

**GOVERNMENT OF HIMACHAL PRADESH****LABOUR DEPARTMENT****REGULATIONS**

1. **Short title.**—(a) these regulations may be called the Himachal Pradesh Trade Unions Regulations, 1978 and shall come into force at once.

(b) They shall extend to trade unions whose objects are confined to the State of Himachal Pradesh.

2. **Definitions.**—in these regulations,—

(a) "Act" means the Indian Trade Unions Act, 1926 (Act No. 16 of 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. **Evidence to prove authority to make application.**—Upon an application for the registration of trade union, the Registrar may require from the applicant such evidence, as may seem to him necessary, to show that the applicants have been duly 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. **Certificates of registration**-- The certificate of registration issued by the Registrar under section 9 shall be in Form "C".

7-- **Fee of registration.** The fee payable for the registration of a trade union shall be as follows: —  
Rs. 10 for a trade union with a membership of 1,000 or over.  
Rs. 5 for a trade union with a membership of less than 1,000.

8. **Withdrawal or cancellation of certificate of registration.** --- (1) Form of application 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 a Trade Union or if it was not so approved, that it has the approval of a majority of the members of the Trade Union. For this purpose the Registrar may call for such other particulars, as he may deem necessary, and may examine any Office-bearer of the Union.

9. **Appeals.**—Any appeal made under sub-section (1) of section 11 of the Act must be filed within ninety days of the date on which the Registrar passed the order against which the appeal is made.

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\*These rules are finalised by the Govt. *vide* its notification No. Lep 687 (3)-2(b) 2/77 dated 15-3-78 and published in Rajpatra dated 27-5-1978.

**10. 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. Alteration of rules.**-- (1) On receiving a copy of an 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 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 Re. 1 for each set of alterations made simultaneously.

**12. 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 feet 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.

**13. Amalgamation of Trade Unions, Form of notice:** - Notice of every amalgamation shall be sent to the Registrar in duplicate in Form "F".

**14. 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".

**15. Distribution of funds:** - Where it is necessary for the Registrar, under sub-section (2) of section 27, to distribute the funds of registered trade union which has been dissolved, he shall divide the funds among the members in proportion to the amounts contributed by them by way of subscription during their membership.

**16. Annual returns.** (1) The annual return to be furnished under section 28, shall be submitted to the Registrar by the 30th April in each year and shall be in Form "I".

(2) For the purpose of examining the documents referred to parallel of this regulation, the Registrar or any Officer so authorised by him on his behalf to do so, will call upon the concerned Union to produce only such documents as may be relevant to the investigation he will undertake for the time being.

**17. 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 authorised to audit the accounts of companies under sub-section (1) of section 226 of the Indian Companies Act, 1956.

(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 funds accounts, or

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

(c) by any person who having held an appointment under State 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 any time during the year ending on the 31st 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 local authority or of the State Legislature, or Parliament;

(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 by or by the Registrar of Co-operative Societies or by any State Co-operative Organisation recognized by Government for this purpose.

(4) Where the membership of a registered trade union did not 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 federation may be conducted as if it had not at any time during the year had a membership of more than 2,000, 1,000 or 500 respectively.

**18. Disqualification of auditors.-** Notwithstanding anything contained in regulation 17 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.

**19. Powers of auditors.-** The auditor or auditors appointed in accordance with these regulations shall be given access to all the books of the registered trade unions concerned and shall verify the general statement submitted under section 28 with the accounts and vouchers relating thereto and shall thereafter sign the auditors on 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 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 put is not brought to account by any person.

**20. 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.

**21. 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 50 paise.

(2) Any documents in the possession of the Register received from a registered trade union may be inspected by any member of that Union on payment of 50 paise 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 member thereof on payment of 75 paise for the first two hundred words (or less) and 37 paise for every additional hundred words or fractional part thereof.

**22. Rescission.-** The Himachal Pradesh Trade Union Regulations, 1959 as applicable in the old areas and Punjab Trade Unions Regulations, 1927 as applicable in the territories added to Himachal Pradesh, are hereby rescinded but all acts done and orders issued under the rules so rescinded shall so far as they are not inconsistent with these rules, be deemed to have been respectively done and issued under these rules.

