for submission of report:-

- (1) Every order for the issue of commission, the Labour Court shall appoint a date allowing sufficient time for the Commissioner to submit his report.
- (2) If for any reason the Commissioner anticipates that the date fixed for the submission of his report is likely to be exceeded, he shall apply before the expiry of the said date for extension of time, setting forth grounds thereof, and the Labour Court shall take such grounds into consideration in passing orders on the application:

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

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

67. Commissioner's Report:-

- (1) The Commissioner, after such local inspection as he deems necessary and after reducing to writing the evidence taken by him, shall return such evidence together with his report in writing signed by him to the Labour Court.
- (2) The report of the Commissioner and the evidence taken by him (but not the evidence without the report) 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 proceedings of the Commissioner, it may direct such further enquiry to be made as it shall think fit.

68. Powers of Commissioner:- Any Commissioner appointed under these Rules may unless otherwise directed by the order of appointment-

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

69. Summoning of witnesses, etc:-

- (1) The provisions of the Code of Civil Procedure, 1908 (5 of 1908) relating to the summoning, attendance, examination of witnesses and penalties to be imposed upon witnesses, shall apply to persons required to give evidence or to produce documents before the Commissioner under these Rules.
- (2) Every person who is summoned and appears as a witness before the Commissioner shall be entitled to payment by the Labour Court out of the sum deposited under Rule 64 of an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowances to witnesses appearing in the Civil Courts.

70. (1) 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.

(2) Preservation of records by the State Industrial Tribunal Labour Courts:-

- (a) The records of the State Industrial Tribunal or Labour Court specified in Column 1 of the Table below shall be preserved for the periods specified in the corresponding entry in Column 2 thereof after the proceedings are finally disposed of by such Tribunal or Labour Courts.

TABLE

<i>Records</i>		<i>No. of years for which the records shall be preserved</i>
1		2
1)	Orders and Judgments of State Industrial Tribunals or Labour Courts	10 years
2)	Exhibited documents in the above mentioned Tribunals or Courts	10 years
3)	Other papers	7 years

- (b) Notwithstanding anything contained in sub-rule (a), the record of the State Industrial Tribunals or Labour Courts connected with writ petitions, if any, filed in the High Courts or Supreme Court or connected with appeals by special leave, if any, filed in the Supreme Court shall be preserved at least till the final disposal of such writ petitions or appeal by special leave.

71. Notice of Strike:-

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

72. Notice of Lock-out :- The notice of lock-out to be given by an employer carrying on a public utility service shall be in Form M. The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the Manager's Office:

Provided that where registered trade union exists, a copy of the notice shall also be served to the Secretary of the union.

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

74. Report of notice of strike or lock-out:- The report of notice of 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 Labour Commissioner, Deputy Labour Commissioner/Assistant Labour Commissioner with a copy by registered post to :-

- (1) The Administrative Department of the Government of Mizoram concerned.
 - (2) The Labour Commissioner.
 - (3) The District Magistrate concerned.
75. (1) **Registered of settlements:-** The Conciliation Officer shall file all settlements effected under this Act in respect of disputes in the area within his jurisdiction in a register maintained for the purpose as in Form O.
- (2) **Notice of lay off:-**
- (a) If any workman employed in an industrial establishment as defined in the explanation below Section 25-A, not being an industrial establishment referred to in sub-section (1) of that section, is laid-off, then the employer concerned shall give notices of commencement and termination of such lay-off in Forms O-1 and O-2 respectively within 7 days of such commencement or termination as the case may be.
 - (b) 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.
- (3) **Application for permission for lay-off under Section 25-M :-**
- (a) Application for permission to lay-off any workman under sub-section (1) or for permission to continue a lay-off under sub-section (3) of Section 25-M shall be made in Form O-3 and delivered to the authority specified under sub-section (1) either personally or by registered post 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 (5) of the said section.
 - (b) The application for permission shall be made in triplicate and copies of such application shall be served by the employer on the workmen concerned and proof to that effect shall also be submitted by the employer along with the application.
 - (c) 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 (5) of Section 25-M.
 - (d) Where the permission to lay-off has been granted by the said authority, the employer concerned shall give to the Labour Commissioner a notice of commencement and termination of such lay-off in Forms O-1 and O-2 respectively and where permission to continue a lay-off has been granted by the said authority, the employer shall give to the Labour Commissioner a notice of commencement of such lay-off in Form O-1, in case such a notice has not already been given under clause (a) of sub-rule (2) of Rule 75 and a notice of termination of such lay-off in Form O-2.
76. (1) **Notice of retrenchment :-** If any employer desires to retrench any workman/ employee in his industrial establishment who has been in continuous service for not less than one year under him (here in after referred to as 'workman' in this rule and in Rule 77 and 78), he shall give notice of such retrenchment as in Form P to the State Government, the Labour Commissioner, Deputy Labour Commissioner and Assistant Labour Commissioner and the Employment Exchange concerned by registered post in the following manner:
- a) Where notice is given to the workman notice of retrenchment shall be sent within three days from the date on which notice is given to the workman:
 - b) Where no notice is given to the workman and he is paid one month's wages in lieu thereof, notice of retrenchment shall be sent within 3 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 Government, the Labour Commissioner, the Deputy Labour Commissioner/Assistant Labour Commissioner and the Employment Exchange concerned at least one month before such date:

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

(2) Notice of and Application for permission for retrenchment:-

- (a) Notice or, as the case may be, the application under sub-section (1) of Section 25-N for retrenchment shall be served in Form P-A and served on the Government or such authority as may be specified by the Government under the said clause either personally or by registered post acknowledgement due and where the notice is served by registered post, the date on which the same is delivered to the State Government or the authority shall be deemed to be the date of service of the notice for the purposes of sub-section (4) of the said section.
- (b) The notice or, as the case may be, the application shall be made in triplicate and copies of such notice or as the case may be the application shall be served by the employer on the workmen concerned and a proof to that effect shall also be submitted by the employer along with the notice or, as case may be, the application.
- (c) 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 sub-section (1) of Section 25-N, such further information as the State Government or, as the case may be, the authority considers necessary for arriving at a decision on the notice or, as the case may be, the application as and when called for 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 (4) of Section 25-N.

(3) Notice of closure:- If any employer intends to close down an undertaking, he shall give notice of such closure in Form-Q to the State Government, the Labour Commissioner, the Deputy Labour Commissioner, the Assistant Labour Commissioner and the Employment Exchange concerned by registered post.

(4) Notice of, and application for permission for, closure:-

- (a) 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.

A copy of such application shall be served simultaneously by registered post on the President or Secretary of registered trade union(s) functioning in the establishment and notice in this regard shall also be displayed conspicuously by the employer on a notice board at the main entrance to the establishment for the information of all the concerned workmen at the same time when applications are served on the Government.

- (b) The notice or, as the case may be, the application shall be made in triplicate.
- (c) 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 the Government considers necessary for arriving at a decision on the notice or, as the case may be, the application, and calls for from such employer.

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

78. Re-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 thereof to the address given by him at the time of retrenchment or at any time thereof:

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 77 the number of such seniormost workmen being double the number of such vacancies:

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

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

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

79. Penalties:- Any breach of these Rules shall be punishable with fine not exceeding five hundred rupees.

SCHEDULE

FORM A

(See Rule 3)

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

Whereas an industrial dispute

- * Is apprehended/exists betweenand.....and it is expedient that
 - * The dispute/investigation and settlement/the matters specified in the enclosed statement which are connected with or relevant to the dispute should be referred for
 - * Enquiry/adjudication by a board of conciliation/a Court of Enquiry/a Labour Court/a Tribunal an application is hereby made under sub-section(2) of section 10 of the Industrial Dispute Act, 1947 that the
 - * Said matters/said dispute should be referred to
 - * A board of Conciliation/a Court of Enquiry/a Labour Court/a Tribunal.
- This application is made by the undersigned who have/has been duly authorised to do so by virtue of 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 Mizoram Industrial Disputes Rules, 2015 is attached.

Dated the.....

Signature of employer.....
Or agent.....
Or manager.....
Or principal officer of
the corporation.....

Signature of the
President of the trade union**.....
Secretary of the trade union.....

