

Regulation Description

- (1) These Regulations may be called the **Karnataka Trade Unions Regulations, 1958**.
- (2) They extend to the whole of the State of Karnataka.

In these regulations:—

- (a) **“The Act”** means the Trade Unions Act, 1926.
- (b) **“Form”** means a Form appended to these regulations.
- (c) **“Section”** means a Section of the Act.

Every application for registration of a Trade Union under Section 4 shall be made in Form ‘A’.

The Register of Trade Unions referred to in Section 8 shall be maintained in Form ‘B’.

The certificate of registration issued by the Registrar under Section 9 shall be in Form ‘C’.

(1) Every application for cancellation or withdrawal of registration under clause (a) of Section 10 shall be signed by the Secretary and seven or more members of the Trade Union and the seal of the Trade Union shall be affixed thereto.

(2) There shall be appended to every such application a certificate signed by the members making it to the effect that the statements contained in the application are to the best of their knowledge and belief true.

(3) Upon an application for the cancellation or withdrawal of registration of a trade union being presented to him, the Registrar, if he has reason to believe that the applicants have not been duly authorised by such Union to make the same, may, for the purpose of ascertaining the fact, require from the applicants such evidence as may seem to him necessary and examine any officer of such Union.

(4) The Registrar shall, when he proposes to withdraw or cancel the certificate of registration of a Trade Union under clause (b) of Section 10, cause to be served a notice in Form 'D' on the Trade Union through its Secretary in person or by Registered Post.

(5) The certificate of registration issued by the Registrar under Section 9 shall be surrendered by the Secretary of the Union when the Registrar decides to withdraw or cancel such certificate under clause (a) or clause (b) of Section 10.

(1) The Registrar, on receipt of a notice of removal of the Registered Office to any State in India other than the State of Jammu and Kashmir, shall forward to the Registrar of the State to which the Head Office of the Trade Union has been transferred a copy of all the entries contained in the register prescribed by Regulation 4 and a copy of the rules of the Union with all amendments thereto.

(2) The Registrar of the State to which Head Office of the Trade Union has been transferred will thereupon enter in his register the particulars relating to the trade union and shall certify the fact of such registration on the certificate issued under Regulation 5. The Secretary of the Union shall present the certificate to the Registrar for this purpose.

(3) The procedure prescribed in clause (2) above shall be followed in respect of trade union whose Head Office has been transferred to the Karnataka State:

Provided that if the name of the trade union the Head Office of which has been so transferred is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either trade union, the Registrar shall require such trade union to change its name and shall refuse to act under clause (2) until such change has been made.

When the Registrar registers a change of name under sub-section (3) of Section 25, he shall certify under his signature at the foot of the certificate issued under Regulation 5 that the new name has been registered. The Secretary shall present the certificate to the Registrar for this purpose.

On receipt of notice of amalgamation under sub-section (1) of Section 25 if the Head Office of the amalgamated trade union is in the Karnataka State the Registrar shall consult the Registrars of the Trade Unions in the States in India so amalgamating, if any, before registering the amalgamated trade union under sub-section (4) of the said section.

When the amalgamated trade union is registered under sub-section (4) of the said section it shall be assigned a new number in the register in Form 'B' and the Registrar shall issue a new certificate in Form 'C' therefor. He shall also note the fact of amalgamation against the entries, if any, relating to the trade unions so amalgamated in the register in Form 'B' and send intimation of the registration of the amalgamated union to the Registrars of the Trade Unions so amalgamated in other States in India, if any.

The fee payable for the registration of a trade union shall be ten rupees.

(1) On receiving a copy of the alteration made in the rules of a trade union sent under sub-section (3) of Section 28, the Registrar after satisfying himself that the alteration has been made in the manner laid down by the rules of the Trade Union and is not inconsistent with any of the provisions of the Act, shall register the alteration in the entry relating to the trade union in the register of trade unions prescribed under Regulation 4 and deliver to the Secretary of such trade union a copy of the alteration with a certificate appended thereto to the effect that the

alteration has been duly registered by him.

(2) The fee payable for registration of alterations of rules shall be two rupees for each set of alterations made simultaneously.

Any appeal made under sub-section (1) of Section 11 shall be filed within sixty days of the date of the order against which the appeal is made.

(1) Along with the notice of dissolution under sub-section (1) of Section 27 the certificate issued under Regulation 5 shall be surrendered. When the Registrar registers the dissolution, he shall send an intimation of the fact of such registration under his signature to the Secretary of the Trade Union.

(2) Where it is necessary for the Registrar, under sub-section (2) of Section 27, 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 on roll at the time of dissolution, by way of subscription to the several funds of the trade union during their membership. In the event of the death of a member of a trade union subsequent to the date of its dissolution but prior to the distribution of funds, the Registrar shall pay the sum payable to each member to his legal representative.

The annual return to be furnished under Section 28 shall be submitted to the Registrar by the 30th day of April in each year and shall be in Form 'E' in the case of a Trade Union and in Form 'F' in the case of a Federation of Trade Unions.

