

The Rajasthan Trade Union Regulations, 1959

Published vide Notification No. F. 1(76)/Lab./57, dated 2-2-1959, Published in Rajasthan Gazette Part 4(C), dated 10-9-1959, page 582-597

RJ343

LEGISLATIVE HISTORY

In exercise of the powers conferred by section 29 of the Indian Trade Unions Act, 1926 (XVI of 1926), the Government of Rajasthan, after previous publication hereby makes the following rules, in relation to Trade Unions, whose objects are confined to Rajasthan, Namely:-

Regulations

- 1. Title and application :-** (1) These regulations may be called the Rajasthan Trade Union Regulations, 1959.
(2) These Regulations will apply to Trade Unions, whose objects are confined to this State only.
- 2. Definitions:-** In these regulations unless there is anything repugnant to the subject to a context:-
 - (1) "The Act" means the Indian Trade Unions Act, 1926 (XVI of 1926).
 - (2) "Form" means a form appended to these regulations.
 - (3) "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 sub-section (3) of section 25, he shall certify under his signature at the foot of the certificate on its presentation to him by the secretary of the Trade Union 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 applications satisfy himself that the withdrawal of cancellation of registration was approved by a general meeting of the Trade Union, or in 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. Fees.** - (a) Fee payable for the registration of a Trade Union shall be ¹ [Rs. 100/-].
(b) Fee payable for registration of a Trade Union, whose registration has been cancelled, previously shall be ¹ [Rs. 250/-].
(c) Fee for registration of an amalgamated union shall be ¹ [Rs. 100/-].
- 8. 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

¹ -Substituted vide notification No. F13(10)shram/vidhi/99 dated 04 Sept., 2000

alteration has not been made in the manner provided by the Rules of 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 alteration of Rules shall be ¹[Rs. 10/-] for each set of alterations made simultaneously.

9. 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.

10. 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 proportion to the amounts contributed by the members by way of subscription during their membership.

11. Returns. - 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'.

12. Auditors. - (1) Save as provided in sub-clauses (2), (3), (4) and (5) of this regulation, the annual audit in the accounts 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 (Amendment) Act, 1930 or under section 3(2) of the Indian Companies (Amendment) Act, 1950.

(2) Where the membership of a 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 fund account or

(b) by any local fund auditor appointed by the Rajasthan Government, or

(c) by any 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 Magistrate 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/- per month, or

(c) by any auditor appointed to conduct the audit of any cooperative societies by Government or by the Registrar of cooperative organisation recognised by the Government for this.

(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 has not at any time during the year had a membership of more than 2500, 750 or 250 respectively.

13. Exception. - Notwithstanding anything contained in regulation 12 no person who, at any time during the year was entrusted with any part of the Funds or securitiat belonging to the Trade Union shall be eligible to audit the accounts of the Union.

14. 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 auditors 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-voucher 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 or contrary to the provisions of the Act.
- (b) the amount of any deficiency of loss which appear 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.

15. 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 accounts of the Trade Union and by the same auditor or auditors.

16. Inspection. - (1) The Register of Trade Unions maintained in accordance with regulations shall be open to inspection by any person on payment of a fee of ¹[Rs. 5/-].

(2) Any document 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 ¹[Rs. 5/-] 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 ¹[Rs. 5/-] for the first two hundred words (or less) and [Rs. 3/-] for every additional hundred words or fraction thereof.

By Order of the Governor,
A.K. Roy,
Secretary to the Government.

Form A

Application For Registration of Union

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

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 into existence on the day of

4. The Union is a Union of employers/workers engaged in.....
the industry (of profession) having membership of

5. The particulars required by Section 5(1)(c) of the Indian Trade Unions Act, 1926 are given in Schedule I

6. The particulars given in Schedule II show the provisions made in the rules for the matters detailed in Section 6 of the Indian Trade Unions 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 particulars required by Section 5(2) of the Indian Trade Unions Act, 1926 are given in Schedule III

*8. We have been duly authorised to make this application

Signature 1	Occupation 2	Address 3
1.		
2.		
3.		
4.		
5.		
6.		
7.		

* State here whether the authority was given by a resolution of a general meeting of the Union, if no, what other way it was given.

Schedule I

List of Officers

Title	Name	Age	Address	Occupation

Note. -Enter in this 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
	1	2
Name of Union.		
The whole of the objects for which the Union has been established.		
The whole of the purposes for which the general funds of the		

Union shall be applicable.		
The maintenance of list of a 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 condition under which members are entitled to benefits 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, carried 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

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

Statement of Liabilities and Assets on the day of.....20...

Liabilities	Rs. nP.	Assets	Rs. nP.
Amount of general Fund	Cash:-	
Amount of political fund	In hands of Treasurer	.....
Loans from	In hands of Secretary	.....
Other liabilities (to be specified)	In hands of	.....
		In the Bank	.....

	In the Bank	.....
	Securities as per list below	.....
	Unpaid subscription due	.....
	Loans to	.....
	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.	5.
2.	6.
3.	7.
4.	

