

THE ANDHRA PRADESH INDUSTRIAL DISPUTES RULES, 1958

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Sankhla
Consultants



THE ANDHRA PRADESH INDUSTRIAL DISPUTES RULES, 1958

Preliminary

1. Short title and extent: -

- (1) These rules may be called the Andhra Pradesh Industrial Disputes Rules, 1958.
- (2) They shall extend to and be in force in the whole of the State of Andhra Pradesh.]

2. Definitions: -

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

- (a) "Act" means the Industrial Disputes Act, 1947 (Central Act 14 of 1947);
- (b) "Chairman" means the Chairman of a Board or Court or, if the Court consists of one person only, such person
- (c) "Committee" means a Works Committee constituted under sub-section (1) of Section 3 of the Act;

- (d) "Form" means a form in the Schedule to these rules;
- (e) "Section" means a section of the Act
- (f) "Government" means Government of Andhra Pradesh
- (g) with references to clause (g) of Section 2, it is hereby prescribed that in relation to an industry carried on by or under the authority of a Department of the Government, the officer in charge of the industrial establishment shall be the 'employer' in respect of that establishment.

PART-1

Procedure for Reference of Industrial Dispute to Boards of conciliation, Courts of enquiry, Labour Courts or Industrial Tribunals

3. Application: -

An application under sub-section (2) of Section 10 for the reference of an industrial dispute to a Board, Court, Labour Court. or Tribunal shall be made in Form-A and shall be delivered personally or forwarded by registered post '[to the Secretary to the Government in charge of Labour (in triplicate), the Commissioner of Labour and the Conciliation Officer of the area concerned]. The application shall be accompanied by a statement setting forth: -

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

4. Attestation of Application: -

The application and the statement accompanying it shall be signed. -

- (a) in the case of an employer by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of the Corporation;
- (b)
 - (i) in the case of workmen, by the President and the Secretary of a Registered Trade Union of workmen or if both or either of them is not available by 5 representatives duly authorised by the Executive of the Union
 - (ii) where there is no registered trade union, by 5 representatives of the workmen duly authorized in the General Body meeting by the majority of the workmen, held for this purpose;

- (c) in 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.

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 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 person to represent them on the Board.
- (2) The notice to the employer shall be sent to him personally or if the employer is an incorporated company or body corporate, to the agent, manager or other principal office of such company or body.
- (3) The notice to the workmen shall be sent: -
 - (a) in the case of workmen who are members of a trade union, to the President or Secretary of the trade union; and
 - (b) in the case of workmen who are not members of a trade union to any one of the five representatives of the workmen who have attested the application made under Rule 3; and this case a copy of the notice shall also be sent to the employer who shall display copies thereof on notice board in a conspicuous manner at the main entrance to the premises of the establishment.

PART-2

Arbitration agreement

7. Arbitration agreement: -

An arbitration agreement for the reference of an industrial dispute to an arbitrator or arbitrators shall be made in Form-C shall be delivered personally or forwarded by registered post (to the Secretary to Government in charge of Labour (in triplicate), the Commissioner of Labour and the Conciliation Officer concerned. The agreement shall be accompanied by the consent, in writing, of the arbitrator or arbitrators.

²17-A. Notification regarding arbitration agreement by majority of each party: -

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

8. Attestation of the arbitration agreement: -

The arbitration agreement shall be signed

- (a) in the case of an employer, by 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
 - (i) by the president and the Secretary of a Registered Trade Union of workmen, or if both or either of them is not available by 5 representatives duly authorised by the Executive of the Union
 - (ii) where there is no registered Trade Union, by 5~ representatives of the workmen duly authorised in the General Body Meeting by the majority of the workmen held for this purpose.
- (c) in the case of an individual workmen by the workmen 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.

PART-3

Powers, procedures and duties of Conciliation Officers, Boards Courts Labour Courts, Tribunal Arbitrators

9. Conciliation proceedings in public utility service: -

- (1) The Conciliation Officer, on receipt of a notice of a strike or lock-out given under Rule 73 or Rule 74 shall forthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.
- (2) Where the Conciliation Officer receives no notice of a strike or lock-out under Rule 73 or Rule 74 but he considers it necessary to intervene in the dispute he may 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.

10. Conciliation proceedings in non-public utility service: -

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

11. Parties to submit statement: -

- (1) The party representing workmen involved in an industrial dispute in a public utility service shall forward a statement of its demands along with a copy of the notice prescribed under Rule 73 to the Conciliation Officer concerned. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.