Every registered Trade Union shall maintain the following books and registers to facilitate the audit of its accounts, namely:—

(1) Applications for membership, register of membership and subscriptions in Form 'F';

(2) Register of receipts and disbursements of the General Fund Account;

(3) Minutes book to record the proceedings of all meetings;

(4) Register of stock, tools and plant to show the furniture, fittings and valuable documents relating to the immovable property of the Union;

Machine-numbered subscription receipt book;

(6) Register of receipts and disbursements for the Political Fund (if there is a political fund);

(7) A file of vouchers.

(1) The annual audit of the accounts of a registered trade union shall be conducted by;

(a) the auditor authorised to audit the accounts of companies registered under the Indian Companies Act, 1956 (Central Act I of 1956); or

(b) where the membership of a trade union did not at any time during the financial year exceed 10,000,

(i) by any local fund auditor appointed by the State Government, or

(ii) by the Controller of State Accounts, or

(iii) by a person, who, having held an appointment under Government in any audit or accounts departments, is in receipt of a pension of not less than Rs.150 per mensem, or

(iv) by such auditor of the Labour Commissioner's Office as may be specified by the Commissioner of Labour or,

(c) where the membership of a trade union did not at any time during the financial year exceed 750,

(i) 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

(ii) by any auditor appointed to conduct the audit of Co-operative Societies or by the Registrar of Co-operative Societies or by any Provincial Co-operative Organisation recognised by Government for this purpose, or

(d) where the membership of a trade union did not at any time during the financial year exceed 250 by any two members of the union.

(2) 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, 750 or 250, respectively.

Not with standing anything contained in Regulation 15, 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.

The auditor or auditors appointed in accordance with these regulations shall be given access to all the books of the trade union, shall verify the annual return with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration appended to Form 'E', 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, unvouched or not in accordance with the Act. The particulars given in this statement shall indicate;

(a) every payment which appears to be unauthorised 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.

The audit of the political fund of a registered trade union shall be carried out along with the audit of the general account of the trade union and by the same auditor or auditors.

(1) The register of trade unions maintained in accordance with Regulation 4, shall be open to inspection by any person on payment of a fee of fifty paise.

(2) Any documents in the possession of the Registrar received from a registered trade union may be inspected by any person on payment of a fee of fifty paise for each document inspected.

(3) Documents shall be open to inspection on all days on which the Office of the Registrar is open and within such hours as may be fixed for this purpose by the Registrar.

(4) Copies of any of the documents specified in clause (2) may be obtained by any person from the Registrar on payment of copying charges at such rates as may be fixed by him in that behalf.

(1) The Bombay Trade Unions Regulations, 1927, as in force in Bombay Area;

(2) The Hyderabad Trade Unions Regulations, 1956, as in force in Hyderabad Area;

(3) The Madras Trade Unions Regulations, 1927, as in force in Madras Area;

(4) The Central Trade Unions Regulations, 1938, as in force in Coorg Area; and

(5) The Mysore Trade Unions Regulations, 1951, as in force in Mysore Area, are hereby repealed:

Provided that the provisions of Section 6 of the General Clauses Act, 1897 (X of 1897), shall be applicable as regards such repeal:

Provided further that anything done or any action under any of the repealed Regulations shall be deemed to have been done or taken under the corresponding provisions of these Regulations.

SCHEDULE I

List of Officers

Title	Name	Age/years	Address	Occupation

SCHEDULE II

Reference to Rules

The matters numbers of the rules detailed in Column I are making provision for the several given in Column 2 below:—

Matter	Number of rules
1	2

Name of Union:—

The whole of the objects for which the Union has been established.

The whole of the purposes for which the General Funds of the Union shall be applicable.

The maintenance of a list of members. The facilities provided for the inspection of the list of members by officers and members. The admission of ordinary members. The admission of honorary or temporary members.

The conditions under which members are entitled to benefits assured by the rules. The conditions under which fine or forfeitures can be imposed or varied. The manner in which the rules shall be amended, varied or rescinded.

The manner in which the members of the executive and other officers of the Union shall be appointed and removed.

The safe custody of the funds. The annual audit of the accounts.

The facilities for the inspection of the account books by officers and members. The manner in which the Union may be dissolved.

This need not be filled in if the Union came into existence less than one year before the date of Application for Registration.

Statement of Liabilities and Assets on the day of19.....

<i>Liabilities</i>	Rs. Ps.	<i>Assets</i>	Rs. Ps.
Amount of General Funds		Cash	
Amount of Political		In hands of Treasurer	
Funds		In hands of Secretary	
Loans from		In hands of	
Other Liabilities (to be specified)		In the Bank	
		In the Bank	
		Security as per list below	
		Unpaid subscriptions due	
		Loans to—	

		Immovable property	
		Goods and furniture	
		Other assets (to be specified)	
Total liabilities		Total assets	

List of Securities

Particulars	Nominal value	Market value	In hands of

Signed:-

1.

2.

3.

4.

5.

6.

7.