Form B
Registers of Trade Union

Serial No.		Officers				
Name of Union						
Address of Head Office						
Date of Registration						
Year of entering on office	Name	Age of entry	Address	Occupation	Year of relinquishing office	Other officers held in addition office of membership of executive with dates
Number of application from list of members applying for registration						

1.	5.
2.	6.
3.	7.
4.	

Form C

Certificate of Registration of Trade Union

No

It is hereby certified that with its head office at..... has been registered under the Indian Trade Unions Act, 1926, this day of 20

Jaipur

Registrar of Trade Unions

The..... 19

Rajasthan

[Form D]

(Form For Trade Unions)

Annual returns prescribed under section 28 of the Indian Trade Union Act, 1926, for the year ending 31st March, 19

Part A

1. Name of the Union.
 - *2. Address of the Union.
 3. Registered Head Office.
 4. Number and date of certificate of registration.
 - *5. Classification of Industry (to be shown as per schedule of industries attached).
 - *6. Classification of Sector (Please state to which of the following four categories the union belongs (a) Public Sector- Central Sphere, (b) Public Sector State Sphere, (c) Private Sector-Central Sphere, and (d) Private Sector State Sphere).
 - *7. Name of the All India Body/Federation to which affiliated.
 - *8. Affiliation number.
 - *9. Affiliation fee paid during the year.
 - *10. Number and date of receipt for payment of affiliation fee.
 - *11. Membership fee per month.
 - *12. No. of members on books at the beginning of the year.
 - *13. No. of members admitted during the year.
 14. No. of members who left during the year.
 15. No. of members on books at the end of the year (i.e. on 31-3-20.....) Male.....
FemaleTotal.
 16. No. of members contributing to Political Fund.
 - *17. No. of members who paid their subscription for whole year.
 18. A copy of the rules of the Trade Union corrected up to the date of despatch of this return is appended.
 - *19. Part B of the return overleaf has been duly completed.
- Date Secretary

*If the federation falls under more than one category, the membership claimed in each category may be shown separately.

Part B

Statement of Liabilities and Assets on the 31st day of March, 20

Liabilities	Rs. nP.	Assets	Rs. nP.
Amount of General Fund		Cash	
Amount of Political Fund		In hands of Treasurer	
		In hands of Secretary	
		In hands of	
		In the Bank	
Loans from		Securities as per list below	
		Unpaid subscriptions due for:-	
		*(a) the year.	
		*(b) previous year.	
		Loans to-	
		*(a) Officers	
		*(b) Members	
		(c) Others	
		Immovable property.	
		Goods and furniture.	
Other liabilities (to be specified)		Other assets (to be specified)	
Total liabilities		Total Assests	
List of Securities			
Particulars	Face Value	Cost price	Market price at date on which accounts have been made up.
			In hand of

Treasurer.

General Fund Account			
Income	Rs. nP.	Expenditure	Rs. nP.
Balance at beginning of the year		Salaries, allowance and expenses of Officers.	
Subscriptions from members (including unpaid subscriptions).		Travelling allowance, Salaries, allowance and expenses of establishment	
		Auditor Fees.	
(a) Subscription received.		Legal expenses.	
		Expenses in conducting trade disputes.	

* (b) Subscription in arrears for three months or less.	Compensation paid to member for loss arising out of trade disputes.		
* (c) Subscription in arrears for more than three months.	Funeral, old age, sickness, unemployment benefits, etc.		
Donations	Educational, Social and religious benefits.		
Sale of periodical, books, rules, etc.	Cost of publishing periodicals, rents, rates and taxes.		
Interest on investments.			
Income from miscellaneous sources (to be specified).	Stationery, printing and postage. Expenses incurred under section 5(j) of the Indian Trade Unions Act, 1926 (to be specified) other expenses (to be specified). Balance at end of year.		
Total	..... Total	
Politica Funds Accounts			
Rs.	P.	Rs.	P.
Balance at beginning of year		Payment made on objects specified in section 16(2) of the Indian Trade Unions Act, 1926 (to be specified).	
Contributions from Members at per member.		Expenses of management (to be fully specified).	
		Balance at end of year
Total	Total

Treasurer

[Auditor's Report

We have audited the foregoing 'General Fund Account' in Part 'B' and the 'Political Fund Account.' Part 'C' of the (name of the Trade Union) for the ending and also the Statement of Liabilities and Assets in Part 'D' and the List of Securities in Part 'E' of the said Trade Union as on.....and report that-

- (i) We have obtained all the information and explanations and have had access to all the books and accounts of the Trade Union which were necessary for the purposes of our audit;
- (ii) The Trade Union has properly maintained its Membership Register and its books of accounts as required by law.

- (iii) (Subject to whatever remarks or qualifications the auditor wants to make). In our opinion and to the best of our information and according to the explanations given to us, the foregoing accounts, statement and list have been properly drawn up and they give a true and correct view of income, expenditure, assets and liabilities of Trade Union.

