

THE TRADE UNIONS ACT, 1926

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[ACT 16 OF 1926]

An Act to provide for the registration of Trade Unions and in certain respects of define the law relating to registered Trade Unions.

Whereas it is expending to provide for the registration of Trade Unions and in certain respect to define the law relating to registered Trade Unions : It is hereby enacted as follows :

CHAPTER I

PRELIMINARY

1- Short title, extent and commencement - (1) This Act may be called the Trade Unions Act. 1926.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may by notification in the official Gazette, appoint.

2- Difinitions - In this Act, 'the appropriate Government' means, in relation to Trade Unions whose objects are not confined to one State the Central Government, and in relation to other Trade Unions, State Government, and unless there is anything repugnant in the subject or context-

(a) "executive" means the body, by whatever name called, to which the management of the affairs of a Trade Union is entrusted;

(b) "Officer-bearer" in the case of a Trade Union includes any member of the executive thereof, but does not include an auditor;

(c) "prescribed" means prescribed by regulations made under this Act;

(d) "registered officer" means that office of a Trade Union, which is registered under this Act as the Head officer thereof;

(e) "restored Trade Union" means a Trade Union registered under this Act;

(f) "registrar" means -

- i. a Registrar of Trade Unions appointed by the appropriate Government under section 3 and includes an, additional or Deputy Registrar or Trade Unions and
- ii. in relation to any trade Union, the Registrar appointed for the State in which the head or registered office, as the case may be, of the Trade Union is situated;

(g) "Trade dispute" means any dispute between employers and workmen or between workmen and workmen or between employers and employers, which is connected with the employment or non-employment, or the terms of employment, or the conditions of labour, of any person, and "workmen" means all persons employed in Trade or industry whether or not in the employment of the employer with whom the trade dispute arises ; and

(h) "Trade Union" means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen, or between employees and employers, or for imposing restrictive conditions on the conduct of any trade or business, and includes and federation of two or more trade unions :

Provided that this Act shall not affect -

- (i) Any agreement between partners as to their own business;
- (ii) Any agreement between an employer and those employed by him as to such employment ; or
- (iii) Any agreement in consideration of the sale of the goodwill of a business or instruction in any profession, trade or handicraft.

CHAPTER II

REGISTRATION OF TRADE UNIONS

3- Appointment of Registrars - (1) The appropriate Government shall appoint a person to be the Registrar to Trade Unions for each State.

(2) The appropriate Government may appoint as may additional and Deputy Registrars of Trade Unions as it thinks fit for the purpose of exercising and discharging under the superintendence and direction of the Registrar, such powers and functions of the Registrar under this Act as it may, by order, specify and define the local limits within which

any such Additional Deputy Registrar shall exercise and discharge the powers and functions so specified.

(3) Subject to the provisions of any order under subsection (2) where an Additional or Deputy Registrar exercises and discharges the powers and functions of a Registrar in an area within which the registered office of a Trade Union is situated, the Additional or Deputy Registrar shall be deemed to be the Registrar in relation to the Trade Union for the purposes of this Act.

4- Mode of registration - (1) Any seven or more members of a Trade Unions may, by subscribing their names to the rules of Trade Union and by otherwise complying with the provisions of this Act with respect to registration, applying for registration of the Trade Union under this Act.

(2) Where an application has been made under subsection (1) for the registration of a trade union, such application shall not be deemed to have become invalid merely by reason of the fact that, at and time after the date of the application, but before the registration of the Trade Union, some of the applicants, but not exceeding half of the total number of persons who made the application, have ceased to be members of the Trade Union or have given notice in writing to the Registrar disassociating themselves from the application.

5- Application of registration - (1) Every application for registration of a Trade Union shall be made to the Registrar, and shall be accompanied by a copy of the rules of Trade Union and a statement of the following particulars, namely :-

- (a) the names, occupations and address of members making the application;
- (b) the name of the Trade Union and the address of its head office; and
- (c) the titles names ages, addresses and occupations of the office bearers of the Trade Union.

(2) Where a Trade Union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar, together with application, a general statement of the assets and liabilities of the Trade Union prepared in such form and containing such particulars as may be prescribed.

