

INDUSTRIAL DISPUTES ACT, 1947

UTTAR PRADESH RULES

The Industrial Disputes (Uttar Pradesh) Rules, WM
English translation of Shram Anubhag-1, Noti. No. 1819(57)111M"
127(ST)-76, dated March 18, 1976, published in U. P. Gazette.
Extra., dated 18th March, 1976, pp. 12-23.

In exercise of the powers conferred by sub-section (1) of Section 38 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor is pleased to make the following Rules, the same having previously been published for objection and suggestions *ilc Naillamdon* No. 1528(ST)/XXXVI-1-127(ST)-76, dated March 6, 1976:

1. Short title and commencement.—(a) These Rules may be called the Industrial Disputes (Uttar Pradesh) Rules, 1976.

(b) They shall come into force with effect from the date of their publication in the *Official Gazette*.

2. Definition.—In these rules, unless the context otherwise requires—

- (a) 'Act' means the Industrial Disputes Act, 1947 ;
- (b) 'Form' means a form appended to these rules ;
- (c) 'Section' means a section of the Act ;
- (d) Words and expressions used in these rules and not defined therein, but defined in the Act shall have meanings assigned to them in the Act.

3. Application for permission to lay-off under Section 25A.—
(1) Application for permission to lay-off any workman under sub-section (1) or Section 25M or for permission to continue a lay-off under sub-section (2) of the said section, shall be made in Form 'A' 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 was delivered to the said authority shall be deemed to be the date on which the application was made, for the purposes of sub-section (4) of the said section.

(2) The application for permission shall be made in triplicate and sufficient number of copies of the application for service on the workmen concerned shall also be submitted along with the application.

(3) The employer concerned shall furnish to the authority to whom the application for permission has been made such further information as the authority considers necessary for arriving at a decision on the application, as and when called for by such authority so as to enable the authority to communicate the permission or refusal to grant permission within the period specified in sub-section (4) of Section 25-M.

(4) Where the permission to lay-off has been granted by the said authority, the employer concerned shall give to the Deputy Labour Commissioner or Assistant Labour Commissioner of the area

**concerned, a notice of commencement and termination of such lay-off
in Forms '11' and 'C'**

respectively and where permission to continue a lay-off has been granted by the said authority, the employer shall give to the Deputy Labour Commissioner or Assistant Labour Commissioner of the area concerned, a notice, of commencement of such lay-off in Form in case such a notice has not already been given, and a notice of termination of such lay-off in Form 'C',

(5) The notice of commencement and termination of lay-off referred to in sub-rule (4) shall be given within seven days of such commencement or termination, as the case may be:

4. Notice of, and application for permission for, retrenchment.—(1) Notice under clause (c) of sub-section (1) of Section 25N for retrenchment shall be served in Form 'D' on such authority as may be specified by the State Government either personally or by registered post acknowledgement due and where the notice is served by registered post, the date on which the same was delivered to such authority shall be deemed to be the date of service of the notice for the purposes of sub-section (3) of the said section.

(2) Application for permission for retrenchment under sub-Section (4) of Section 25-N shall be made in Form 'E' (with attested copy of the notice given by the employer under clause (a) of Section 25-F and delivered to such authority as may be specified by the State Government either personally or by registered post acknowledgement due and where application is sent by registered post the date on which the same was delivered to the State Government or the authority shall be deemed to be the date on which the application was made for the purposes of sub-section (5) of the said section.

(3) The notice or, as the case may be, the application shall be served in triplicate and sufficient number of copies of the application for service on the workmen concerned shall be submitted alongwith the notice' or, as the case may be, the application.

(4) The employer concerned shall furnish to the State Government or the authority to whom the notice for retrenchment has been given or the application for permission for retrenchment has been made under clause (c) of sub-section (1), or, as the case may be, sub-section (4) of the said Section 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, application, as and when called for by such authority, so as to enable the State Government or the authority to communicate its permission or refusal to grant permission within the period specified in sub-section (3), or, as the case may be, sub-section (5) of the said Section 25-N.

5. Notice of, and application for, permission for, closure.—(1) Notice under sub-section (1) of Section 25.0 of intended closure shall be given in Form 'F' served on the State Government either personally or by registered post acknowledgement due.