Note. -If the state of the account is such that Auditor is unable to express the opinion on the 'True and correct' aspect of the Accounts, Statement and the List, he should state his reasons therefor;

.....
Chartered Accountants.]

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

Officers Relinquishing Office						
Name	Office,	Date	of	relinquishing	office.	
Officers Appointed						
Name	Date of Birth	Private address	Personal occupation	Title of position held in union	Date on which appointment in Col. 5 was taken up	Other offices held in addition to membership of executive with date
1	2	3	4	5	6	7

Elections

Date of last election of office bearers.

Date of next election office bearers.

Secretary

(Form for Federation of Trade Unions)

Annual returns prescribed under section 28 of the Indian Trade Union Act, 1926, for the year ending 31st March, 20 .

Part A

1. Name of the Federation.
2. Address of the Federation.
3. Registered Head Office.
4. Number and date of certificate of registration.
5. Classification of Industry (to be shown as per schedule of industries attached).
6. Classification of Sector (please state to which of the following four categories the Federation belongs:

(a) Public Sector-Central Sphere;

(b) Public Sector- State Sphere;

(c) Private Sector-Central Sphere; and

(d) Private Sector-State Sphere.

*7. Name of the All India Body to which affiliated.

*8. Affiliation Number.

- *9. Affiliation fee paid to the All India Body to which affiliation during the year.
 *10. Date of payment of affiliation fee to the All India Body.
 *11. Membership fee charged from affiliated unions by the Federation during the year.
 #12. No. of affiliated unions at beginning of the year and their membership.
 #13. No. of unions joining during the year and their membership.
 #14. No. of unions disaffiliated during the year and their membership.
 #15. No. of affiliated unions at the end of the year and their membership.
 #16. No. of members contributing to Political Fund.
 #17. No. of unions which paid their affiliation fee for the whole year.
 #18. A copy of the rules of the Federation corrected upto the date of despatch of this return is appended.
 #19. Part B of the return overleaf has been duly completed.

Date.....

Secretary.

*If the Federation falls under more than one category the membership in each category may be shown separately.

*Name of unions should be given in separate statements marked "A", "B", "C" and "D".

Part B

Statement of Liabilities and Assets of the 31st day of March, 20

Liabilities	Rs. P.	Assets	Rs. P.
Amount of general fund		Cash	
Amount of Political fund		In hands of Treasurer	
		In hands of Secretary	
		In hands of	
		In the Bank	
Loans from		Securities as per list below	
		Unpaid Subscription due for-	
		*(a) the year	
		*(b) previous year	
Debts due to		Loans to-	
		*(a) Officers	
		*(b) Members	
		*(c) Others.	
		Immovable property	
		Goods and furnitures	
Other Liabilities (to be specified).		Other assets (to be specified)	
Total liabilities		Total Assets.	

List of Securities

Particulars	Face value	Cost Price	Market price at date on which accounts have been made up	In hands of

General Fund Account

Income	Rs. P.	Expenditure	Rs. P.
Balance at beginning of the year		Salaries, allowance and expenses of Officers.	
Subscriptions from members (including unpaid Subscriptions)		Travelling allowance, Salaries, allowances and expenses of establishment.	
(a) Subscriptions received.		Auditor's Fees.	
(b) Subscriptions in arrears for three months or less.		Legal expenses.	
(c) Subscription in arrears for more than three months		Expenses in conducting trade disputes.	
Donations		Compensation paid to member for loss arising out of Trade Disputes.	
Sale of periodicals, books, rules etc.		Funeral, old age, sickness, unemployment benefits, etc.	
Interest on investments		Educational, Social and Religious benefits.	
Income from Miscellaneous sources (to be specified)		Cost of publishing periodical, rents, rates and taxes.	
		Stationery, printing and postage.	
		Expenses incurred under section 5(j) of the Indian Trade Unions Act, 1926 (to be specified).	
		Other expenses (to be specified).	
		Balance at end of the year.	
Total	Total	.....

Political Fund Account			
	Rs. P.		Rs. P.
Balance at beginning of year		Payment made on objections specified in section 16(2) of the Indian Trade Unions Act, 1926 (to be specified).	
Contributions from members at per member		Expenses of management (to be fully specified).	
		Balance at end of year.	
Total	Total	.....

Treasurer

Auditors Declaration

The undersigned, having had access to all the books and accounts of the..... Union and having examined the foregoing statements and verified the same with the account vouchers relating thereto, now sign the same as found to be correct, duly vouched and hereto and also certify that the..... Union had properly maintained its membership subscriptions to the..... Union as shown in the foregoing statement of the general fund account of the union, subject to the remarks, if any, appended hereto.

Auditor

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

Officers Relinquishing Office

Name	Office	Date of relinquishing	Office
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Officers Appointed

Name	Date of birth	Private address	Personal occupation	Title of position held in union	Date on which appointment in column 5 was taken up.	Other officers held in addition to membership of executive with date
1	2	3	4	5	6	7

Elections

Date of last election of office bearers. Date of next election of office bearers.