

MAHARASHTRA TRADE UNIONS REGULATIONS, 1927

The [Maharashtrall Trade Unions Regulations, 1927 GENERAL DEPARTMENT Maharashtra Castle, 21st May 1927 No. 6377.-In exercise of the powers conferred by section 29 of the Indian Trade Unions Act, 1926 (XVI of 1926), the Governor in Council is pleased to make the following regulations with effect from 1st June, 1927 for the purpose Of carrying into effect the provisions of the said Act:- 1. Short title.- These regulations may be called The Maharashtra Trade Unions Regulations, 1927. I-A. Extents-They shall extend to trade unions whose objects are confined to the province of Maharashtra

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 Indian Trade Unions Act, 1926

3. Form of application for registration.-Every application for registration of a Trade Union, shall be made in Form A

4. Evidence to prove authority to make application.-Upon an application for the registration of a Trade Union, the Registrar may require from the applicants such evidence as may seem to him necessary to show that the applicants have been only authorised to make the application on behalf of the Trade Union

5. Form of register.-The register of Trade Unions referred to in section 8 shall be maintained. in Form B

6. Form of The certificate of registration issued by the Registrar under section 9 shall be in Form C.The fee payable for issue of duplicate certificate of registration shall be Rupees 251

7. Fee for registration—The fee payable on registration of a Trade Union shall be as follows:- Rs. 4[6001 for a Trade Union with a membership of 1 ,000 or over. Rs. 5[400] for a Trade Union with a membership of less than 1,000 All references to "Bombay Acts. Rules and Regulations. bye laws Scheme or Order Issued off enacted before the ISI May, 1960, substituted as "Maharashtra Acts, hs. Regulations bye Laws, Scheme and Order" and the same shall be deemed to have been amendeu 'orn 1 s' May, 1960 as per Act No XXIV of 2012 dated 22 8 2012, MGG Part VIII dt 22 8 2012. All the amendments In this book for Bombay to Maharashtra has been substituted as per Act No XXIV of 2012 dt 22 8 2012 Re-numbered by Maharashtra Trade Umons (Amendment) Regulations. 1993 Added by Industries. Energy & Labour Dept Notification No. TUA 1086/6796/ Lab-II dated 12th Jan. 1995 subs by G.N. dt 13.12.2001. MGG Pt. I-L. Ext dt 13 12 2001 p 673 Subs by G.N. dt. 13 12 2001. MGG Pt I-L. Ext dt. 13 12 2001 p.673

8. Withdrawal or cancellation of certificate of registration.-(1) Form of application for withdrawal or cancellation.-Every application by a Trade Union for withdrawal or cancellation of its certificate of registration shall be sent to the Registrar in Form D. (2) Verification of application.-The Registrar on receiving an application for withdrawal or cancellation of registration shall, before granting the application, verify that the application was approved, in a general meeting of the Trade Union, or if it was not so approved, that it has the approval of a majority of members of the Trade Union. For this purpose the Registrar may call for such further particulars as he may deem necessary and may examine any office of the Union

9. Appeals.-Any appeal made under sub-section (1) of section 11 shall be filed within ninety days of the date on which the Registrar passed the order against which the appeal is made. IO. Change of address of Head Office of a Trade Union.-Notice of any change in the address of the head office of a Trade Union shall be given to the Registrar in Form G

11. Cancelled

12. Alteration of rules.-(1) On receiving a copy of any alteration made in the rules of a Trade Union under sub-section (3) of section 28, the Registrar shall, unless he has reason to believe that the alteration has not been made in the manner provided by the rules of the Trade Union or unless the alteration is not, in accordance with the provisions of the Act, 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 alterations of rules shall be l[Rs. 50] for each set of alterations made simultaneously

13. Change of name.-(1) The notice of any change of the name of a Trade Union shall be sent to the Registrar in Form E. (2) When the Registrar registers a change of name under section 25, sub- section (3), he shall certify under his signature at the foot of the certificate issued under regulation 6 that the new name has been registered. The Secretary shall present the certificate to the Registrar for making this entry

14. Amalgamation of Trade Unions.-Form of Notice.-Notice of every amalgamation shall be sent to the Registrar in duplicate in Form F

15. Dissolution of registered Trade Unions.-When a registered Trade Union IS dissolved, notice of the dissolution shall be sent to the Registrar in Form H

16. Division of funds.-Where it is necessary for the Registrar, under sub- section (2) of section 27, to distribute the funds of a registered Trade Union which has been dissolved, he shall divide the fund among the members proportionate to the amounts contributed by them by way of subscription during their membership. subs. by G.N. dt. 13.12.2001. MGG Pt. I-Li Ext dt. 13.12 2001 p 673.