- (2) The party representing workman involved in a dispute in a non-public utility service or in a dispute in a public utility service, where no notice of strike is given under sub-rule (I) of Rule 73 or the case of an individual workman, who is himself involved in an industrial dispute shall forward a statement of its or his demands to the Conciliation Officer concerned before such date as may be specified by him for commencing conciliation proceedings. The statement shall be accompanied by as many spare copies thereof as there are opposite parties.
- (3) The statement of demands submitted by the individual workman or by the party representing the workmen under sub-rule (1) or sub rule (2) shall be transmitted to the State Government by the Conciliation Officer concerned with his report under sub-section (4) of Section 12.
- (4) Where an employer, or an individual workman or a party representing workmen, applies to the State Government for reference of an industrial dispute to a Labour Court or Tribunal, such application shall be accompanied by a statement of the demands with as many spare copies thereof as there are opposite parties.
- (5) The statement referred to in sub-rules, (1), (2) and (4) and every copy thereof required under the said sub-rules to accompany the said statement shall be duly signed, on behalf of the party, by the person making it.
- (6) ‘[“The workmen discharged, dismissed, retrenched or otherwise terminated from service and who desires to represent his dispute to the Labour Court directly for adjudication, shall submit an application in Form K-4 duly signed by him to the said Court with as many spare copies thereof as there are opposite parties”]’

12. Proceedings before the Labour Court or Tribunal: -

- (1) Where the State Government refers any industrial dispute for adjudication to a Labour Court or Industrial Tribunal, within two weeks of the date of receipt of order of reference, the party representing workmen and the employer involved in the dispute shall file with Labour Court or Industrial Tribunal, as the case may be, a statement of the demands relating to the issues only as are included in the order of reference and shall also forward a copy of such statement to each one of the opposite parties involved in the said dispute. Provided that where the Labour Court or Industrial Tribunal, as the case may be, considers it necessary, it may: -
 - (a) extend the time limit for filing of such statement; or
 - (b) reduce the time limit for filing of such statement to one week in emergent cases for reasons to be recorded in writing; or
 - (c) where both the parties agree, reduce the time limit for filing of such statement as per such agreement; or
 - (d) where both the parties agree, dispense with the requirement of filing of such statement altogether

- [(c) allow at any stage of the proceeding's amendments to such statement to the extent as may be necessary for the purpose of determining the real issue included in the order of reference].
- (2) Within two weeks of the receipt of the statement referred to in sub-rule (1), the opposite party shall file its rejoinder with the Labour Court or Tribunal, as the case may be, and simultaneously forward a copy thereof to the other party Provided that such rejoinder shall relate only to such of the issues as are included in the order of reference; Provided further that where the Labour Court or Industrial Tribunal, as the case may be, considers it necessary, may –
- (a) extend the time limits for filing of such rejoinder; or
 - (b) reduce the time limit for filing of such rejoinder to one week in emergent cases for reasons to be recorded in writing; or
 - (c) where both the parties agree, reduce the time limit for filing of such rejoinder as per such agreement; or
 - (d) where both the parties agree, dispense with the requirement or filing of such rejoinder altogether.
- ² (e) allow at any stage of the proceedings, amendments to such rejoinder to the extent as may be necessary for the purpose of determining the real issues included in the order of reference.]
- (3) The Labour Court or Tribunal as the case may be, shall ordinarily fix the date for the first hearing of the dispute within six weeks of the date on which it was referred for adjudication: Provided that the Labour Court, or Tribunal, as the case may be, may for reasons to be recorded in writing, fix a later date for the first hearing of the dispute.
- (4) The hearing shall ordinarily be continued from day to day arguments shall follow immediately after the closing of evidence.
- (5) The Labour Court or Tribunal as the case may be, shall not ordinarily grant an adjournment for a period exceeding a week at a time, not more than three adjournments in all at the instance of any one of the parties to the dispute. Provided that the Labour Court or Tribunal as the case may, for reasons to be recorded in writing grant an adjournment exceeding a week or more than three adjournments at the instance of any one of the parties to the dispute.
- (6) The Labour Court or Tribunal as the case may be, shall, as the examination of each witness proceeds, make a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the presiding officer.

