

CENTRAL TRADE UNIONS REGULATIONS, 1938

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Notification No. L-1785, dated 16th June, 1938 In exercise of the powers conferred by Section 29 of the [* * *] Trade Unions Act, 1926 (XVI of 1926), and by the said section of the said Act as in force in Berar, the Central Government is pleased in relation to Trade Unions whose objects are not confined to one [State] to make the following regulations, the same having been previously published as required by sub-section (1) of Section 30 of the said Act, namely:

1. Title and application :-

(1) These regulations may be called the Central Trade Unions Regulations, 1938.

(2) The regulations apply to the Trade Unions whose objects are not confined to one ¹ [State].

1. Substituted by A.O. 1950, for "Provincial".

2. Definitions :-

In these regulations,-

- (a) "the Act" means the Indian Trade Unions Act, 1926 ;
- (b) "Form" means a form appended to these regulations ;
- (c) "section" means a section of the Act.

3. Application for registration :-

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

4. Register of Trade Unions :-

The Register of Trade Unions 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 , sub-section (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 of registration :-

The Registrar on receiving an application for the 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 it has the approval 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 may examine any officer of the Union.

7. Unions registered with State Registrar :-

If the application is made by a Trade Union which has previously been registered by the Registrar of any ¹[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 Unions for the ¹ [State].

1. Substituted by A.O. 1950, for "Provincial".

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 alteration 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

(2) The fee payable for registration of alteration of rules shall be Re. 1 for each set of alteration 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 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 proportion 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 accounts of any registered Trade Union shall be conducted by an auditor authorized to audit the accounts of companies under S.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 accounts may be conducted-

(a) by any examiner of local funds accounts ; or

(b) by any local funds auditor appointed by t h e ¹[State] Government; or

(c) by the person, who, having held an appointment under Government in any audit or accounts department. Is in receipt of a pension of not less than Rs. 200 per mensem.

(3) Where the 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 persons 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 pension from Government of not less than Rs. 75 a month; or

(c) by any auditor appointed to conduct the audit of any Co-operative Societies by Government or by the Registrar of Co-operative Societies or by any ¹ [State] Co-operative Organization recognized by Government for 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 number of Unions affiliated to it at any time during the financial year did not exceed 50, 15 or 5, respectively, the audit of the accounts of the federation may be conducted as if it had not at any time during the year had a membership of more than 2,500 or 250, respectively.

1. Subs. by A.O.1950, for "Provincial".

14. Exception :-

Notwithstanding anything contained in regulation 13, no 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 that 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, unvouched or not in accordance with the Act. The particulars given in this statement

shall indicate-

- (a) every payment which appears to be unauthorized by the rules of the Trade Union or contrary to the provisions 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 :-

(1) 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 auditor or auditors.

17. Inspection :-

The Register of Trade Unions maintained in accordance with regulation 4- shall be open to inspection by any person on payment of a fee of annas 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.