

The Trade Unions (Amendment) Act, 2001

UNION OF INDIA

India

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Act 31 of 2001

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An Act further to amend the Trade Unions Act, 1926. BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:-

1. Short title and commencement.-

(1) This Act may be called the Trade Unions (Amendment) Act, 2001. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 4.-

In section 4 of the Trade Unions Act, 1926 (16 of 1926) (hereinafter referred to as the principal Act), in sub-section 1, the following provisos shall be inserted at the end, namely:- Provided that no Trade Union of workmen shall be registered unless at least ten per cent. or one hundred of the workmen, whichever is less, engaged or employed in the establishment or industry with which it is connected are the members of such Trade Union on the date of making of application for registration: Provided further that no Trade Union of workmen shall be registered unless it has on the date of making application not less than seven persons as its members, who are workmen engaged or employed in the establishment or industry with which it is connected.

3. Amendment of section 5.-

In section 5 of the principal Act, in sub-section 1, after clause (a), the following clause shall be inserted, namely:- (aa) in the case of a Trade Union of workmen, the names, occupations and addresses of the place of work of the members of the Trade Union making the application.

4. Amendment of section 6.-

In section 6 of the principal Act, - (a) for clause (ee), the following clause shall be substituted, namely: - (ee) the payment of a minimum subscription by members of the Trade Union which shall not be less than - (i) one rupee per annum for rural workers; (ii) three rupees per annum for workers in other unorganised sectors; and (iii) twelve rupees per annum for workers in any other case. (b) in clause (h), for the word "appointed", the word "elected" shall be substituted; (c) after clause (h), the following clause shall be inserted, namely: - (hh) the duration of period being not more than three years, for which the members of the executive and other office-bearers of the Trade Union shall be elected.

5. Amendment of section 9.-

After section 9 of the principal Act, the following section shall be inserted, namely: - **9A. Minimum requirement about membership of a Trade Union.** - A registered Trade Union of workmen shall at all times continue to have not less than ten per cent. or one hundred of the workmen, whichever is less, subject to a minimum of seven, engaged or employed in an establishment or industry with which it is connected, as its members.

6. Amendment of section 10.-

In section 10 of the principal Act, after clause (b), the following clause shall be inserted, namely: - (c) if the Registrar is satisfied that a registered Trade Union of workmen ceases to have the requisite number of members.

7. Amendment of section 11.-

In section 11 of the principal Act, in sub-section 1, after clause (a), the following clause shall be inserted, namely: - (aa) where the head office is situated in an area, falling within the jurisdiction of a Labour Court or an Industrial Tribunal, to that Court or Tribunal, as the case may be.

8. Substitution of new section for section 22.-

For section 22 of the principal Act, the following section shall be substituted, namely: -

22. Proportion of office-bearers to be connected with the industry-

(1) Not less than one-half of the total number of the office-bearers of every registered Trade Union in an unorganised sector shall be persons actually engaged or employed in an industry with which the Trade Union is connected: Provided that the appropriate Government may, by special or general order, declare that the provisions of this section shall not apply to any Trade Union or class of Trade Unions specified in the order. Explanation. - For the purposes of this section, "unorganised sector" means any sector which the appropriate Government may, by notification in the Official Gazette,

specify.(2)Save as otherwise provided in sub- section (1), all office- bearers of a registered Trade Union, except not more than one- third of the total number of the office- bearers or five, whichever is less, shall be persons actually engaged or employed in the establishment or industry with which the Trade Union is connected.Explanation.- For the purposes of this sub- section, an employee who has retired or has been retrenched shall not be construed as outsider for the purpose of holding an office in a Trade Union.(3)No member of the Council of Ministers or a person holding an office of profit (not being an engagement or employment in an establishment or industry with which the Trade Union is connected), in the Union or a State, shall be a member of the executive or other office- bearer of a registered Trade Union.

9. Amendment of section 29.-

In section 29 of the principal Act, after sub- section (2), the following sub- sections shall be inserted, namely:-(3)Every notification made by the Central Government under sub- section (1) of section 22, and every regulation made by it under sub- section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions notification or regulation, or both Houses agree that the notification or regulation should not be made, the notification or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; aforesaid, both Houses agree in making any modification in the notification or regulation, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or regulation.(4)Every notification made by the State Government under sub- section (1) of section 22 and every regulation made by it under sub- section (1) shall be laid, as soon as may be after it is made, before the State Legislature.