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

- (l) Where the workman discharged, dismissed, retrenched or otherwise terminated from service makes an application in the prescribed manner, direct to the Labour Court for adjudication of the dispute, within one week of the date of receipt of such an application, the Labour Court shall cause service of a copy of the said application on the employer. The employer shall file within seven days from the date of receipt of the said application, his counter in the Labour Court under copy of the workman. The workman if he desires to file any rejoinder he may file it within seven days from the date of receipt of the counter, in the Labour Court provided that where the Labour Court considers is necessary:
- (a) It may extend or reduce the period of limitation for filing the counter/rejoinder for a maximum of thirty-days.
 - (b) Allow at any stage of the proceedings, amendments to such application/counter to the extent as may be necessary for the purpose of determining the real issue include in the application.
- (2) The Labour Court shall ordinarily fix the date for the first hearing of the dispute within five weeks from the date on which the application is received by it:
- Provided that the Labour Court for reasons to be recorded in writing, fix a later date than five weeks for the first hearing of the dispute which may extend to ninety days from the date of receipt of the application.
- (3) The hearing shall ordinarily be continued from day to day, the arguments shall follow immediately after the close of evidence and proceedings of the reference of the dispute in any case shall be closed and decision shall be given within 180 days from the date of the application.
- (4) The Labour Court shall as the examination of each witness proceeds, make a memorandum of substance of what he disposes, and such memorandum shall be written and signed by the Presiding Officer: Provided that the Labour Court may follow the procedure laid down in Rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (Central Act 5 of 1908) if it considers necessary so to do in view of the nature of the particular industrial dispute pending before it .

13. Conciliation offer to hold meeting: -

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

14. Conduct of Proceedings: -

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

15. Place and time of hearing: -

Subject to the provisions contained in Rules 11 and 12 the sittings of 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.

16. Quorum for Boards and Courts: -

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

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

17. Evidence: -

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

18. Administration of oath: -

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

19. Summons: -

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

20. Service of summons or notice: -

Subject to the provisions contained in rule 22, any notice, summons, process or order issued by a Board, Court, Labour Court, Tribunal, National 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].

21. Description of parties in certain cases: -

Where in any proceeding before Board, Court, Labour Court, Tribunal or an arbitrator, there are numerous persons arrayed on any said, 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 be, may determine.

22. Manner of service in the case of numerous persons as parties to a dispute: -

- (1) Where there are numerous persons as parties to any proceedings before 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 proceedings before a Board, Court, Labour Court, Tribunal or an arbitrator and such persons are not members of any trade union or association, the Board, Court, Labour Court, Tribunal or Arbitrator, as the case may be, shall, where personal service is not practicable, cause the service of any notice to be made by affixing the same at or near the main entrance of the establishment concerned.
- (3) A notice served in the manner specified in sub-rule (2) shall also be considered as sufficient in the case of such workman as cannot be ascertained and found.

23. Procedure at the first sitting: -

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

24. (Power of the Board, Court, Labour Court, Tribunal or Arbitrator to proceed ex-party etc): -

If without sufficient cause being shown any party to the proceeding before a Board, Court, Labour Court, Tribunal or Arbitrator fails to file the statement of demands/rejoinder and, or to attend or to be represented the Board, Court, Labour Court, Tribunal or Arbitrator may proceed as if the party has nothing to file the statement of demands/rejoinder and as if the party had duly attended or had been represented. Provided that in case where one of the parties fails to file statement of demands rejoinder and, or to attend or to be represented, the Board, Court, Labour Court, Tribunal or Arbitrator may precede ex-party. Provided further in case both the parties fail to file statement of demands rejoinder and, or to attend or to be represented the Board, Court, Labour Court, Tribunal or Arbitrator may close the proceedings as having not been pressed by the parties.]

25. Power of entry and inspection: -

A Board, or Court, or any Member thereof, or a Conciliation Officer, a Labour Court, or Tribunal or any person authorised in writing by the Board, Court, Labour Court, or Tribunal in this behalf may, for the purposes of any conciliation, investigation, enquiry or adjudication entrusted to the Conciliation Officer, Board, Court, Labour Court, or Tribunal under the Act at any time between the hours of sunrise and

sunset and in the case of person authorised in writing by a Board, Court, Labour Court, or Tribunal after he has given reasonable notice, enter any building, factory, workshop, or other place or premises whatsoever, and inspect the same or any work, machinery, appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject matter of the conciliation, investigation, enquiry or adjudication.

²[Provided that, where the cause of dispute relates to work in a night shift inspection may also be made after sunset after giving notice to the parties concerned].

26. Power of Boards, Courts, Labour Courts and Tribunals: -

In addition to the powers conferred by the Act, Boards, Courts, Labour Courts or Tribunals shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit in respect of the following matters, namely: -

- (a) discovery and inspection;
- (b) granting adjournment;
- (c) reception of evidence taken on affidavit; and the Board, Court, Labour Court or Tribunal may summon and examine any person whose evidence appears to it to be material and shall be deemed to be a Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, 1898 (Central Act V of 1898).

26-A. Principles for determining cost: -

In determining the costs of, and incidental to, any proceeding before a Labour Court or Tribunal, the Court or Tribunal, as the case may be, shall have regard to: -

- (a) the travelling and other expenses incurred by a party, its representatives and witnesses for the purpose of attending the Court or Tribunal
- (b) the loss of wages suffered by a party, its representatives or witnesses during the period of absence for the purpose of attending the Court or Tribunal.