**FORM 'A'**

**TRADE UNIONS ACT, 1926**

**(See Regulation 3)**

**APPLICATION FOR REGISTRATION OF TRADE UNIONS**

Name of Trade Union.

Address.

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

1. This application is made by the persons whose names are subscribed at the foot hereof.
2. The name under which it is proposed that the Trade Union on behalf of this application is made shall be registered is.....  
.....  
As set fourth in rule No.....
3. The address of the head office of the Union to which all communications and notices may be addressed is.....  
.....  
.....
4. The..... Union came into existence on the..... day of.....19
5. The Union is a union of employers/workers engaged in the..... industry/or.....  
.....  
profession/or..... (establishment) and has ..... members.

6. The particulars required by section 5(1) ( c) of the Indian Trade Union Act, 1926, are given in Schedule ( I).

7. The particulars required by section 5 (2) of the Indian Trade Unions Act, 1926, are given in Schedule III.

8. The particulars given in Schedule II Show the provisions made in the rules for the matters detailed in section 6 of the Indian Trade Unions Act, 1926.

9. Three copies of the Rules of the Union is attached to this application.

10. We have been duly authorised by the Trade Union to make this application on its behalf, such authorisation consisting.

Signed	Signature	Occupation	Address
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

To

Registrar of Trade Unions,  
Himachal Pradesh, Shimla.

To be struck off in the case of Unions which have not been in existence for on year before the date application.

State here whether the authority to make this application was made by a resolution of a general meeting of the Trade Union or, if no, in what other way it was given.

**Schedule I**  
**TRADE UNIONS ACT, 1926**  
**LIST OF OFFICERS**

Office held in the Union	Name	Age	Address	Occupation
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**Schedule II**  
**REFERENCE TO RULES**

The numbers of the rules making provision for the several matters detailed in column 1 are given in column 2 below:-

Matters 1	Number of Rules 2
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Name of Union.

The whole of 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 list of members by officers and & members.

The admission of honorary or temporary members.

The conditions under which members are entitled to benefits assured by the rules.

The manner in which the rules shall be amended, varied or rescinded.

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.

The annual audit of the accounts.

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

The manner in which the Union may be dissolved.

### SCHEDULE III

(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 of..... 19 .

Liabilities	Rs. P.	Assets	Rs. P.
Amount of general fund		Cash.	
Amount of political fund		In hands of Treasurers.	
Loans from		In the hands of Secretary.	
Debits due to		In the.....Bank.	
Other liabilities (to be specified)		Securities as per list below:-	
		unpaid subscriptions due	
		for-	
		(a) The year.	
		(b) Previous year	
		(a) Officers.	
		(b) Members.	
		(c) Others.	
Immovable property goods and furniture other assets (to be specified).			
Total Liabilities.		Total Assets	

**FORM 'B'****(See regulation 5)****REGISTER OF TRADE UNIONS**

Name of Trade Union..... Date of Registration.....

Remarks.....

Registration No.....number of application form.

Address of Head Office..... number of members making application

Subsequent changes of the address

Of head office:

- |    |    |
|----|----|
| 1. | 1. |
| 2. | 2. |
| 3. | 3. |
| 4. | 4. |
| 5. | 5. |
| 6. | 6. |
| 7. | 7. |
| 8. | 8. |

Office bearer (Transfer from one post to another count as relinquishment of appointment held.

Year of entering an office	Name	Office held in the union	Age of entry
1	2	3	4

Address	Occupation	Year of relinquishing office	Other office in addition to membership of Executive with date
5	6	7	8

**Form C**

**( See regulation 6)**

**TRADE UNIONS ACT,1926**

**CERTIFICATE OF REGISTRATION OF TRADE UNIONS**

No.

Name of Trade Union.

Registration No.