17. Annual returns.-(1) The general statement 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 1 (2) For the purpose of satisfying himself that the information contained in the general statement furnished under sub-regulation (1) is correct, the Registrar may require any registered Trade Union to produce before him any documents or to furnish such information or may make or may authorise any person to make such investigation as he thinks necessary

18. Audit.-(1) Save as provided in sub-regulations (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 sub-section (1) of section 144 of the Indian Companies Act, 1913. (2) Where the membership of a registered Trade Union did not at any time during the year ending on the 31st December exceed 2,000, the annual audit of the accounts may be conducted- (a) by an examiner of local fund accounts, or (b) by any local fund auditor appointed by the Central Government, or (c) by any person who, having held an appointment under the Central 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 registered Trade Union did not at any time during the year ending on the 31st day of December exceed 1,000 the annual audit of the Accounts may be conducted- (a) by any two persons holding office as a magistrate or a judge or as a councillor of any municipality or member of a district local board or of either Chamber of the Provincial or Central Legislature; (b) by any person who, having held an appointment under the Central Government in any audit or accounts department, is in receipt of pension from the Central Government of not less than Rs. 75 a month; or (c) by any auditor appointed to conduct the audit of co-operative societies by the Provincial Government or by the Registrar of Co-operative Societies or by any Provincial co-operative organisation recognised by the Provincial Government for this purpose (4) Where the membership of registered Trade Union did not at any time during the year ending on the 31st December exceed 500, the annual audit of the accounts may be conducted, by any two members of such registered Trade Union (5) Where the registered Trade Union is a federation of Trade Unions, and the number of such unions affiliated to it at any time during the year ending on the 31st December 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 membership of more than 2 000 1 000 or 500 respectively. 118-A. papers, books and registers to be maintained.-Every registered Trade Union shall maintain the following books and registers to facilitate the audit of its accounts.- (i) register of membership and subscription in Form J (ii) register of receipts and disbursements for the general fund account, (iii) minutes book to record the proceedings of all meetings, (iv) register of stock, tools and plant to show the furniture, fittings and valuable documents relating to the immovable property of the Union, (v) machine numbered subscription receipt book, (vi) register of receipts and disbursements for the political fund (if there is political fund), and (vii) a file of vouchers

19. Disqualification of auditors.-Notwithstanding anything contained in regulation 18, no person who at any time during the year for which the accounts are to be audited was entrusted with any part of the funds or securities belonging to a registered Trade Union shall be eligible to audit the accounts of that Union

20. The auditor or auditors appointed in accordance with these regulations shall be given access to all the books of the registered Trade Union concerned and shall verify the general statement submitted under section 28 with the accounts and vouchers relating thereto, and shall thereafter sign the auditor's declaration appended to Form "I" 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, not supported by vouchers or not in accordance with the Act. The particulars given in the statement shall indicate- (a) every payment which appears to be unauthorised by the rules of the registered Trade Union concerned, or contrary to the provisions of the Act, (b) the amount of any deficit 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

21. Audit of political fund.-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 registered Trade Union by the same auditor or auditors

22. Inspection of register and documents.-(1) The register of Trade Unions maintained in accordance with regulation 5 shall be open to inspection by any person on payment of a fee of 2(Rs 50] Vide Industries and Labour Department's Notification No. TIJA- 1064/49834-LAB-III, dated 8th January, 1964 2 subs. by G.N. dt. 13.12.2001. MGG Pt. I-L. Ext dt. 13.12.2001 p.673 (2) Any documents in the possession of the Registrar received from a registered Trade Union may be inspected by any member Of the Union on payment of Ifa fee of Rs.501 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

223. Manner of referring dispute to Industrial Court under section 28-1A- (1) Any person desiring to obtain the consent of the Registrar under sub-section (1) of section 28-1A for the purpose of referring a dispute to the Industrial Court under that sub-section shall make an application to the Registrar in Form "K" (2) On receipt of the application under sub-rule (1), the Registrar shall make such inquiries as he may deem fit; and if he is satisfied that any dispute of the nature referred to in sub-section (1) of section 28-1A exists he may give his consent in Form "L", called the consent certificate.(3) On receipt of the consent certificate under sub-rule (2), the applicant shall then refer the dispute to the Industrial Court in Form "M" and enclose therewith the consent certificate in original. subs byGN dt. 13.12.2001. MGG Pt I.L, Ext dt 13 12 2001 p 673 2 Added by Government Notification Industnes and Labour Department No TUA 1067/123220. Lab-III dated 8th October. 1968