Or

Signature of five representatives duly authorised (vide
resolution enclosed).....

or

Signature of the workman in the same establishment
duly authorised
(vide authorisation enclosed).....

To

The Secretary to the Government of Mizoram.
Labour, Employment & Industrial Training Institute Department.

Statement required under Rule 3 of the Mizoram Industrial Disputes Rules, 2015 to accompany the
form of application prescribed under-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 disputes;
- (c) Total number of workmen employed in the undertaking affected;
- (d) Estimate number of workmen affected or likely to be affected by the dispute;
- (e) Efforts made by the parties themselves to adjust the dispute.

Copy to-

- i. The Labour Commissioner.....[here enter office address of the Labour
Commissioner in the local area concerned];
- ii. The Deputy Labour Commissioner
- iii. The Assistant Labour Commissioner;

FORM B
(See Rule 6)

Whereas an industrial dispute has arisen between.....and.....and it is expedient to refer
the said dispute under Section 10 of the Industrial Disputes Act, 1947 to a Board of Conciliation for the
purpose of investigating the same and for promoting settlement thereof, you are hereby required to intimate
to the undersigned not later than the.....the name(s) and address(es) of one/two person(s)
whom you wish to recommend for appointment as your representatives(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 Government of Mizoram
Labour, Employment & Industrial Training Department

FORM C
(See Rule 7)
Agreement

(Under Section 10-A of the Industrial Disputes Act, 1947)

Between

Names of the Parties-

Representing employers:

Representing workmen/workman:

It is hereby agreed between the parties to refer the following dispute to the arbitration of[here specify the name(s) and address(es) of the arbitrators]:

- (i) Specific matters in dispute;
- (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved;
- (iii) Name of the workmen in case he himself is involved in the disputes, or the name of the union, if any, representing the workmen or workman in question;
- (iv) Total number of workmen employed in the undertaking affected;
- (v) Estimate number of workmen affected or likely to be affected by the dispute.

* We further agree that-

The majority decisions of the arbitrators be binding on us, and in case the arbitrators are equally divided in their opinion, that they shall appoint another person(s) as umpire whose award shall be binding on us.

The arbitrator(s) shall make his/their award within a period of.....
(here specify the period agreed upon by the parties) from the date of publication of this agreement in the Official Gazette by the appropriate Government 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 cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties.

Representing employer.

** Workman/Representing Workman/Workmen

Witnesses:

(1)

(2)

Copy to:

- (i) The Labour Commissioner (here enter office of the Labour Commissioner in local area concerned)
- (ii) The Deputy Labour Commissioner
- (iii) The Secretary to the Government of Mizoram, Labour, Employment & Industrial Training Department.

*Where applicable.

** Delete whichever is not applicable.

FORM D
(See Rule 17)

Whereas as industrial dispute between.....and.....has been referred Board of Conciliation for investigation and settlement, Court of Inquiry for investigation, Labour Court/Tribunal for adjudication, under Section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Board/Court/Labour Court/Tribunal in person on the..... day of..... at.....o'clock in the noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Board/Court/Labour Court/Tribunal.

Dated.....

Chairman/Secretary _____
Board of conciliation
Court of Enquiry

Presiding Officer/Secretary _____
Labour Court
Tribunal

FORM E
(See Rule 34)

Notice of change of Service Condition proposed by an Employer

Name of employer.....
Address.....
Dated the.....day of.....20.....

In accordance with Section 9-A of the Industrial Disputes Act, 1947 , I/we hereby give notice to all concerned that it is my/our intention to effect the change/changes specified in the annexure, with effect from.....in the conditions of service applicable to workmen in respect of the matters specified in the Fourth Scheduled to the said Act.

Signature.....
Designation.....

ANNEXURE

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

Copy forwarded to:

- (1) The Secretary of registered trade union, if any.
- (2) Labour Commissioner.....[here enter office address of the Labour Commissioner in the local area concerned]:
- (3) Deputy Commissioner.....(Zone).
- (4) Assistant Labour Commissioner, Aizawl.

FORM F
(See Rule 36)

Before

(Here mention the authority concerned)

Reference No.....ofworkmen.

Versus

.....Employer.