6- Provisions to be contained in the rules of a Trade union- A Trade Union shall not be entitled to registration under this Act, unless the executive thereof is constituted in

accordance with the provisions of this Act, and the rules there of provide for the following matters, namely :-

- (a) the name of the Trade Union
- (b) the whole of the objects for which the Trade Union has been established;
- (c) the whole of the purpose for which the general funds of a Trade Union shall be applicable, all of which purposes shall be purposes to which such funds are lawfully applicable under this Act;
- (d) The maintenance of a list of the members of the Trade Union and adequate facilities for the inspection thereof by the office bearers and members of the Trade Union;
- (e) The admission of ordinary members who shall be persons actually engaged or employed in an industry with which the Trade Union is connected and also the admission of the number of honorary or temporary members as office bearers required under section 22 to form the executive of the Trade Union;
- (ee) The payment of a subscription by members of the Trade Union which shall be not less than twenty five naye paise per month per member.
- (f) the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on the members;
- (g) The manner in which the rules shall be amended, varied or rescinded;
- (h) The manner in which the members of the executive and the other officer bearers of the Trade Union shall be appointed and removed;
- (i) The safe custody of the funds the Trade Union, and annual audit, in such manner as may be prescribed, of the accounts thereof and adequate facilities for the inspection of the accounts books by the officer bearers and members for the Trade Union; and
- (j) The manner in which the Trade Union may be dissolved.

7- Powers to call for further particulars and to require alteration of name - (1) The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of section 5, or that the Trade Union is entitled to registration under section 6, and may refuse to register the Trade Union until such information is supplied.

(2) If the name under which a Trade Union is proposed to be registered is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, The Registrar shall require the persons applying for registration to alter the name of the Trade Union stated in the application, and shall refuse to register the Union until such alteration has been made.

8- Registration.-The Register, on being satisfied that the Trade Union has complied with all the requirements of this Act, in regard to registration, shall register the Trade Union by entering in a register, to be maintained in such form as may be prescribed, the particulars relating to the Trade Union contained in the statement accompanying the application for registration.

NOTE

Scope of.- Once the Trade Union is registered by the Registrar of Trade Union, Certificate of Registration continues to hold good until it is cancelled. [IFFCO Phulpur Karmchari Sangh v. Registrar of Trade Union, (1992) II Lab LJ 239 (All).]

9- Certificate of registration.-The Registrar, on registering a Trade Union under section 8, shall a certificate of registration in the prescribed form under this Act.

10- Cancellation of registration.-A certificate of registration of a Trade Union may be withdrawn or cancelled by the Registrar-

(a) on the application of the Trade Union to be verified in such manner as may be prescribed, or

(b) if the Registrar is satisfied that the certificate has been obtain by fraud or kistake, or that the Trade Union has ceased to exist or has wilfully and after notice from the Registrar contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any such provision, or has rescinded any rule providing for any matter provision for which is required by section 6;

NOTE

Scope of.-Where Trade Union not filed returns due to misunderstanding of accounting year and such returns was filed soon after receipt of show cause notice form Registrar of

Trade Union, cancellation was hold to be improper. [*State Electric Companies Officers Guild v. Registrar of Trade Unions* 1994-L L N 125 (Bom).]

11- Appeal.- (1) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal-

(a)Where the head office of Trade Union is suited within the limits of a Presidency town to the High Court, or

(b)Where the head office is situated in any other area, to such Court, not inferior to the Court of an additional or assistant Judge or a principal Civil Court of original jurisdiction, as the appropriate Government may appoint in this behalf for that area.

(2) The appellate Court may dismiss the appeal, or pass an order directing the Register to register the Union and to issue a certificate of registration under the provisions of section 9 or setting aside the order for withdrawal or cancellation of the certificate, as the case may be, and the Registrar shall comply with such order.

(3) For the purpose of an appeal under subsection (1) an appellate Court shall, so far as may be, follow the same procedure and have the same powers as it follows and has when trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), and may direct by whom the whole or any part of the costs of the appeal shall be paid, any such costs shall be recovered as if they had been added in a suit under the said Code.

(4) In the dismissal of an appeal by any Court appointed under clause (b) of subsection (1), the person aggrieved shall have a right of appeal to the High Court shall, for the purpose of such appeal, have all the powers of an appellate Court under subsection (2) and (3), and the provisions of those subsection shall apply accordingly.

12- Registered Office.-All communications and to a registered Trade Union may be addressed to its registered office. Notice of any change in the address of the head office shall be given within fourteen days of such change to the Registrar in writing, and the changed address shall be recorded in the register referred to in section 8.

