**THE NAGALAND TRADE UNIONS (FIRST AMENDMENT)**

**REGULATIONS, 2018**

Amendment of the Nagaland Trade Unions Regulations, 1980.

It is hereby enacted in the Sixty-ninth year of the Republic of India, as follows:

1. **Short title, extent and commencement:-**
2. These Regulations maybe called the Nagaland Trade Unions (First Amendment) Regulations, 2018.
3. It extends to the whole State of Nagaland.
4. It shall come into force from the date of publication in the Official Gazette.
5. **Definitions:-** In these Regulations, unless the context otherwise requires:-
6. “the Act” means the Indian Trade Unions Act, 1926.
7. “Form” means a form appended to these Regulations.
8. “Section” means a section of the Act.
9. “Registrar” means the Registrar of Trade Unions, Nagaland.
10. **Form of application for registration:-**
11. Every application for registration of a Trade Union under section 4 shall be made in Form A and the schedules appended thereto.
12. The application shall be accompanied by the following documents:-
13. Constitution of the Trade Union.
14. No objection certificate from the concerned District Deputy Commissioner.
15. Name, location and correspondence address of its Head Office shall be furnished.
16. **Membership:-**
17. Membership to the Trade Union shall be voluntary and no one shall be forced to become a member under any Trade Union.
18. Membership Fee shall be collected only in the registered office of the Trade Union.
19. If any Trade Union is found collecting Membership Fee, Welfare Fund or any other collection, in any manner, outside of their registered office, the registration shall be temporarily suspended till further notice.
20. The same Trade Union having found violating Regulation 4 (3) after notice of suspension or after revocation of suspension, having agreed upon in written to abide by the above Regulation, the registration of the Trade Union shall be cancelled without any further notice.

1. **Evidence to prove the authority to make application upon an application for registration of a Trade Union:-** The Registrar may require from the application such evidence as may seem to him necessary to show that the applicant has been duly authorized to make the application on behalf of the Trade Union.
2. **Form of register:-**The register of Trade Unions referred to in section 8 shall be maintained in Form B.
3. **Form of certificate:-** The certificate of registration issued by the Registrar under section 9 shall be in Form C.
4. **Fee for registration:-** The fee payable on registration of a Trade Union shall be one hundred rupees.
5. **Withdrawal or cancellation of certificate of registration:-**
	1. 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. 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 two-third majority of the 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 officer of the Union.
	3. 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 serve notice in Form E on the Trade Union through its Secretary in person or by registered post.
	4. The certificate of registration issued to a Trade Union under Regulation 7 shall be surrendered by the Secretary of the Union, when the Registrar decides to withdraw or cancel such certificate under clauses (a), (b) or (c) of section 10.
6. **Appeals:-** Any appeal made under sub-section (1) of section II shall be filed within ninety days of the date on which Registrar passed the order against which the appeal is made.
7. **Change of address of the Head Office of a Trade Union:-**
8. The notice of any change in the address of the Head Office of a Trade Union shall be given to the Registrar in Form F.
9. Head Office, Branch Office, Information Centre or any kind of Office shall not be established/opened in the State or National Highways.
10. **Change of name:-**
	1. The notice of any change in the name of a Trade Union shall be sent to the Registrar in Form G.
	2. When the Registrar registers change of name under sub-section (3) of section 25, he shall certify under his seal and signature at the fact of the certificates issued under Regulation 7 that the new name has been registered. The Secretary of the Trade Union shall present the certificate of registration to the Registrar for making this entry.
11. **Amalgamation of Trade Unions, form of notice:-**
12. Notice of every amalgamation shall be sent to the Registrar in duplicate in Form H.
13. When the amalgamated Trade Union is registered under sub-section (4) of section 25, it shall be assigned a new number in the register in Form B and the Registrar shall issue a new certificate in Form C thereof. 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.