In the matter of.....versus..... I/we hereby authorise Shri/
Smt..... to represent me/us in the above matter.

Dated this.....day of.....20

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

Accepted
Signature of representative(s)
Address

FORM G
(See Rule 47)
Form of Nomination Paper

Name of Industrial Establishment

Group/Section/Shop/Department

I nominate (here enter the name of the workmen's representatives eligible for election) as a candidate for election to the Works Committee. He is eligible as a voter in the constituency for which he is nominated.

Date.....

Signature of proposer

I agree to the proposed nomination

Signature of candidate

Date.....

Attested by: (1)
(2)

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

FORM G-I

[See Rule 56 (3)]

Progress Report on constitution and functioning of Works Committee for the half-year ending the 30th June/31st December, 20.....

1. Name and address of the establishment.
2. Name of the employer.
3. (a) Number of Unions, if any.
(b) Affiliation of the Union(s) to the State Organisation of workers.
4. If the Works Committee has been functioning-
(a) Date of its constitution.
(b) Number of workmen's representatives(elected members)
(c) Number of employer's representatives(nominated members)
(d) Number of meetings held during the half-year(with dates)
5. If the Works Committee had not been functioning, the difficulties encountered in its constitution/ functioning.
6. General remarks, if any.

Date.....

Place.....

Signature of employer or his representatives

FORM H

(See Rule 58)

Form for Memorandum of Settlement

Names of Parties

Representing employer(s):

Representing Workmen:

*Short Recital of the case
Terms of Settlement*

Signature of the parties.....

Witnesses

- (1)
- (2)

*Signature of Conciliation Officer/Board of Conciliation

Copy to **

- (1) Labour Commissioner.....
(here enter the office address of the Labour Commissioner in the local area concerned)

- (2) Deputy Labour Commissioner.....
- (3) Assistant Labour Commissioner, Mizoram : Aizawl
- (4) The Secretary to the Government of Mizoram, Labour, Employment & Industrial Training Department.

* In Case of settlement effected by Conciliation Officer/Board of Conciliation

** In case where settlement are arrived at between the employer and his workmen otherwise than in the course of conciliation.

FORM I
(See Rule 59)

Before the Labour Court/Tribunal
Complaint under Section 33-A of the Industrial Disputes Act, 1947

A.....Complainant(s)
Versus
B.....Opposite Party/Parties

Address:

In the matter of Reference No.....

The petitioner(s) begs/beg to complain that the Opposite Party/Parties has/have been guilty of contravention of the provisions of Section 33 of the Industrial Disputes Act, 1947 (14 of 1947) as shown below:

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

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

The number of copies of the complaint and its Annexure required under Rule 59 of the Mizoram Industrial Disputes Rules, 2015 are submitted herewith.

Signature of Complainant(s)

Dated this.....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 believed by me to be true. This verification is signed by me at..... on..... day of.....20.....

Signature or Thumb impression of the person verifying

FORM J

[See Rule 60(1)]

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

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

A:Applicant
Address

Versus

B:Opposite Party/Parties
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 expressed permission may kindly be granted to him to take the following action namely:

[*Here mention the action specified in clause (a) or clause (b) of sub-section (1)/sub-section (3) of Section 33.*]

Signature of the applicant

Dated this.....day of.....20.....

Space for Verification

(Signature of person verifying)

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

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

FORM K

[See Rule 60(2)]

Before(*Here mention the Conciliation Officer, Board, Labour Court, Tribunal*).

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

A.....Applicant

Address:

Versus

B.....Opposite Party/Parties

Address:

The above-mentioned applicant begs to state as follows:

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

* The Workman/workmen discharged/dismissed under 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 applicant

Dated thisday of20.....

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

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

*Delete if not applicable

FORM K-I

[See Rule 62(1)]

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

To

- (1) The Secretary to the Government of Mizoram, Labour, Employment & Industrial Training Department.
- (2) The Labour Commissioner.....*(here insert the name of the region)*.

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 V-A/Chapter V-B 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 have 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 33-C of the Industrial Disputes Act, 1947 and paid to me/us as early as possible

Signature of Applicant(s)

Address(es)

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

Station.....

