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	Content
Unit Ist	Industrial Relation, Labour Problem And Labour Policy In India, Trade Union Act 1926, (Labour Management Relation), History And Development Of Trade Union Movement, Registration Of Trade Union Rights And Liabilities Of Registered Trade Union, Penalties And Procedure, Collective Bargaining Process Merit And Demerit

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Procedure For The Registration Of A Trade Union

Procedure or Mode of Registration of trade Unions —

S. 4 says, "any seven or more members of a Trade Union may, by subscribing their names to the rules of the trade union and by otherwise complying with the provisions of this act With respect to registration, apply for registration of the Trade Union under this Act." This provision makes clear that an application for registration of a Trade Union must be moved at least by seven members. But it is not necessary that this minimum number of members must remain in fact until the Trade Union is finally registered. The provision is expressly made to cover such contingency under the provisions of S. 4 (2) of the Trade Unions, Act which provides that where an application has been made for the registration by reason of the fact that at any 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 or persons who made the application, have ceased to be the members of the Trade Union or have given notice in writing to the registrar disassociating themselves from the application.

It simply means that minimum number of applicants may become half of the total number but it must not exceed half of the total number. For Example, if seven persons have made an application to the registrar for registration of the Trade Union and three of them disassociate from it, it will not invalidate the application but if

four out of seven applicants disassociate themselves then the application will become invalid and the Registrar will not proceed further for the purpose of registration.

Any application for registration has to be made by any seven or more members of a trade union. Mark the word 'members' U/S. 4 of the Trade Unions Act. It means that before an application for registration is signed by a particular person he must have been admitted to the trade union in accordance with the rules of admission. A person becomes a member as soon as his application is accepted and he complies with and Contributions. For Example, there is a provision for payment of a Subscription by members of the trade union which shall not be less than twenty five naye paise per month per member. In such Cases the person becomes a member upon the acceptance of his entrance fee or subscription which is normally evidenced by the receipt of a card.

It may be noted that persons under the age of fifteen years members of a trade union. It has been expressly provided that any person a 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 acquittances necessary to be executed or given under the rules.

So far as membership is concerned, any person who has attained the age of fifteen years may become member in the trade union. However, he will 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 he has not attained the age of eighteen years. Thus, an application for registration can be made by any seven or more members of a trade union subscribing their names to the rules of the trade union and by otherwise, complying with the provisions of this Act with respect to registration.

But the proposed amendment in the existing provisions of Sec. 4 provides that in relation to a trade union of workmen engaged or employed in an establishment or in a class of industry in a local area with which the Trade Union is connected, the number of workmen engaged or employed in such establishments or such class of industry is more than one hundred, any such application shall be made by at least ten percent of the workmen so engaged or employed. Provided further that in relation to a Trade Union of workmen engaged or employed in an establishment employed immediately before the, commencement of Part B of the Unions, and the Industrial Disputes (Amendment) Bill 1988 is more one hundred, the certificate of registration in relation to such Union shall be deemed to have been cancelled after six months from such commencement unless an application for the continuous of its registration is made by at least ten percent of such workmen before the said period of six months.

Contents of the Copy of Rules—

Since every application for registration of Trade Union shall be accompanied by a copy of the rules of the Trade Union relating to objects, payment of subscription, procedure to amend the rules and manner Of dissolution Of the Trade Unions. In the absence of such rules, no Trade Union shall be entitled to registration. S. 6 expressly provides that 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 thereof provide f8r the following matters, namely-

- The name of the Trade Union;
- The objects for which the Trade Union has been established;
- The whole of the purposes for which the general funds of the Trade Union shall be applicable of which a list must of the be members permissible of the under Trade this Union Act; and
- The admission of ordinary members who shall be persons actually engaged or employed in any industry with which the Trade Union is connected, and also the admission of the number of honorary or temporary members as office-bearers required U/S. 22 to form the executive of the Trade Union;
- The payment of a subscription by members of Trade Union which shall be not less than 25 naye paise per month per member;

- 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;
- The manner in which the rules shall be amended, varied or rescinded;
- The manner in which the members of the executive and the other office bearers of the Trade Union shall be appointed and removed;
- The safe custody of the funds of the State Government, and annual audit, in such manner as may be prescribed, of the accounts thereof and adequate facilities for the inspection of the account-book by the office bearers and members of the Trade Union;
- The manner in which the Trade Union may be dissolved.

It may be noted that S. 23-A expressly provides that 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 union, if—

- He has not attained the age of eighteen years;
- 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.

It is required that not less than one-half of the total number of the Office bearers of every registered trade union must be persons actually engaged or employed in an industry with which trade union is connected. However, the appropriate Government may, by special or general order, declare that this provision shall not apply to any trade union or class of trade unions specified in the order.

Sources

1. K.M Pillai, Labour and industrial laws, 1999
2. B.S. Goswami, Labour and industrial laws

This study material is compiled from different sources for education purpose and welfare of students only.