**“OFFICE OF THE REGISTRATION OF TRADE UNIONS, HIMACHAL  
PRADESH**

It is hereby certified that the ..... Unions has been registered under the Indian Trade Unions Act, 1926 this.....day of .....198..

(seal).....

Registrar of Trade Unions,  
Himachal Pradesh.

**FORM ‘D’**

**(See regulation 8)**

**TRADE UNIONS ACT, 1926**

**REQUEST TO WITHDRAW OR CANCEL CERTIFICATE  
OF REGISTRATION**

Name of Trade Union.....

(Address).....

Registration No..... dated.....day of .....198

To

The Registrar of Trade Unions,  
Himachal Pradesh, Shimla

Sir,

The above-mentioned trade union desires that its certificate of registration under the Trade Unions Act. 1926 may be withdrawn (or cancelled) and at a general meeting \*duly held on the .....day.....197.... .. It was resolved as follows:-

(here give exact copy of Resolution)

Signed

“If not a general meeting, state in what manner the request been determined upon.

**FORM "E"**  
**(See regulation (2))**  
**Trade Unions Act, 1926**

**NOTICE OF CHANGE OF NAME**

Name of Trade Unions already registered.....  
(Address).....  
Registration No.....  
Dated this..... day of.....19

To  
The Registrar of Trade Unions,  
Himachal Pradesh, Shimla

Sir,  
Notice is hereby given that the provisions of section 23 of the Trade Unions Act having been complied with the name of the above mentioned Trade Union has been changed to.....

The consent of the members was obtained by\*

Signed

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Secretary  
Members.

\*By referendum, resolution of a general meeting etc., if procedure followed is covered by rule, quote number of the rule.

**FORM G**  
**( See regulation 10)**

**TRADE UNIONS ACT, 1926**

**NOTICE OF CHANGE OF ADDRESS OF THE HEAD OFFICE  
OF A REGISTERED TRADE UNION**

Name of Trade Union.....  
Address.....  
Registration no.....  
Dated this..... day of .....19.

To  
The Registrar of Trade Unions,  
Himachal Pradesh, Shimla

Sir,

Notice is hereby given that the head office of the above mentioned Trade Union has been removed from..... and is now situated at ..... in ..... city (or town or District)

*Signed  
Secretary.*

This part to be detached by the Registrar when the notice is registered, And returned to the Trade Unions.

Received this..... day of.....19 notice of removal of the Removal of the Head Office of the Registered No..... to the city or town or District.

(Seal),

*Registrar of Trade Unions,  
Himachal Pradesh, Shimla*

**FORM 'H'**

**( See regulation 14)**

**Trade Unions Act, 1926**

**NOTICE OF THE DISSOLUTION OF A TRADE UNION**

Name of Trade Union.....  
(Address).....  
Registration No.....  
Dated.....this.....day of.....19

To  
The Registrar of Trade Unions,  
Himachal Pradesh, Shimla.

Notice is hereby given that the above-mentioned Trade Union was dissolved in pursuance of the rules thereof on.....day of .....19

We have been duly authorised by the .....union to forward this notice on its behalf, such authorisation consisting of a resolution passed at a general meeting of the .....day of .....19

Signed

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

*Secretary,  
Members,*

\*Here insert the date of if there was no such resolution, state in what other way the authorisation was given.

## FORM 'I'

( See regulation 16)

## TRADE UNIONS ACT, 1926

ANNUAL RETURNS PRESCRIBED UNDER SECTION 28 OF THE INDIAN TRADE UNIONS ACT, 1926 FOR  
THE YEAR ENDING 31<sup>ST</sup> DECEMBER, 19.....