13- Incorporation of registered Trade Unions.-Every registered Trade Union shall be a body corporate by the name under which it is registered, and shall have perpetual succession and a common seal with power to acquire and hold both movable and immovable property and to contract, and shall by the said name sue and be sued.

14- Certain Acts not to apply to registered Trade Unions.- The following Acts, namely:-

- (a) the Societies Registration Act, 1860 (21 of 1860)
- (b) the Cooperative Societies Act, 1912 (2 of 1912), and
- (c) the Companies Act, 1956 (1 of 1956),

shall not apply to any registered Trade Union, and registration of any such Trade Union under any such Act shall be void.

CHAPTER III

RIGHTS AND LIABILITIES OF REGISTERED TRADE UNIONS

15- Objects on which general funds may be spent.- The general funds of a registered Trade Union shall not be spent on any other object than the following, namely:-

(a) the payment of salaries, allowances and expenses to office bearers of the Trade Union.

(b) the payment to expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union.

(c) the prosecution or defence of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employees;

(d) the conduct of trade dispute on behalf of the Trade Union or any member thereof;

(e) the compensation of members for loss arising out of trade disputes;

(f) allowances to members of their dependency on account of death, old age, sickness, accidents or unemployment of such members;

(g) the issue of, or the undertaking of liability under policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment;

(h) the provision of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependants of members;

(i) the upkeep of a periodical publicised mainly for the purpose of discussing questions affecting employers or workman as such;

(j) the payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workman in general, provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one fourth of the combined total of the gross income which has up to

that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year; and (k) subject to any conditions contained in the notification, any other object notified by the appropriate Government in the Official Gazette.

NOTE

Where the management issued notice to return attendance cards because of rowdy behaviour and the employees fails to failed to comply with the notice and filed writ petition to recover wages and the management declared lock out, and remained unrepresented in the writ proceedings where an expert order was passed and the Management instead of availing the remedy of appeal under Section 17 filed a writ petition for setting aside the export order it was held that the Management was to release the amount with interest due and the directions were also. accordingly, issued. [*Laxmio Industrial Corp.v. K.K. Tiwari*. (1995) 70 F.L.R. 707 (Raj).]

16- Constitution of a separate fund for political purpose.- (1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made to that fund. from which payment may be made. for the promotion of the civil and political interests of its members, in furtherance of any of the objects specified in subsection (2).

(2) The objects referred to in subsection (1) are:-

(a)the payment of any expenses incurred, either directly by a candidate or prospective candidate for election as a member of any legislative body constituted under the Constitution or of any local authority, before, during, or after the election in connection with his candidature or election: or

(b)the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or

(c)the Maintenance of person who is a member of any legislative body constituted under the Constitution or of any local authority; or

(d)the registration of electors or the selection of a candidate for any legislative body constituted under the Constitution or for any local authority; or

(e)the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

(2-A) In its application to the State of Jammu and Kashmir, references in subsection (2) to any legislative body constituted under the Constitution shall be construed as including references to the Legislature of that State.

(3) No member shall be compelled to contribute to the fund constituted under subsection (1) ; and a benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or control or management of the said fund) by reason of his not contributing to the said fund; and contribution to the said fund shall not be made a condition for admission to the Trade Union.

17- Criminal conspiracy in trade disputes.-No office-bearer or members of a registered Trade Union shall be liable to punishment under subsection (2) of section 120-B of the Indian Penal Code (45 of 1860), in respect of any agreement made between the members for the purpose of furthering any such object of the Trade Union as it specified in section 15 unless the agreement is an agreement to commit an offence.

NOTE

Scope of.-Trade Union leader obstructed work in the factory for five hours protesting against deputation of work man to work in another section, It was held that a worker inside

the factory is bound to obey the reasonable instructions given by his superiors and carry out the duties assigned to him. The mere fact that such worker is a Trade Union leader does not confer on him any immunity in that regard. A trade union leader has no right in law to share managerial powers and he cannot dictate any worker individually or to the workmen generally about the manner in which they have to do their work or discharge their duties. A Trade Union can espouse the cause of the workers and can resort to order a workman to stop his work or otherwise obstruct the work of the establishment. When officials of a Trade Union obstruct the work the management is justified in proceeding against such worker and deal with him effectively. [West India steel company Ltd. v. cez, (1990) II Lab LJ 133 (Kerala).]