(2) Application for permission to close down an undertaking, under sub-section (3) of Section 25-0, shall be made in Form 'G' [with attested copy of the notice served by the employer under sub-section (1) of Section 25-FFA in Form 'H'] and shall be delivered to the State Government either personally or by registered post acknowledgement

due and where the application is sent by registered post the date on which the same was delivered to the State Government shall be deemed to be the *date* on which ' the application was made for the purposes of sub-section (4) of the said Section 25-0.

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

(4) The employer concerned shall furnish to the State Government to whom the notice of intended closure has been given or the application for permission to close down has been made such further information as the State 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.

FORM A

[See Rule 3(1)]

Form of application for permission to lay-off workmen in industrial establishments to which provisions of Chapter VB of the Industrial Disputes Act, 1947, apply.

To

.....
.....

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

Sir

Under sub-section (1), sub-section (2) of Section 25-M of Industrial Disputes Act, 1947 (14 of 1947), read with sub-rule (1) of Rule 2 of the Industrial Disputes (Uttar Pradesh) Rules, 1976, I/We, hereby apply for

*permission to lay-off/permission to continue the lay-off.....main= out of a total of workmen employed in my/our establishment with effect from to 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 laid-off will be paid such compensation, if any, to which he is entitled under sub-section (6) of Section 23-111, read with Section 25-C, of the Industrial Disputes Act, 1947 (14 of 1947).

Yours faithfully,
(Signature)

"ANNEXURE

Item No.

I. Name of the undertaking together with names of occupier/Manager/ Director/Partners with complete postal address, including telegraphic addresses and telephone number.

2) *Name and address of the employer and the address of the workmen laid off

*Strike out whatever is inapplicable.

(Please give replies against each item)

commencement of the Industrial Disputes (Amendment) Act, 1976 (32 of 6) and the dates from which each of them have 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 working and the wages drawn

Plem-

3. Product/Products of the undertaking.

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

5. (i) Annual production, item-wise for preceding three years. (ii) Production, figures, month-wise, for the preceding twelve months.

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

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

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

9. Number of working days in a week with *the* number of shifts per-day and the strength of workmen per each shift.

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

11. Financial position of the company.

12. Names of the inter-connected companies or companies under the same management.

13. (i) The total number of workmen and the number of employees other than workmen as defined under the Industrial Disputes Act, 1947 (14 of 1947), employed in the undertaking.

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

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

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

16. Anticipated savings due to the *proposed lay-off/lay-off for the continuance of which permission is sought.

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

(i) managerial remuneration,

**(ii) sales promotion cost, and
(iii) general administration expenses.**

-
- Strike out whatever is inapplicable.

18. Position of stocks on last day of the month in the preceding twelve months.
19. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months, both item-wise and value-wise.
20. Reasons for the *proposed lay-off/lay-off for the continuance of which permission is sought.
21. Any specific attempts made so far to avoid the *proposed **lay-off/** lay-off for the continuance of which permission is sought.
22. Any other relevant factors with details thereof."

*Strike out whatever is inapplicable.

FORM B

[See Rule 3(4)]

To,

THE REGIONAL DEPUTY/ASSISTANT LABOUR COMMISSIONER,

.....
(here specify the region concerned)

Sir,

Under rule. ., of the Industrial Disputes (Uttar Pradesh) **Rules, 1976**, I/We, hereby inform you that **I/We, have laid-off out of a total of * workmen employed in the establishment with drone fromt..... for the reasons explained in the Annexure.**

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

Yours faithfully,
(Signature).

ANNEXURE

Statement of Reasons

FORM C

[See Rule 3(4)]

To,

THE REGIONAL DEPUTY/ASSISTANT LABOUR COMMISSIONER,

.....
(here specify the region concerned)

Sir,

As required by ruleof the Industrial Disputes (Uttar **Freda***) Rules, 1976 and in connection of my/our notice **dated*** •

*Here boot the number of workmen. tHere insert the date.

(4) Permission is solicited for the proposed retrenchment under clause (c) of sub-section (1) of Section 25-N of the Industrial Disputes Act, 1947 (14 of 1947).

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

Yours faithfully,
(Signature)

*Strike out whatever is inapplicable.

ANNEXURE.

(Please give replies against each items)

Item No.

