

## Central Trade Unions Regulations, 1938

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## THE CENTRAL TRADE UNIONS REGULATIONS, 1938

### **Notification No. L- 1785, dated 16th June, 1938**

In exercise of the powers conferred by Sec. 29 of the Indian Trade Unions Act, 1926 (XVI of 1926), and by the said section of the said Act as in force in Berar, the Central Government is pleased in relation to Trade Unions whose objects are not confined to one <sup>1</sup>[State] to make the following regulations, the same having been previously published as required by sub-section (1) of Sec. 30 of the said Act, namely:

#### **1. Title and application. -**

- (1) These regulations may be called the Central Trade Unions Regulations, 1938.
- (2) The regulations apply to the Trade Unions whose objects are not confined to one <sup>1</sup>[State].

#### **1. Subs. by A.O. 1950, for “Provincial”.**

#### **2. Definitions. -**In these regulations, -

- (a) “The Act” means the Indian Trade Unions Act, 1926
- (b) “Form” means a form appended to these regulations
- (c) “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 Sec. 8 shall be maintained in Form B.

**5. Certificate of registration. –**

(1) The Certificate of Registration issued by the Registrar under Sec. 9 shall be in Form C.

(2) When the Registrar registers a change of name under Sec. 25. sub-section (3), he shall certify under his signature at the foot of the certificate on its presentation to him by the Secretary 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 application, satisfy himself that the withdrawal or cancellation of registration was approved by a general meeting of the Trade Union, or if 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. Union registered with <sup>1</sup>[State] Registrar. -**If the application is made by a Trade Union which has previously been registered by the Registrar of any <sup>1</sup>[State] the Union shall submit with its application a copy of the certificate of registration granted to it and copies of the entries relating to it in the Register of Trade Unions for the <sup>1</sup>[State].

**1. Subs. by A.O. 1950, for “Provincial”.**

**8. Fees. -**The fee payable for the registration of a Trade Union shall be Rs. 5.

**9. Amendment of rules. -**

(1) On receiving a copy of an alteration made in the rules of a Trade Union under Sec. 28 (3), the Registrar unless he has reason to believe that the alteration has not been made in the manner provided by the rules of the 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 Re.1 for each set of alteration made simultaneously.

**10. Appeals. -**Any appeal made under Sec. 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.

**11. Funds of dissolved Trade Union.** -Where it is necessary for the Registrar under Sec. 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.

**12. Return.** -The annual return to be furnished under Sec. 28 shall be submitted to the Registrar by the 31st day of July in each year and shall be in Form D.

**13. Auditors. -**

(1) Save as provided in sub-clauses (2). (3). (4) and (5) of this regulation, the annual audit of the accounts of any registered Trade Union shall be conducted by an auditor authorized to audit the accounts of companies under Sec. 144 (1) of the Indian Companies Act. 1913<sup>1</sup> or under Sec. 3 (2) of the Indian Companies (Amendment) Act, 1930.

(2) Where the membership of 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 funds accounts; or

(b) By any local funds auditor appointed by the <sup>2</sup>[State] Government; or

(c) By the 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 Magistrates 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 a month; or

(c) By any auditor appointed to conduct the audit of any Co-operative Societies by Government or by the Registrar of Co-operative Societies or by any <sup>2</sup>[State] Co-operative Organization recognized by Government for this purpose.

(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 had not at any time during the year had a membership) of more than 2,500 or 250, respectively.

**1. See now Sec. 276 of the Companies Act, 1956 (1 of 1956).**

**2. Subs. by A.O. 1950, for “Provincial”.**

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

**15. 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 auditor's 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, untouched or not In accordance with the Act. The particulars given in this statement shall indicate-

(a) Every payment which appears to be unauthorized by the rules of the Trade Union or contrary to the provisions of the Act;

(b) The amount of any deficiency or loss, which appears 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.

**16. Audit of political funds. –**

(1) The audit of the political funds of a registered Trade Union shall be carried out along with the audit of the general account of the Trade Union and by the auditor or auditors.

**17. Inspection. -**

(1) The Register of Trade Unions maintained in accordance with regulation 4 shall be open to inspection b-v any person on payment of a fee of annas eight.

(2) Any documents 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 annas eight 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 annas twelve for the first two hundred words (or less) and annas six for every additional hundred words or fractional part thereof

**FORM A**

**Application for Registration of Trade Unions**

Dated..... day of.....19.....

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.....19.....

4. The Union is a union of employees/ workers engaged in the Industry (or profession).....

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

6. The particulars given in Sch. II show the provisions made in the rules for the matters detailed in Sec. 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 Sec. 5 (2) of the Indian Trade Union Act, 1926, are given in Sch. III <sup>1</sup>

**1. State here whether the authority was given by a resolution of a general meeting of the Union, If not, in what other way It was given.**

	Signature	Occupation	Address
1.			
2.			
3.			
4.			
5.			
6.			
7.			
To the Registrar of Central Trade Unions, Delhi			

## 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 Col. 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 numbers of the rules making provisions for the several matters detailed in Col. (1) are given in Col. (2) below:

Matter (1)	Number of rules (2)
Name of Union	
The whole of the objects for which the Union has been established.	
<p>The maintenance of a list of members.</p> <p>The facilities provided for the inspection of the list of members by officers and members.</p> <p>The admission of honorary or temporary members.</p> <p>The conditions under which members are entitled to benefits assured by the rules.</p> <p>The conditions under which fines or forfeitures can be imposed or varied.</p> <p>The manner in which the rule shall be Amended, varied or rescinded.</p> <p>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.</p> <p>The annual audit of the accounts.</p>	



The facilities for the inspection of the account books by officers and members.