Date.....

ANNEXURE

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

FORM K-2

[See Rule 62(1)]

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

To

- (1) The Secretary to the Government of Mizoram, Labour, Employment & Industrial Training Department.
 - (2) The Labour Commissioner
- (here insert the name of the region)*

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 V-A/Chapter V-B of the Industrial Disputes Act, 1947/in terms of the award, dated thegiven by...../in terms of the settlement dated the..... 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 hereto annexed.

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

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

*I am the assignee/heir of the deceased workman and am entitled to receive the payment of the aforesaid amount due to him.

Station.....

Date.....

Signature of the application.....
Address.....

ANNEXURE

(Here indicate the details of the amount claimed)

[*Strike out the portions inapplicable]

FORM K-3

[See Rule 62(2)]

Application under sub-section (2) of Section 33-C of the Industrial Disputes Act, 1947

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

Between

(1) Name of the applicant(s).

(2) Name of the employer.

The petitioner a workman of..... M/s
..... of

The petitioners undersigned workmen of..... is/are entitled to receive from the said M/s..... the money/benefits mentioned in the statement hereto annexed. It is prayed that the Court be pleased to determine the amount/amounts due to the petitioner(s).

Signature or thumb impression(s) of the applicant(s)

Address(es)

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

Station.....

Date.....

ANNEXURE

(Here set out the details of the money due or the benefit accrued together with the case for their admissibility.)

FORM K-4

[See Rule 62(2)]

Application by a person who is an assignee or heir of a deceased workman under sub-section (2) of Section 33-C of the Industrial Disputes Act, 1947

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

Between

(1) Name of the applicant(s).

(2) Name of the employer.

I am/We are the assignee(s)/heir(s) of the deceased workman and am/are entitled to make an application on his behalf.

Shri..... is a former workman of M/sof..... is entitled to receive from the said M/s..... the money/benefits mentioned in the statement hereto annexed.

It is prayed that the Court be pleased to determine the amount/amounts due to the deceased workman.

Address of workman.....

Signature or thumb impression(s) of the applicant(s)

Address of the applicant(s)

Station.....

Date.....

ANNEXURE

(Here set out the details of the money due or the benefit accrued together with the case for their admissibility.)

FORM L

[See Rule 71]

Form of Notice of Strike to be given by Union/Workmen in Public Utility Service
(Name of Union)

[Name of five elected representatives of workmen]

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, I/we hereby give notice that I/we propose to go on strike on 20.....for the reasons explained in the Annexure.

Yours faithfully,

Secretary of the Union

[Five representatives of the workmen duly elected at a meeting held..... (dated). Vide resolution attached.]

ANNEXURE

Statement of the Case.

Copy to:

- (1) Labour Commissioner
(Here enter office address of the Labour Commissioner in the local area concerned)
- (2) Deputy Labour Commissioner.....
- (3) Assistant Labour Commissioner Mizoram : Aizawl

FORM M

(See Rule 72)

Form of Notice of Lock-out to be given by an Employer carrying on a public Utility Service

Name of employer.....

Address.....

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

In accordance with the provisions of sub-section(2) of Section 22 of the Industrial Disputes Act, 1947, I/we hereby give notice to all concerned that it is my/our intention to effect a lock-out, in..... department(s), section(s) of my/our establishment with effect from..... for the reasons explained in the annexure.

Signature.....
 Designation.....

ANNEXURE

Statement of Reasons

Copy forwarded to:

- (1) The Secretary of the Registered Union, if any
- (2) Labour Commissioner.....
[Here office address of the Labour Commissioner on the local area concerned]
- (3) Deputy Labour Commissioner.....
- (4) Assistant Labour Commissioner, Mizoram : Aizawl

FORM N
 (See Rule 73)

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 Deputy Labour Commissioner for the local area concerned

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

Notes .-
 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 or 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 than, 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 figure should appear under "directly" and column "indirectly" would be blank.

Column (8) Give the main causes of the dispute as well as the immediate cause that led to the strike or lock-out.

FORM O
[See Rule 75 (1)]

Register-Part I

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

Whether the settlement was effected at the interview of the conciliation machinery or by mutual negotiations between the parties may be indicated here.

