

THE TRADE UNIONS' ACT, 1926

I OBJECT: To provide for the registration of trade unions and to define law relating to registered trade unions.

II APPLICABILITY: It extends to the whole of India.

III TRADE UNIONS: 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 imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more trade unions.

IV MODE OF REGISTRATION: Any seven or more members of a trade union may apply for registration of a trade union in Form - A to the Registrar appointed for the area. The application shall be accompanied by Schedule I, Schedule II and a byelaw and a resolution authorising seven ordinary members of the union to make an application for registration of the union, and a treasury chalan of Rs.500/- remitted as registration fee. (Section 4 and 5 read with Regulation: 3 & 5)

V REGISTRATION CERTIFICATE: On receipt of the application for registration, the Registrar, after making reasonable enquiry issue a Registration Certificate in Form - B (Section 8 & read with Regulation 6)

VI CANCELLATION OF REGISTRATION :

A certificate of Registration may be withdrawn or cancelled by the Registrar:

1. On an application of a Trade Union in Form-D, or
2. If the Registrar is satisfied that the certificate is obtained by fraud or mistake or that the trade union had ceased to exist or willfully and after notice from the Registrar contravened any provisions of the Act or rules etc. (Section 10 read with Regulations 8 to 12)

VII APPEAL : Any person aggrieved by any order of the Registrar may appeal within two months to the Civil Court not inferior to the court of an Additional or Assistant Principal Civil Court. (Section 11 read with Regulation 13)

VIII CHANGE OF NAME : Any registered trade union may with the consent of not less than 2/3 of its total members may make application in Form-H, for the change of its name (Section - 23 read with Regulation - 16)

IX AMALGAMATION OF TRADE UNIONS: Any two or more registered trade unions may become amalgamated together as one trade union provided the votes of at least one half of the members of each or every such trade union entitled to vote and at least 60% of the votes recorded are in favour of the proposal. Notice of the amalgamation shall be sent to the Registrar in duplicate in Form-J (Section 24 to 26 read with Regulation 18)

X DISSOLUTION: When a registered trade union is dissolved the notice of dissolution shall be sent to the Registrar in Form - K, within 14 days of the dissolution along with the registration certificate (Section 27 read with Regulation 19)

XI ANNUAL RETURNS: Every trade union shall send annual returns to the Registrar in triplicate on or before the 1st day of June of the year succeeding the calendar year in Form-L in the case of individual trade unions and in Form-LL in the case of federation of trade unions (Section 28 read with Regulation 21)

XII PENALTIES: Offences punishable for the failure to submit returns may extend to Rs.5/- and in the case of continuing default with an additional fine which may extend to Rs.5/- for each week and shall not exceed Rs.50.00. Any person who wilfully makes, or causes to be made any false entry or any omission from the general statement required by Section 28 etc. shall be punishable which may extend to Rs.500/-. Registered trade unions, furnishing false informations, shall be punishable with fine which may extend to Rs.200/- (Section 31)

XIII WHO CAN FILE PROSECUTIONS:

1. Registrar
2. Persons with the previous sanction of the Registrar.
3. Aggrieved person under Section 32.

The complaint shall be filed within six months of the date on which the offence is alleged to have been committed.

No court inferior to that of a Presidency Magistrate or a Magistrate of First Class shall try any offence under the Act.

XIV AUTHORITIES UNDER THE ACT:

1. **Registrar of Trade Unions (under Section - 3)**
Labour Commissioner
 2. **Additional Registrar of Trade Unions**
Additional Labour Commissioner (IR & E)
 3. **Deputy Registrar of Trade Unions**
Joint Labour Commissioner (P)
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(Regulations wherever specified means The Kerala Trade Unions' Regulations)