1. **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 in proportion to the amounts contributed by them by way of subscription during their membership. In the event of 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 such member or his legal representatives.
2. **Dissolution of registered Trade Unions:-** When a registered Trade Union is dissolved, notice of dissolution shall be sent to the Registrar in Form I.
3. **Annual Returns:-**
4. The general statement to be furnished annually under sub-section (1) of section 28 shall be submitted to the Registrar by the 30th day of June in each year and shall be in Form J.
5. Any Trade Union which does not submit Annual Returns for two consecutive years shall be deemed cancelled:

 Provided that if the Registrar having heard the aggrieved party is of the view that the reason for non-submission of Annual Returns in time is justified, shall accept the Annual Returns so furnished.

1. For the purpose of examining the documents referred to in sub-section (4) of section 28 of this Act, the Registrar or any Officer of the Department authorized by him, by general or by special order may inspect and examine all necessary books and registers at all reasonable times.
2. **Alteration in rules:-**
3. 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 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.
4. The fee payable for registration of the alterations in the rules shall be ten rupees for each set of alterations made simultaneously.
5. **Signature on forms:-** Form B and E and receipt part of Form F which are by these Regulations required to be signed or initiated by the Registrar may be signed or initiated under his direction and on his behalf by any Gazetted Officer subordinate to him appointed by him in writing for this purpose.
6. **Maintenance of registers and books:-** Every registered Trade Union shall maintain the following books and registers to facilitate the audit of its accounts:-
7. register of membership and subscription;
8. register of receipts of and disbursements of the general fund accounts;
9. minute books to record the proceedings of all the meetings;
10. register of stock, tools and plant to show furniture, fittings and valuable documents relating to the immovable property of the Union;
11. machine-numbered subscription receipt books;
12. register of receipt and disbursements for the political fund (if there is a political fund), and
13. a file of vouchers.
14. **Audit:-**
15. Save as provided in 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 the Indian Companies Act, 1956.
16. Where the membership of a registered Trade Union did not at any time during the year ending on 31st March exceed 2,000 the annual audit of the account may be conducted:-
	* 1. by any examiner of local fund account; or
		2. by any local fund auditor appointed by Government; or
		3. by any person who, having held an appointment under the Government in any audit or accounts department under the Government in any audit or accounts department, is in receipt of a pension of not less than twenty thousand rupees per month.
17. Where the membership of a registered Trade Union did not at any time during the year ending on the 31st day of March exceed 1,000 the annual audit of the accounts may be conducted:-

 (a) by any two persons holding office as Magistrate or a Judge or as a

 Councilor of any Municipality or members of a District Board, or of

 the Legislative Assembly;

 (b) by any person who having held an appointment under the Government in any audit or accounts department, is in receipt of a pension from the Government of not less than fifteen thousand rupees a month; or

 (c) by any auditor appointed to conduct the audit of co-operative societies by the Government or by the Registrar of Co-operative Societies or by any Co-operative Organisation recognized by the Government for this purpose.

 (4) Where the membership of a registered Trade Union did not at any time during the year ending on the 31st March, exceeds 500, the annual audit of the accounts may be conducted by any five 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 March, 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 2,000 or 1,000 or 500 respectively.

1. **Disqualification of auditors:-** Notwithstanding anything contained in Regulation 20, no person, who at any time during the year for which the accounts are to be audited was entrusted with any part of funds or securities belonging to a registered Trade Union shall be eligible to audit the accounts of that Union.
2. **Power of examining books:-** The auditor or auditors appointed in accordance with these Regulations shall be given access to all the books of a registered Trade Union concerned and shall verify that general statement submitted under section 28, with the accounts and vouchers relating thereto and shall thereafter sign the auditor’s declaration appended to Form J, 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 this respect shall indicate:-

 (a) every payment which appears to be unauthorized 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; or

 (c) the amount of any sum which ought to have been but is not brought to account by any person.

1. **Audit of political fund:-** The audit of political fund of a registered Trade Union shall be carried out alongwith the audit of the general account of the registered Trade Union by the same auditor or auditors.

1. **Inspection of register:-**
2. The register of Trade Unions maintained in accordance with Regulation 6 may be opened to inspection by any person on obtaining prior permission from the Registrar and on payment of a fee of ten rupees.
3. Any document 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 ten rupees for each document inspect.
4. Documents maybe opened to inspection every day on which the office of Registrar is open and within such hours as may be fixed for this purpose by the Registrar.
5. The Registrar may supply a certified copy of any document to a registered Trade Union or a member thereof on payment of ten rupees for the first two hundred words (or less) of that document and five rupees for every additional hundred words or fractional part thereof.