## PART-A

1. Name of the Union.....
  2. Address of the Union.....
  3. Registered Head Office.....
  4. Number and date of Certificate of registration.....
  5. Classification of Industry ( to be  
Shown as per schedule of Industries attached).....
  6. Classification of Sector ( please state to which of the following four categories the Union  
belongs)-
    - (a) Public Sector, Central Sphere.....
    - (b) Public Sector, State Sphere.....
    - (c) Private Sector, Central Sphere.....
    - (d) Private Sector, State Sphere.....
  7. Name of the All-Indian Body/Federation number.....
  8. Affiliation number.....
  9. Affiliation fee paid during the year.....
  10. No. And date of receipt for payment.....  
Of affiliation fee
  11. Membership fee per month.....
  12. No. Of members on book at the beginning of the year.....
  13. No. Of members admitted during the year.....
  14. No. Of members who left during the year.....
  15. No. Of members on books at the end of the year (i.e. on 31.12.19.....
- Male
- Female
- Total
16. No. Of members contributing to .....  
Political fund
  17. No. Of members who paid their subscription for the whole year.....
  18. A copy of the rules of the Trade Union up to the date of despatch of this return is  
enclosed.....
  19. Part-B of the return over-leaf has been duly completed.....

PART-B  
STATEMENT OF LIABILITIES AND ASSETS ON THE 31<sup>ST</sup>  
DAY OF DECEMBER , 19

Liabilities 1	Rs. P. 2	Assets 3	Rs. P. 4
Amount of general fund		Cash	
		In hands to Treasurer	
		In hands of Secretary	
Amount of political fund Loans from		in hands of	
		In the Bank	
		In the Bank	
Debts due to		Securities as per list below:-	
		Un-paid subscription due For:-	
Other liabilities ( to be Specified)		(a) the year	
		(b) previous year	
		Loans to:	
		(a) Officers	
		(b) Members	
		(c) Others	
		Immovable property	
		Goods and Furniture	
		Other assets ( to be specified)	
Total Liabilities		Total Assets	

LIST OF SECURITIES

Particulars	Face value	Cost price	Market price at Date on which Accounts have been made up	In hands
	Rs. P.	Rs. P.	Rs. P.	

## GENERAL FUND ACCOUNT

Income	Rs. P	Expenditure	Rs. P.
Balance at the beginning of the year		Salaries and allowances of officers. Travelling allowances, salaries, allowances and expenses of establishment.	
Subscription from members Including unpaid subscription due or the year		Auditor's fee Legal Expenses.	
(a) Subscription received.		Expenses in conduction trade disputes.	
(b) Subscription in arrears For three months or less.		Compensation paid to members for loss Arising out of trade disputes.	
(c) Subscriptions in arrears For more than three months		Funeral old age sickness, un-employment benefits etc. Educational, social and religious benefits.	
Donations Sale of periodicals, books, rules, etc.		Cost of publishing periodicals. Rent, rate and taxes, stationery, printing and postage, Expenses incurred under section 15(i) of the Indian trade unions Act, 1926 (to be specified).	
Interest on investments		Other expenses ( to be specified)	
Income from miscellaneous Sources ( to be specified)		Balance at the end of the year.	
Total		Total	

## POLITICAL FUND ACCOUNT

	Rs. P.	Rs. P.
Balance at the beginning of the year		Payments made on objects specified in section 16 (2) of the Indian Trade Unions Act, 1926 ( to be specified)
Contribution from..... Members at..... Per member.		Expenses of management ( to be fully specified).
Total		Balance at the end of the year. Total

## AUDITORS 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

Same with the account vouchers relating thereto, no signed the same as found to be correct, duly vouched and in accordance with the law, subject to the remarks, if any, appended hereto and also certify that the ..... Union has properly maintained its membership Register and accounts and the members had paid their membership subscriptions to the Union as shown in the foregoing, statements or the general fund account of Union subject to the remarks, if any, appended hereto.

*Auditor.*

The following changes of Office Bearers have been made during the year.....

**OFFICE BEARERS RELINQUISHING OFFICE**

Name	Office Bearer	Date of relinquishing office

**OFFICE BEARERS APPOINTED**

Name	Date of birth	Private Address	Personal Occupation
1	2	3	4

Title of position held in the union	Date on which appointment in column 5 was taken up	other officer held in addition to membership of executive with date
5	6	7

**ELECTION**

Date of last election of office bearers

Date of next election of office bearers

*Secretary of the Union.*

By order,  
**A.N. VIDYARTHI,**  
 Secretary