18- Immunity from civil suit in certain cases.- (1) No suit or other legal proceeding shall be maintainable in any civil court against any registered Trade Union or any office-bearer or member thereof in respect of any act done in incompleteness or furtherance of a trade dispute to which a member of the Trade Union is a party on the ground only that such act induces some other person to break a contract of employment, or that it is interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

(2) A registered Trade Union shall not be liable in any suit or other legal proceeding in any Civil Court in respect of any tortious act done in contemplation furtherance of a trade dispute by an agent of the Trade Union if it is proved that such person acted without the knowledge of, or contrary to express instructions even by, the executive of the Trade Union.

19- Eforceability of agreement.- Notwithstanding anything contained in other law for the time being in force, an agreement between the members of a registered Trade Union shall not be void or voidable merely by reason of the fact that any of the objects of the agreement are in restraint of trade;

Provided that nothing in this section shall enable any Civil Court to entertain any legal proceeding instituted for the express purpose of enforcing or recovering damages for the

breach of any agreement concerning the conditions on which any members of a Trade Union shall or shall not sell their goods, transact business, work, employee or be employed.

20- Rights or inspect books or Trade Union.- The account books of a registered Trade Union and the list of members thereof shall be open to inspection by an officer-bearers of the Trade Union at such times as may be provided in the rules of the Trade Union.

21- Rights of minors to membership of trade Unions - Any person who has attained the age of fifteen years may be a member of a registered Trade Union subject to any rules of the Trade Union to the contrary, and may, subject as aforesaid enjoy all the rights of a member and execute all instruments and give all acquittance, necessary to be executed or given under the rules.

21A. Disqualifications of officer-bearers of Trade Unions -(1) A person shall be disqualified for being chosen as, and for being a member of the executive or any other office-bearer of a registered Trade Union if-

(i) he has not attained the age of eighteen years;

(ii) he has been convicted by a Court in India of any offence involving moral turpitude and sentenced to imprisonment, unless a period of five years has elapsed since his release.

(2) Any member of the executive or other officer-bearer of a registered Trade Union who, before the commencement of the Indian Trade Union (Amendment) Act, 1964, has been convicted of any offence involving moral turpitude and sentenced to imprisonment, shall on the date of such commencement cease to be such member or officer-bearer unless a period of five years has elapsed since his release before that date.

(3) In its application' to the State of Jammu and Kashmir, reference in subsection (2) to the commencement of the India Trade Unions (Amendment) Act, 1964 (38 of 1964), shall be construed as reference to the commencement of this Act in the said State.

22- Proportion of officers to be connected of with the industry.-Not less than one-half of the total number of the officer-bearers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is connected:

Provided that the appropriate Government may, by special or general order, declare that the provisions of this section shall not apply to any Trade Union or class of Trade Union specified in the order.

23- Change of name.-Any registered Trade Union may, with the consent of not less than two-thirds of the total number of its members and subject to the provisions of section 25, change its name.

24- Amalgamation of Trade Union.-Any two or more registered Trade Unions may become amalgamated together as one Trade Union with or without dissolution or division of the funds of such Trade Unions or either of them. Provided that the votes of at least one-half of the members of each or every such Trade Union entitled to vote are recorded, and that at least sixty per cent of the votes recorded are in favour of the proposal.

25- Notice of change of name or amalgamation. -(1) Notice in writing of every change of name of every amalgamation, signed, in the case of a change of name, by the Secretary and by seven members of the Trade Union changing its name, and, in the case of an amalgamation, by the Secretary and by seven members of each and every Trade Union which is party thereto, shall be sent to the Register, and where the head office of the amalgamated Trade Union is situated in a different State, to the Registrar of such State.

(2) If the proposed name is identical with that by which any other existing Trade Union has been registered, or in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall refuse to register the change of name.

(3) Save as provided in subsection (2), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the register referred to in section 8, and the change of name shall have effect from the date of such registration.

(4) The Registrar of the state in which the head office of the amalgamated Trade Union is situated shall, if he is satisfied that the provisions of this Act in respect of amalgamation have been complied with and the Trade Union formed there by is entitled to registration under section 6, register the Trade Union in the manner, provided in section 8, and the amalgamation shall have effect from the date of such registration.