27. Assessors: -

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

28. Fees for copies of awards or other documents of Labour Court or Tribunal: -

- (l) Fees for marking a copy of an award or an order of a Labour Court or Tribunal or any document filed in any proceedings before a Labour Court or Tribunal be charged as follows:
 - (a) for the first 200 words or less. 75 Ps.
 - (b) for every additional 100 words or fraction there of 35 Ps. Provided that where an award or order or document exceeds five pages the

approximate number of words per page shall be taken as the basis for calculating the total number of words, to the nearest hundred, for the purpose of assessing the copying fee.

- (2) For certifying a copy of any such award or order or document, a fee of Rs. 1 shall be payable.
- (3) Copying and certifying fee shall be payable in cash in advance.
- (4) Where a party applies for immediate delivery of a copy of any such award or order or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable.

29. Decision by majority: -

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

[30. Correction of Errors: -

The Board, Court, Labour Court, Tribunal. National Tribunal or Arbitrator may at any time correct any clerical mistake or error arising from an accidental slip or Commission in any proceedings, report, award or decision either of its or his own motion or on the application of any of the parties].

31. 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 evidence has been called.

32. Proceedings before a Board, Court, Labour Court, or Tribunal: -

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

[32-A.

Every award of Labour Court, Industrial Tribunal shall be published together with the order of the Government on the notice board of the Labour Court, Industrial Tribunal on the date specified by the Government in their orders].

[32-B.

Every award received from the arbitrator shall be published together with the order of the Government on the notice board of the office of the Deputy Commissioner of Labour on the date specified by the Government in their order in whose jurisdiction the award is enforceable.]

PART-4

Remuneration of Chairman and Members of Courts, Presiding Officers of Labour Courts, and Tribunals, Assessors and Witnesses

33. Travelling allowance: -

The Chairman or Member of Board Court or Presiding Officer of a Labour Court, or Tribunal or an Assessor if a non-official shall be entitled to draw travelling allowance and daily allowance for any journey performed by him in connection with performance of his duties, at the rates admissible to a non-official member of First-Class Government committee under the Andhra Pradesh Travelling Allowance Rules.

34. Fees: -

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

35. Expenses of witnesses: -

Every person who is summoned and duly attends or otherwise appears as a witness before a Board, Court, Labour Court, Tribunal or an Arbitrator shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Courts in the State of Andhra Pradesh.

PART-5

Notice of Change

36. Notice of Change: -

Any employer intending to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule [to the Act] shall give notice of such intention in Form-F. The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in Manager's Office Provided that where any registered trade union exists, a copy of the notice shall also be served on the Secretary of the Union.

37. Manner of Service of notice of change: -

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

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

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

PART-6

Representation of Parties

38. 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.

39. Parties bound by acts of representative: -

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

PART-7

Works Committee

40. 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.

41. 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 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.

42. Representative of employer: -

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

43. Consultation with trade unions: -

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

- (b) how their membership is distributed among the sections, shops or departments of the establishment.
- (2) When an employer has reason to believe that the information furnished to him under sub-rule (1) by any trade union is false, he may, after informing the union, refer the matter to the Conciliation Officer concerned for his decision; and the said officer, after hearing the parties, shall decide the matter and his decision shall be final.

44. Groups of workmen's representatives: -

On receipt of the information called for under Rule 43, the employer shall provide for the election of workmen's representatives on the Committee in two groups

- (1) those to be elected by the workmen of the establishment who are members of the registered trade union or unions, and
- (2) those to be elected by the workmen of the establishment who are not members of the registered trade union, or unions bearing the same proportion to each other as the union members in the establishment bear to the non-members: Provided that where more than half the workmen are members of the union or any one of the unions, no such division shall be made:

Provided further that where a registered trade union neglects or fails to furnish the information called for under sub-rule (1) of Rule 43 within one month of the date of 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 43, the election shall be held on receipt of the Conciliation Officer.

45. Electoral Constituencies: -

Where under Rule 44 the workmen's representatives are 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 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 by groups, sections, shops or departments.

46. Qualifications of candidates for election: -

Any workman of not less than 19 years of age and with a service of not less than one year in the establishment may, if nominated as provided in these rules be a candidate for election as a representative of the workmen on the committee Provided that the service qualification shall not apply to the first election in an establishment which has been in existence for less than a year.

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.

47. Qualifications for votes: -

All workmen ² [x x x] you 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 establishments belonging to the same employer shall be deemed to have satisfied the service qualification prescribed under this rule.

48. Procedure for election: -

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

49. Nomination of candidates for election: -

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

50. Scrutiny of nomination papers: -

- (1) On the day following the last day fixed for filling 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 46; or
 - (b) the requirements of Rule 49 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.