Part-II

Should contain one copy each of the settlement in the serial order indicted in Part I.

FORM O-1
[See sub-rule (2) of Rule 75]

To

The Labour Commissioner,
.....
(Here specify the region concerned)

Sir,

Under Rule sub-rule (2) of Rule 75 of the Mizoram Industrial Disputes Rules, 2015, I/we hereby inform that I/we have laid off..... out of a total of*.....workmen employed in the establishment with effect from**.....for the reasons explained in the Annexure.

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

Yours faithfully

Copy forwarded to Labour Commissioner
(here specify the address of the Labour Commissioner of the local area concerned.)

ANNEXURE
Statement of Reasons

*Here insert the number of workmen.

**Here insert the date.

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

FORM O-2
[See sub-rule (2) of Rule 75]

To
The Labour Commissioner,
.....
(Here specify the region concerned)

Sir,
As required by sub-rule (2) of Rule 75 of the Mizoram Industrial Disputes Rules, 2015 and in continuation of my/our notice dated*..... in Form O-1, I/we hereby inform you that lay-off in my/our establishment has ended on.....

Yours faithfully,
**

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

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

FORM O-3
[See Rule 75 (3) (a)]
(To be submitted in triplicate)
Form of application for permission to lay off to continue the lay-off of workmen in industrial establishments to which provisions of Chapter V-B of the Industrial Disputes Act, 1947(14 of 1947) apply

To
.....
.....
.....
[The authority specified under sub-section (1) of Section 25-M]

Sir,
Under *sub-section (1)/sub-section (3) of Section 25-M of the Industrial Disputes Act, 1947(14 of 1947) read with clause (a) of Rule 75 (3) of the Mizoram Industrial Disputes Rules, 2015, I/we hereby apply for *permission to the lay-off/permission to continue the lay-off.....workmen of a total of.....workmen employed in my/our establishment with effect from..... for the reasons set out in the Annexure.

Permission is solicited* 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 25-M read with Section 25-C of the Industrial Disputes Act, 1947(14 of 1947).

Yours faithfully,
(Signature)

*Strike out whatever is inapplicable.

ANNEXURE

(Please give replies against each item)

Item No.

1. Name of the undertaking with complete postal address, including telegraphic address and telephone number.
2. 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 licensing/registrating authority and licensing/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 has 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 manufactures and scheduled industry/industries under which they fall.
5. Details relating to installed capacity, licensed capacity and utilized capacity.
6. (i) Annual production, item-wise for the 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 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 company 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 undertaking.
(ii) Percentage of wages of workmen to the total cost of production.
15. Administrative, general and selling cost in absolute terms per year in the last three years and percentage thereof to the total cost.
16. Details of lay-off resorted to in the last three years (other than the lay-off for which permission is sought) including the periods of such lay-offs, the number of workmen involved in each such lay-off and the reasons there for.
17. Anticipated savings due to the *proposed lay-off/lay-offs for the continuance of which permission is sought.
18. Any proposal for effecting savings on accounts 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-offs for the continuance of which permission is sought.
22. Any specific attempts made so far to avoid the *proposed lay-off/lay-offs for the continuance of which permission is sought.
23. Any other relevant factors with details thereof.

*Strike out whatever is inapplicable

FORM P
(See Rule 76)

Form of Notice of Retrenchment to be given by an employer under clause (c) of Section 25-F of Industrial Disputes Act, 1947

Name of employer.....Address.....
Dated the.....day of.....20.....

To,

The Secretary to the Government of Mizoram,
Labour, Employment & Industrial Training Department.

Sir,

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

2. The workmen concerned were given on the**.....20.....one month's notice in writing as required under clause (a) of Section 25-F 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 25-F of that Act.

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

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

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

Yours faithfully

*Here insert the number of workmen.

**Here insert the date

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

ANNEXURE
Statement of Reasons

Copy to

- (1) Labour Commissioner [Here enter office address of the Labour Commissioner in local area concerned.]
- (2) Deputy Labour Commissioner.....
- (3) Employment Officer, Employment Exchange.....(Enter the full address of the Employment Exchange concerned.)