26. Effects of change of name and of amalgamation - (1) The change in the name of the registered Trade Union shall not affect any rights of obligation of the Trade Union or render defective any legal proceeding by or against the Trade Union, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

(2) An amalgamation of two or more registered Trade Union shall not prejudice any right of any of such Trade Unions or any right of a creditor or any of them.

27- Desolation -(1) When a registered Trade Union is dissolved notice of the dissolution signed by seven members and by the Secretary of the Trade Union shall, within fourteen days of the dissolution, be sent to the Registrar, and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the Trade Union, and the dissolution shall have effect from the date of such registration.

(2) Where the dissolution of a registered Trade Union has been registered and the rules of the Trade Union do not provided for the distribution of funds of the Trade Union on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed.

28- Returns - (1) There shall be sent annually to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner , of all receipts and expenditure of every registered Trade Union during the year ending of the 31st day of December next preceding such prescribed date, and of the assets and liabilities of the Trade Union existing on 31st day of December. The statement shall be prepared in such form and shall comprise such particulars as any be prescribed.

(2) Together with the general statement there shall be sent to the Registrar a statement showing all changes of officer-bearers made by the Trade Union during the year to which the general statement refers, together also with a copy of the rules of the Trade Union corrected up to the date of the despatch thereof to the Registrar.

(3) A copy of every alteration made in the rules of a registered Trade Union shall be sent to the Registrar within fifteen days of the making of the alteration.

(4) For the purpose of examined the documents referred to in subsection (1), (2) and (3), the Registrar, or any officer authorized by him, by general or special order, may at all reasonable times inspect the certificate of registration, account books, registers and other documents relating to a Trade Union, at its registered Office or may require their production at such place as he may specify, in his behalf, but no such place shall be at a distance of more than ten miles from the registered office of a Trade Union.

NOTES

Jurisdiction of Registrar -The registrar of Trade Union has jurisdiction to hold election of two rival Trade Unions and call upon the unions to furnish information for holding of elections. *Indian Explosive Workers, Union and another V. State of Bihar*, (1992) I Lab LJ 578 (Pat.)]

Action of Registrar - The action of the Registrar of the Trade Unions registering the change names of office bearers of a union does not total amount to registration of Trade Union. [*FFCO Phulpur Karmachari Sangh V. Registrar of Trade Union*, (1992) II Lab LJ 239 (All).]

Jurisdiction of Civil Court - Civil Court has no jurisdiction to decide disputes regarding membership of Trade Union by Virtue of Section 28 (I-A) of the Act. Industrial court is a forum to decide such disputes. [*Regional Manager M.S.R.T.C. v. civil Judge & Others*, 1994 I LLN 140 (Bom)].

CHAPTER IV REGULATIONS

29- Power of make regulations - (1) The Appropriate Government may make regulation for the purpose of carrying into effect the provision of this Act.

(2) In particular and without prejudice the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :-

- (a) The manner in which the Trade Union and the rules of Trade Union shall be registered and the fees payable on registration;
- (b) The transfer of registration in the case of any registered Trade Union which has changed its head office from one State or another;
- (c) The manner in which, and the qualifications of persons by whom, the accounts of registered Trade Union or of any class of such Unions shall be audited;

- (d) The conditions subject to which inspection of documents kept by Registrar shall be allowed and the fees which shall be chargeable in respect of such inspection ; and
- (e) any matter which is to be or may be prescribed.

30- Publication of regulations- (1) The power to make regulations conferred by section 29 is subject to the condition of the regulations being made after previous publication.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897 (10 of 1897), as that after which a draft of regulations proposed to be made will be taken into consideration shall not be less than three months from the date on which the draft of the proposed regulations was published for general information.

(3) Regulation so made shall be published in the Official Gazette, and on such publication shall have effect as if enacted as if enacted in this Act.

CHAPTER V

PENALTIES AND PROCEDURE

31- Failure to submit returns - (1) If default is made on the part of any registered Trade Union in giving any notice or sending any statement or other document as required by or under any provision of this Act, every officer-bearer or other person bound by the rules of the Trade Union to give or send the same, or if there is no such officer or person every member of the executive of the Trade Union, shall be punishable with fine which may extend to five rupees and, in the case of a continuing a default, with an additional fine which may extent to five rupees for each week after the first during which the default continues :

Provided that aggregate fine shall not exceed fifty rupees.

(2) Any person who wilfully makes, or causes to be made, any false entry in, or any omission from, the general statement required by section 28, or in or from any copy of rules or of alterations of rules sent to the Registrar under that section shall be punishable with fine which may extend to five hundred rupees.