1. Name of the undertaking with complete postal address, including telegraphic addresses and telephone number.
2. Name and addresses of the workmen proposed to be retrenched and the nature of their duties, the units/sections/shops where they are working and the wages drawn by them.
3. Product/Products of the undertaking.
 - . Details relating to installed capacity, licensed, capacity and the utilised capacity.
5. (i) Annual production item-wise for preceding three years. •
(ii) Production figures month-wise for the preceding twelve months.
6. Work in progress item-wise and value-wise.
7. Any arrangement regarding off-loading or sub-contracting of products or any components thereof.
8. Position of the order book item-wise and value-wise for a period of six months, and one year, next following and for the period after the expiry of the said one year.
9. Number of working days in a week with number of shifts per day and strength of workmen per each shift.
10. Balance-sheet, profit and loss account and audit reports for the last three years.
11. Financial position of the company.
12. Names of the inter-connected companies or companies under the same management.
- 13, (i) Total number of workmen 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.
14. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.

(4) Permission is solicited for the proposed retrenchment under clause (c) of sub-section (1) of Section 25-N of the Industrial Disputes Act, 1947 (14 of 1947).

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

Yours faithfully,
(Signature)

*Strike out whatever is inapplicable.

ANNEXURE.

(Please give replies against each items)

Item No.

1. Name of the undertaking with complete postal address, including telegraphic addresses and telephone number.
2. Name and addresses of the workmen proposed to be retrenched and the nature of their duties, the units/sections/shops where they are working and the wages drawn by them.
3. Product/Products of the undertaking.
 - . Details relating to installed capacity, licensed, capacity and the utilised capacity.
5. (i) Annual production item-wise for preceding three years. •
(ii) Production figures month-wise for the preceding twelve months.
6. Work in progress item-wise and value-wise.
7. Any arrangement regarding off-loading or sub-contracting of products or any components thereof.
8. Position of the order book item-wise and value-wise for a period of six months, and one year, next following and for the period after the expiry of the said one year.
9. Number of working days in a week with number of shifts per day and strength of workmen per each shift.
10. Balance-sheet, profit and loss account and audit reports for the last three years.
11. Financial position of the company.
12. Names of the inter-connected companies or companies under the same management.
- 13, (i) Total number of workmen 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.
14. Administrative, general and selling cost in absolute terms per year for the last three years and percentage thereof to the total cost.

for the retenehment of the workman/workmen specified below
(attested copy/copies of the notice, is/are appended hereto) :—

Name and address of workmen	Category and designation
2	

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

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

Yours faithfully,
(Signature).

ANNEXURE

(Please give replies against each item)

Item No.

1. Name of the undertaking, with complete postal address, including telegraphic addresses and telephone number.
2. te) Names of the workmen proposed to be retrenched and the nature of their duties, the units/sections/shops where they are working and the wages drawn by them.

(b) Date of the notice of retrenchment given to the workman concerned under Section 25-F(e) and the dates on which the said notice was served on each workman concerned.
3. Product/Products of the undertaking.
4. Details relating to installed capacity, licensed capacity and the utilised capacity.
5. (1) Annual production, item-wise for the preceding three years. (ii) Production figures month-wise for the preceding twelve months.
6. Work in progress, item-wise and value-wise.
7. Any arrangement regarding off-loading or sub-contracting of products or any components thereof.
8. Position of the order book—item-wise and value-wise for a period of six months, and one year, next following and for the period after the expiry of the said one year.
9. Number of working days in a week with number of shifts per day and strength of workmen per each shift.

10. Balance-sheet; profit and loss account and audit reports for the last three years.

11. Financial position of the company.

12. Names of the inter-connected company or companies under the same management.

13. (1) The total number of workmen and 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.

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

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

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

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

Anticipated savings due to the proposed retrenchment.

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

(i) managerial remuneration;

(ii) sales promotion cost ; and

(iii) general administration expenses.

20. Position of stock on the last day of the -month in the preceding twelve months.

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

22. Reasons for the proposed retrenchment.

23. Any specific attempt made so far to avoid the proposed retrenchment.

24. Any other relevant factors with details thereof.

Desk.....

[See Rule 5(1)]

**Form of notice for permission of closure to be given by an employer
under sub-section (1) of Section 25-0 of the Industrial Disputes
Act, 1947 (14 of 1947).**

To

SA CHIV
UTTAR PRADESH
SHASAN SHRABI
VIBHAG,
Lucxxow.

Sir,

Under Section 25-0 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 fromfor the reasons explained in the Annexure.

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

3. Permission is solicited for the proposed closure.

4. I/We, hereby declare that in the event of approval for the closure being granted, every workman in the undertaking to whom sub-section (7) of the said Section 25-0 applies will be given notice and paid compensation as specified in Section 25-N of the Industrial Disputes Act, 1947 (14 of 1947), as if the workman had been retrenched under that section.