FORM P-A

(To be made in triplicate)

[See Rule 76 (2)]

Form of notice for permission for retrenchment of workmen to be given by an employer under clause 79[(d)] of sub-section (1) of Section 25-N of the Industrial Disputes Act, 1947 (14 of 1947)

To,

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

[The State Government/Authority specified under clause (c) of sub-section (1) of Section 25-N]

Sir,

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

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

*Strike out whatever is inapplicable.

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

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

4. Permission is solicited for the proposed retrenchment under clause(c) of sub-section (1) of Section 25-N.

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 25-N of the Act.

*Yours faithfully,
(Signature)*

ANNEXURE
(Please give relies 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 licensed/registration authority and licence/registration certificate numbers.
- 3. Names and addresses of the workmen proposed to be retrenched and the nature of their duties, the units/sections/shops where they are working and the wages drawn by them.
- 4. Items of manufacture and scheduled industry/industries under which they fall.
- 5. Details relating to installed capacity, licensed capacity and the utilised capacity.
- 6. (i) Annual production, item-wise for preceding three years.
(ii) Production figures, month-wise for the preceding twelve months.
- 7. Work in progress, item-wise and value-wise.
- 8. Any arrangement regarding off-loading or sub-contracting of products or any components thereof.
- 9. Position of the order book, item-wise and value-wise for a period of six months and one year next following and for the period after the expiry of the said one year.
- 10. 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 inter-connected company 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 year 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 thereof.
- 17. Has any of the retrenched workman 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 stocks 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 in both item-wise and value-wise.
- 23. Reasons for the proposed retrenchment.
- 24. Any specific attempt made so far to avoid the proposed retrenchment.
- 25. Any other relevant factors with details thereof.

FORM Q

[See Rule 76 (3)]

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

Name of employer..... Address.....
Dated the.....day of.....20.....

To,
The Secretary to the Government of Mizoram,
Department of Labour & Employment,
Mizoram : Aizawl.

Sir,
Under Section 25-FFA of the Industrial Disputes Act, 1947(14 of 1947), I/we hereby inform you that I/we have decided to close down.....(name of the undertaking) with effect from..... for the reasons explained in the Annexure. The number of workmen whose services would be terminated on account of the closure of the undertaking is (number of workmen)

Yours faithfully,

*

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

ANNEXURE
Statement of reasons

Copy to:

- (1) The Labour Commissioner.....
- (2) The Deputy Commissioner.....
- (3) The Assistant Labour Commissioner.....

FORM Q-A

(To be submitted in triplicate)

[See Rule 76 (4)]

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 Mizoram,
Labour, Employment & Industrial Training Department,
Mizoram, Aizawl

Sir,
Under Section 25-C 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 event of approval for the closure being granted, every workman in the undertaking to whom sub-section(8) of the said section 25-O applies shall be paid compensation as specified in that section.

Yours faithfully,
(Signature)

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 foreign majority company, indicate the extend of foreign holdings.
 - (iii) whether the undertaking is licensed/registered and if so, name of licensing/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. Item of manufacture and scheduled industry/industries under which they fall.
5. Details relating to licensed capacity, installed capacity and the utilized capacity.
6.
 - (i) Annual production in item-wise for the preceding three years.
 - (ii) Production figures in 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 organizations to whom the job/jobs is/are being entrusted-relationship/interest of the persons/organizations with the director/directors or the officers/officers 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 inter-connected company or companies under the same management.
 - (ii) Details about inter-corporate investment and changes during the last one year.
 - (iii) Interest of any of the directors/officers of the undertaking producing same or similar type of product.
15. Percentage of wages of workmen to the total cost of production.

16. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.
17. Inventory position, item-wise and value-wise for the preceding twelve months (inventories to be shown in respect of finished products, components and raw-materials to be shown separately, item-wise and value-wise)
18. Selling arrangement for the last three years and any change in the selling arrangement in preceding twelve months.
19. Full details of the interest of the directors and officers of the company in the organizations/persons involved in selling products of the undertaking.
20. Buying arrangements for raw materials and components.
21. Interest of the directors and officer with the organization involved in buying raw materials and components for the undertaking.
22. Annual sales figures for the 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.