32- Supplying false information regarding Trade unions - Any person who, with intent to deceive, gives to any member of a registered Trade Union or to any person intending or applying to become a member of such Trade Union any document purporting to be a copy of the rules of the Trade Union or of any alteration to the same which he knows, or has reason to believe, is not a correct copy of such rules or alterations as are for the time

being in force, or any person who, with the like intent, gives a copy of any rules of any rules of an unregistered Trade Union to any person on the pretence that such rules are the rules of a registered Trade Union, shall be punishable with fine which may extend to two hundred rupees.

33- Cognizance of offences.- (1) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

(2) no court shall take cognizance of any offence under this Act, unless complaint thereof has been made by, or with the previous sanction of, the Registrar or, in the case of an offence under section 32 by the person to whom the copy was given, within six months of the date on which the offence is alleged to have been committed.

CENTRAL TRADE UNION REGULATIONS, 1938

1- Title and Application- (1) These regulations may be called the Central Trade Union Regulations, 1938.

(2) The regulations apply to Trade Unions whose objects are not confined to one State.

2. Definitions - In these regulations -

(a) "The Act" means the Indian Trade Union Act, 1926;

(b) "Form" means a form appended to these regulations;

(c) "Section" means a Section of the Act.

3. Application of registration - Every application for registration of a Trade Union shall be made in Form A.

4. Register of Trade Union - The Register of Trade Union referred to in Section 8 shall be maintained in Form B.

5. Certificate of registration - (1) The certificate of registration issued by the Registrar under section 9 shall be in Form C.

(2) When the Registrar registers a change of name under section 25, subsection (3), he shall certify under his signature at the foot of the certificate on its presentation to him by the Secretary that the new name has been registered.

6. Cancellation or registration - The Registrar on receiving an application for cancellation of registration shall, before granting the application, satisfy himself that the

withdrawal or cancellation of registration was approved by a general meeting of the Trade Union, or if it was not so approved, that is has approved of the majority of the members of the Trade Union. For this purpose, he may call for such further particulars as he may deem necessary and any examine any officer of the Unions.

7. Unions registered with State Registrars - If the application is made by a Trade Union which has previously been registered by the Registrar of any State the Union shall submit with its application a copy of the certificate of registration granted to it and copies of the entries relating to it in the Register of Trade Union of the state.

8. Fees -The fee payable for the registration of a Trade Union shall be Rs. 5.

9. Amendment of Rules - (1) On receiving a copy of an application made in the rules of a Trade Union under section 28 (3), the Registrar, unless he has reason to believe that the alteration has not been made in the manner provided by the rules of the Trade Union, shall register the alteration in a register to be maintained for this purpose and shall notify the fact that he has done so to the Secretary of the Trade Union.

(2) The fee payable for registration of altration or rules shall be Re. 1 for each set of altration made simultaneously.

10. Appeals - Any appeal made under section 11 (1) of the Act must be filed within sixty days of the date on which the Registrar passed the order against which the appeal is made.

11. Funds of a dissolved Trade Union - Where it is necessary for the Registrar, under section 27 (2) to distribute the funds of a Trade Union which has been dissolved , he shall divide the funds in probation to the amounts contributed by the members by way of subscription during their membership.

12. Return - The annual return to be furnished under section 28 shall be submitted to the Registrar by the 31st day of July in each year and shall be in Form D.

13. Auditors. - (1) Save as provided in sub-clauses (2), (3), (4) and (5) of this regulation, the annual audit of the account of any registered Trade Union shall be conducted by an auditor authorized to audit the accounts of companies under section 144 (1) of the Indian Companies Act, 1913 or under section 3 (2) of the Indian Companies (Amendment) Act. 1930.

(2) Where the membership of Trade Union did not at any time during the financial year exceed 2,500, the annual audit of the account may be conducted.

- (a) by any examiner of local fund accounts ; or
- (b) by any local fund auditor appointed by the State Government;
- (c) by the person, who, having held and appointment under Government in any Audit or accounts departments is in receipt of a pension of not less than Rs. 200 per mensem.

