

THE TRADE UNIONS ACT, 1926

OBJECTIVES

The Trade Unions Act, 1926 provides for registration of trade unions (including association of employers) with a view to render lawful organisation of labour to enable collective bargaining. The Act also confers on a registered trade union certain protection and privileges.

SCOPE AND COVERAGE

As per section 1 (2) the act extends to the whole of India and it applies to all kinds of unions of workers and associations of employers which aim at regularising the Labour Management relations. As per section 2(h) of the Act, a 'trade union' is a combination, whether temporary or permanent, formed for regulating the relations not only between workmen and employers but also between workmen and workmen or between employers and employers. Besides, a trade union may be formed for imposing restrictions on the conduct of any trade or business.

ADMINISTRATIVE AUTHORITY

The Commissioner of Labour of this Union Territory of Puducherry functions as the Registrar of Trade Union for the purpose of the Act.

MEANING OF TRADE UNION

In common parlance, a trade union connotes an association of workers in a particular trade or industry. As per section 2(u), a trade union means any combination, whether temporary or permanent, formed primarily to regulate the relations between workmen and employers, or workmen and workmen, or employers and employers and for imposing any restrictive conditions on the conduct of any trade or business. Further, any federation of 2 or more trade unions shall also be a trade union.

REGISTRATION OF TRADE UNIONS

Registration of a trade union is not compulsory but is desirable since a registered trade union enjoys certain rights and privileges under the Act. As per section 4 of the Act minimum seven workers of an establishment (or seven employers) can form a trade union and apply to the Registrar for its registration. The application for registration should be in the prescribed form and accompanied by the prescribed fee, a copy of the rules of the union signed by atleast 7 members and a statement containing - (a) the names, addresses and

occupations of the members making the application, (b) the name of the trade union and the address of its head office, and (c) the title, name, age, address and occupation of its office-bearers. If the union has been in existence for more than a year, then a statement of its assets and liabilities in the prescribed form, should also be submitted alongwith the application.

The executive committee/office-bearers of the union should be constituted in accordance with the provisions of the Act. As per section 6 of the Act, the rules of the trade union should clearly mention its name and objects, the purpose for which its funds can be used, provision for maintenance of a list of members, procedure for admission of ordinary, honorary or temporary members, rate of subscription (being not less than Rs.0.25 p.m. per member), procedure for amending or rescinding rules, manner of appointing Executive Committee and other office-bearers, safe custody of funds, audit and inspection of account books, procedure for dissolution of the union and changing its union.

The Registrar may call for further information for satisfying himself that the application is complete and is in accordance with the provisions of sections 5 and 6 and that the proposed name of the union does not resemble with the name of any other existing trade union. On being satisfied with all the requirements, the Registrar shall register the trade union and issue a certificate of registration, which shall be a conclusive evidence of its registration. (Section 9)

APPOINTMENT OF OFFICE-BEARERS

Section 22 stipulates that at least 50% of the office-bearers of a union should be actually engaged or employed in the industry with which the trade union is concerned, and the remaining 50% (or less) can be outsiders such as lawyers, politicians, social workers, etc. For being appointed as an office-bearer or executive of a registered trade union, a person must have-

1. Attained the age of 18 years; and
2. Not been convicted of any offence involving moral turpitude and sentenced to imprisonment, or a period of at least 5 years has elapsed since his release.

CANCELLATION OF REGISTRATION

As per section 10 the Registrar can withdraw or cancel registration of a trade union on an application being made for its cancellation or by giving at least 2 months notice under any of the following circumstances-

1. if registration has been obtained by fraud or mistake
2. if the union has ceased to exist
3. if it has willfully contravened any of the provisions of the Act or
4. if any rule which is required under Section 6, has been deleted

DISSOLUTION OF TRADE UNION

section 27 provides that a registered trade union can be dissolved in accordance with the rules of the union. A notice of dissolution signed by any seven members and the Secretary of the Union should be sent to the Registrar within 14 days of the dissolution. On being satisfied, the Registrar shall register the notice and the union shall stand dissolved from that date. The funds of the union shall be divided by the Registrar amongst its members in the manner prescribed under the rules of the union or as laid down by the Government.

AMALGAMATION OF TRADE UNIONS

Under section 24 any registered trade union may amalgamate with any other union's), provided that at least 50% of the members of each such union record their votes and atleast 60% of votes so recorded are in favour of amalgamation. A notice of amalgamation signed by the Secretary and at least 7 members of each amalgamating union, should be sent to the Registrar, and the amalgamation shall be in operation after the Registrar registers the notice.