Yours faithfully,
(Signature).

ANNEXURE

(Please give replies against each item)

iZem No.

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

2. The total number and categories of workmen affected by the proposed closure, alongwith the addresses of the workmen and the details of wages drawn by them.

3. Product/Products of the undertaking.

4. Details relating to licensed capacity, installed capacity and the utilised capacity.

5. (i) Annual production item-wise for preceding three years. (ii) Production figures month-wise for the preceding twelve months.

6. Work in progress—item-wise and value-wise,

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

8. Details of persons or the organisations to whom the job(s) is (are) being entrusted-relationship/interest of the persons,organisations with the director(s) or the officer(s) of the company.
9. Position of the order book—item-wise and value-wise for a period of six months, and one year, next following and' for the period after the expiry of the said one year.
10. Number of working days in a week with the number of shifts per day and the strength of workmen per each shift.
11. Balance-sheet and profit and loss account and. audit reports for the last three years.
12. Financial position of the company.
- 13: (i) Names of any inter-connected company or companies under the same management.
(ii) Details about inter-corporate investments and changes during the last one year.
(iii) Iritertst of any of the directors/officers of the undertaking producing same or similar type of product.
14. Percentage of wages of workmen to the total cost of production.
15. Administrative, general and selling cost in absolute terms' per year for the last three years and percentage thereof to the total cost.
16. Inventory position—item-wise and value-wise for the preceding twelve months (Inventories to be shown in respect of finished products, components and raw-materials to be shown separately item-wise and value-wise).
17. Selling arrangement for the last three years and any change in the selling arrangement in preceding twelve. months.
18. Full details of the interests of the directors and officers of the company in the organisations/persons involved in selling products of the undertaking.
19. Buying arrangements for raw-materials and components.
20. Interest of the directors and officers with the organisations/persons _ involved in buying raw materials and components for. the undertaking.
21. Annual sales figures for the last three years and month-wise sales figures for the preceding twelve months both item-wise and value-wise.
22. Reasons for the proposed closure.
23. Any specific attempts made so far to avoid the closure.
24. Any other relevant factors with details thereof.

[St. Rule 5(2)]

Form of application for permission to close down an undertaking in cases

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

Date.

To,

SACHI V,
UTTAR PRADESH SHASAN,
SHAMS VIBHAO,
LUC:KNOW.

Sir,

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

(Name of industrial establishment)

.....
(Attested copy of the notice is appended hereto)

(Give details of the undertaking)

.....

.....

.....

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

3. I/We, hereby solicit permission to close down the said undertaking under sub-section (3) of Section 25-0 of the Industrial Disputes Act, 1947 (14 of 1947), for the reasons set out in the Annexure.

4. I/We, hereby declare that in the event of permission for the closure being granted every workman in the undertaking to whom sub-section (7) of the said Section 25-0 applies will be given notice and paid compensation as specified in Section 25-N of the Industrial Disputes Act, 1947 (14 of 1947), as if the workman had been retrenched under that section.

Yours faithfully,

(Signature)

ANNEXURE

(Please give replies against each item)

Item No.

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

2. Date of the notice under sub-section (1) of Section 25-FFA, and the date on which the said notice was served on the appropriate Government.

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

4. Product/Products of the undertaking.

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

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

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

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

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

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

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

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

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

13. Financial position of the company.

14. (i) Names of any inter-connected company or companies under the same management,

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

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

15. Percentage of wages of workmen to the total cost of 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 interests of the directors and officers of the company in the organisations/persons involved in selling products of the undertaking.

20. Buying arrangements for raw-materials and components.

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

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

23. Reasons for the proposed closure.

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

25. Any other relevant factors with details thereof.

FORM H

[See Rule 5(2)]

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

Name of employerAddress

Dated theday of..... 197

To,

SACH/V,
UTTAR PRADESH SHASAN,
SHRASS VISHAG,
LUCKNOW.

S;r,

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 fromfor the reasons explained in the annexure. The number of workmen whose services should be terminated on account of the closure of the undertaking is • (number of workmen).

Yours faithfully,

ANNEXURE

Statement of Reasons

Copy to :-

(1) The Regional Deputy/Assistant Labour

.....

Commissioner, . (2) The Employment Exchange .

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