(3) Where a membership of a Trade Union did not at any time during the financial year exceed 750, the annual audit of the accounts may be conducted -

- (a) by any two person holding office as Magistrates or judges or as members of any municipal council, district board, or legislative body; or
- (b) by any person, who, having held an appointment under Government in any audit or accounts department, is in receipt of a person from Government of not less than Rs. 75 a month; or
- (c) by any auditor appointed to conduct the audit of any cooperatives societies by Government or by the Registrar of Cooperatives Societies or by any State Cooperatives organization recognized by Government of this purpose.

(4) Where the membership of a Trade Union did not at any time during the financial year exceed 250, the annual audit of the accounts may be conducted by any two members of the union.

(5) Where the Trade Union is a federation of unions, and the member of unions affiliated to it at any time during the financial year did not exceed 50, 51 or 52, respectively, the audit of the accounts of the federation may be conducted as if it had not any time during the year had a membership of more than 2,500, 750 or 250, respectively.

14. Exception.- Notwithstanding anything contained in Regulation 13, on person, who at any time during the year, was entrusted with any part of the funds or securities belonging to the Trade Union shall be eligible to audit the accounts of the Union.

15. Audit- The auditor or auditors appointed in accordance with the regulations shall be given access to all the books of the Trade Union and shall verify the annual return with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration appended to Form D, indicating separately on that form under his signature or their signatures a statement showing in what respect he or they find the return to be

incorrect, un vouched or not in accordance with the Act. The particulars given in this statement shall indicate -

- (a) Every payment which appears to be unauthorised by the rules of the Trade Union of contrary to the provision of the Act,
- (b) The amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of any person,
- (c) The amount of any sum which ought to have been but is not brought to account by any person.

16. Audit of political funds - The audit of the political funds of a registered Trade Union shall be carried out along with the audit of the general account of the Trade Union and by the same auditor or auditors.

17. Inspection. -(1) The register of Trade Union maintained in accordance with Regulation 4 shall be open to unsepection by any person on payment of a fee of annes eight.

(2) Any documents in the possession of the Registrar received from a registered Trade Union may be inspected by any member of that Union on payment of a fee of Annas eight for each document inspected.

(3) Documents shall be open to inspection every day on which the office of the Registrar is open and within such hours as may be fixed for this purpose by the Registrar.

(4) The Registrar may supply a certified copy of any such document to a registered Trade Union or a member thereof on payment of annas twelve for the first two

hundred words (or less) and annas six for every additional hundred words or fractional part thereof.

FORM A
Application for Registration of Trade Union

Dated theday of19.....

- 1- We hereby apply for the registration of a Trade Union under the name of
- 2- The Address of the head office of the Union is
- 3- The Union came in the existence on theday of19.....
- 4- The Union is a Union of employers (Workers engaged in the industry of profession).
- 5- The particulars required by section 5 (1) (c) of the Indian Trade Union Act, 1926.
- 6- The Particulars given in Schedule II show the provision made in the rules for the matters detailed in section 6 of the Indian Trade Union Act, 1926.
- 7- (To be struck out in the case of unions which have not been in existence for one year before the date of application. The particular required by section 5 (2) of the Indian Trade Union Act, 1926, are given in Schedule III.*
8. We have been duly authorized to make this application.

	Signature	Occupation	Address
Signed	1		
	2		
	3		
	4		
	5		
	6		
	7		

To the Registrar of Central Trade Unions , Delhi

* *State here whether the authority was given by a resolution of a general meeting of the Union, if not, in what other way it was given.*

SCHEDULE - I
LIST OF OFFICERS

Title	Name	Age	Address
Occupation			

Note - Enter in the Schedule the names of all members of the executive of the Union showing in Column 1 the names of any posts held by them (e.g., President, Secretary, Treasurer etc.,) in addition to their offices as members of the executive.

SCHEDULE II REFERENCE TO RULES

The number of the rules- making provision for the several matters detailed in Column 1 are given in Column 2 below :

Matter	Number of rules
Name of Union.	
The whole of the objects for which the union has been established.	
The whole of the purposes for which the general fund of the union shall be applicable.	
The maintenance of a list of members.	
The facilities provided for the inspection of the list of members by officers and members	
The admission of ordinary members.	
The admission of honorary or temporary members.	
The conditions under which members are entitled to benefit assured by the rules.	
The conditions under which fines or forfeitures can be imposed or varied.	
The manner in which the rule shall be amended, varied or rescinded.	
The manner in which the members of the executive and the other officers of the union shall be appointed and removed.	
The safe custody of the funds.	
The annual audit of the accounts.	