The manner in which the Union may be dissolved.

### SCHEDULE III

Statement of Liabilities and Assets on the.....day of.....19.....

[This need not be filled in if the Union came into existence less than one year before the date of application for registration.]

Liability	Rs. P.	Assets	Rs.
Amount of general fund		Cash-	
		In hands of Treasurer	
Amount of political fund		In hands of Secretary	
Loans from		In hands of .....	
Other liabilities (to be specified)		In the .....Bank	
		In the .....Bank	
		Securities as per list below	
		Unpaid subscriptions due	
		Loans to.....	
		Immoveable property.....	
		Goods and furniture.....	
		Other assets (to be specified)	
Total liabilities		Total Assets	

**List of Securities**

Particulars	Nominal value	Market Value	In hands of
<b>Signed:</b>			
1.			
2.			
3.			
4.			
5.			
6.			
7.			

**FORM B****Register of Trade Unions**

Serial No.		Office-bearers					
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 offices held in addition to membership of executive with dates
Number of application form.							
List of members applying for registration.							
Signed.							
1.							
2.							
3.							

4.
5.
6.
7.

## FORM C

### Certificate of Registration of Trade Union

No.....

It is hereby certified that the.....has been registered under the Indian Trade  
Unions Act. 1926 this.....day of.....19.....

SEAL

Registrar of Central Trade Unions

## FORM D

### Annual Return prescribed under Sec. 28 of the Indian Trade Unions Act. 1926, for the year ending on 31st[March] <sup>1</sup> 19...

**1. It Is apprehended that this should read “31st December” consequent of the amendment of Sec. 28 of the Trade Unions Act, 1926 in which the word “December” was substituted for the word “March” by the Indian Trade Unions (Amendment) Act 38 of 1964. The required amendment does not appear to have been made.**

Name of Union.

Registered Head Office.

Number of certificate of registration.

<p>Return to be made by the federations of Trade Unions.</p> <p>This return need not be made by federations of Trade Unions.</p>	<p>Number of Unions affiliated at the beginning of year.</p> <p>Number of Unions joining during the year.</p> <p>Number of Unions disaffiliated at the end of year.</p> <p>Number of members on books at the beginning of year.</p> <p>Number of members on books admitted during the year.</p> <p>(Add) together.</p> <p>Number of members who left during the year.(deduct).</p> <p>Total number of members on books at the end of the year.</p> <p style="text-align: center;">Males-</p> <p style="text-align: center;">Females-</p> <p>Number of members contributing to political fund.</p>
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A copy of the rules of the Trade Union corrected up to the date of despatch of this return is appended.

Dated the.....

Secretary.

**Statement of Liabilities and Assets on the day of.....19.....**

Liabilities	Rs.P.	Assets	Rs. P.
Amount of general fund		Cash-	
		In hands of Treasurer	
Amount of political fund		In hand of Secretary	
Loans from		In the.....Bank	
Debts due to		In the .....Bank	
Other liabilities (to be specified)		Securities as per list below	
		Unpaid subscriptions due	
		Loans to.....	
		Immoveable property.....	

		Goods and furniture.....	
		Other assets (to be specified)	
Total liabilities .....		Total Assets .....	

### List of Securities

Particulars	Nominal value	Market value at date on which account have been made up	In hands of
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### General Fund Account

Income	Rs.P.	Expenditure	Rs.P.
Allowance at the beginning of the year		Salaries, allowances and expenses of officers.	
Contribution form members at .....per member.		Salaries, allowances and expenses of establishment.	
Donations		Auditor's fees.....	
Sale of periodicals, rules, etc.		Legal expenses.....	
Interest of investment		Expenses in conducting trade disputes.	
Income from miscellaneous sources (to be specified).		Compensation paid to members for loss arising out of trade disputes	
		Funeral, old age, sickness, unemployment benefits, etc.	

### General Funds Account- (concl.)

Income	Rs.P.	Expenditure	Rs.P.
		Educational, social and religious benefits.	
		Cost of publishing periodicals.	
		Rent, rate and taxes.	
		Stationery, printing and postage.	
		Expenses incurred under Sec. 15 (j) of the Indian Trade Union Act, 196 (to be specified).	
		Other expenses (to be specified).	
		Balance at the end of year.	
Total	.....	Total	.....

### Political Fund Account

Income	Rs.P.	Expenditure	Rs.P.
Balance at the beginning of year		Payments made on objects specified in Sec. 16 (2) of the Indian Trade Unions Act, 1926 (to be specified).	
Contributions from members at per member.		Expenses to managements (to be Specified).	
Total		Balance at the end of year.	
	.....	Total	.....
Treasurer.			

### Auditor's Declaration

The undersigned having had access to all the books and accounts of the Trade Unions and having examined the foregoing statements and verified the sale as found to be correct, duty vouched and in accordance with the law subject to the remarks, if any, appended thereto.

Auditor.

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

**Officers Relinquishing Office**

Name	Office	Date of relinquishing office

**Officers Appointed**

Title of office	Name	Age	Address	Occupation	Date of appointment
Secretary.					