The facilities for the inspection of the account books by officers and members.

The manner in which the union may be dissolved.

SCHEDULE III

STATEMENT OF LIABILITIES AND ASSETS ON

THE.....DAY OF.....19.....

(This need not be filled in if the Union came into existence less than one year before the date of application for registration.)

Liabilities	Rs.p.	Assets	Rs. p.
Amount of general fund		Cash_____	
		In hands of Treasurer	
		In hands of Secretary	
Amount of political fund		In hand of	
		In the Bank	
		In the bank	
Loans.....from		Securities as per list below	
		Unpaid subscription due	
Other liabilities		Lons to	
(to be specified)		Immovable property	
		goods and furniture	
		Other assets (to be specified)	
Total Liabilities		Total assets	

List of Securities

Particulars	Nominal	Market Value	In hands of
Signed	1		
	2		
	3		
	4		
	5		
	6		

FORM B
Register of Trade Unions

Serial No. Officers

Name of Union.

Address of Head Office.

Date of Registration.

Year of Offices entering in office addition to membership executive date	Name	Age of entry	Address	Occupation	Year of relinqui- shing office	Other held in pf with
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Number of
application form
List of members
applying for
registration

- 1
- 2
- 3
- 4
- 5

6

7

FORM C

Certificate of Registration of Trade Union

No.

It is hereby certified that _____ has been registered under the Trade Unions Act, 1926 this day of _____ 19____

Seal

Registrar of Central
Trade Unions

FORM D

Annual Return prescribed under Section 28 of the Trade Union Act, 1926, for the year ending on 31st March, 19____.

Name of Union,

Registered Head Office

Number of certificate of registration

Return to be made by Federations of the Trade Unions.

Number of unions affiliated at the beginning of year.

Number of unions joining during the year.

Number of unions disaffected at the end of year.

Number of members on books at the beginning of year.

This return need not be made by
Federation of Trade Union

Number of members admitted
during the year (add together).

Number of members who left
during the year (deduct).

Total Number of members on
books at the end of the year.

Males

Females

Number of members contributing
of political fund.

A copy of the rules of the Trade Union, corrected up to date of despatch of this return,
is appended.

Dated

the

Secretary.

Statement of liabilities and Assets on the day 19

Liabilities	Rs. P.	Assets	Rs. P.
Amount of general fund		Cash-	
		In hands of Treasurer	
		In hands of Secretary	
Amount of Political fund		In hand of -	
		In the Bank	
		In the Bank	
Loan From		Securities as per list below	
		Securities as per list below	
Debts due to -		Loans to	
		Immovable property.	
Other liabilities		Goods and furniture	
(to be specified)		Other assets to be (specified)	

Total Liabilities		Total Assets	

List of Securities

Particulars	Nominal Value	Market-value at the date of Accounts have been made up	In hands of
			treasurer

General Fund Account

Income	Rs. P.	Expenditure	Rs. P.
Balance in beginning of year		Salaries, allowance and expenses of officers	
		Salaries, allowances and expenses of establishment Auditor's fee	
		Legal expenses	
		Expenses in conducting Trade disputes	
Contributions from members		Compensation paid to members	

at per member.....		for loss arising out of trade disputes
Donations		Funeral, old age, sickness, Unemployment benefits, etc.
Sale of periodicals, rules etc.		Educational, social and religious benefits
		Cost of publishing periodical
Interest on investments		Rents, rates and taxes
		Stationery, printing and postage
		Expenses incurred under section 15 (j) of the Trade Unions Act, 1926
Income from miscellaneous Sources (to be specified)	(to be specified)	Other expenses (to be specified)
		Balance at the end of year.

Total		Total

Political Fund Account

Balance at beginning of year		Payment made on objects Specified in section 16 (2) of the Trade Unions Act, 1926 (to be specified)
		Expenses of managements
Contributions from members at per member	(to be specified)	Balance at the end of year

Total		Total

Treasurer

Auditor's Declaration

The undersigned having has access to all the books and accounts of the Trade Unions and having examined the foregoing statements and verified the same as found to be correct, duly vouched and in accordance with the law, subject to the remarks. if and, appended hereto.

Auditor.

The following changes of officers have been made during the year -

Officer's Relinquishing Office

Name	Office	Date of regularising
------	--------	----------------------

Officers Appointed

Name	Age	Office	Address	Occupation	Date of appointment
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Secretary