**FORM A**

(See Regulation 3)

**Application for Registration of Trade Union**

Name of Trade Union ………………………………………………………….

Address………………………………………………………………………..

 Dated the ……………….day of ……….………20………..

1. This application is made by the persons whose names are subscribed at the foot thereof.
2. The name of the registered Trade Union (under which it is proposed that the Trade Union on behalf of which this application is made, shall be registered) is ………………………………………………………………….. as set forth in rule No……………...………..
3. The address of the Head Office of the Union to which all communication and notices maybe addressed is ……………………… ……………………………......
4. The ………………………………………………………………. Union came into existence on the …………………….day of ……………………20……………...
5. The Union is a union of employers/workers engaged/employed in the ………………………………industry/or……………………………...................... profession/or………………………...………………… (establishment) and has …………………………………………………members.
6. The particulars required by section 5 (1) (c) of the Trade Unions Act, 1926, are given in schedule1 (appended to this Form).
7. The particulars given in schedule II (appended to this form) show the provisions made in the rules for the matters detailed in section 6 of the Trade Unions Act, 1926.
8. The particulars required by section 5 (2) of the Trade Unions Act, 1926 are given in schedule III (appended to this form). (To be struck out in case of Unions which have not been in existence for one year before the date of application).
9. One copy 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 authorization consisting of ……………………………………………

|  |  |  |  |
| --- | --- | --- | --- |
|  | Signature | Occupation | Address  |
| Name 1 2 3 4 5 6 7 |  |  |  |

To

 The Registrar of Trade Unions, Nagaland Kohima.

**SCHEDULE I**

List of Officers

Name of the Trade Union ………………………………………………………………………….

Office held in Union Name Age Address Occupation

**SCHEDULE II**

Reference to rules

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

 Matter Number of rules

 (1) (2)

Name of the Union

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

(State here whether the authority to make this application

was made by a resolution of a general meeting of the Trade

Union or, if not, in what other way it was given).

The whole of the purpose 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 fines or forfeitures

can be imposed or varied.

The manner in which rules shall be amended, varied

or rescinded.

The manner in which 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.

**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 …………… 20……….…

Liabilities Rs. P Assets Rs. P

­­­­­Amount of general fund ... Cash ...

 In hands of Treasurer...

Amount of political fund … In hands of Secretary...

Loans from … In hands of ...

Debts from …

Other liabilities (to be specified) In the Bank ...

 In the Bank …

 Security as per list below:

 Unpaid subscriptions due...

 Loan to …

 Immovable property ...

 Goods and furniture

 Other assets (to be specified)

Total Liabilities Total Assets …

LIST OF SECURITIES

Particulars Face-value Cost Price Market Value In hands of

1.

2.

3.

4.

6.

7.

 Secretary

**FORM B**

(See Regulation 6)

**Register of Trade Union**

1. Serial No……………………..

2. Date of Registration ……………………..

3. Names, occupation and address of the members making the application.

Name Occupation Address

1.

2.

3.

4.

5.

6.

7.

4. Name of the Trade Union ……………………………………………….

5. Address of the Head Office of the Trade Union…………………………

6. Date of establishment of Trade Union……………………………………

7. Officers of Trade Union

Name Title Age Occupation Address

1.

2.

3.

4.

5.

6.

7.

8. Signature of the Registrar…………………………………….

9. (a) Whether provision has been made for a separate fund under section 16 and, if so, from

 which date……………………..

 (b) Initials of the Registrar………………………

10. (a) Date of intimation of alteration of rules………………….

 (b) Date of registration of alteration of rules and issue of a certified copy thereof…………….

 (c) Initial of the Registrar………………………..

11. (a) Date of registration of change of address of registered office…………………..

 (b) Address of the Trade Union as changed………………………

 (c) Initial of the Registrar……………………..

12. (a) Date of registration of change of name …………………..

 (b) Name of Trade Union as changed……………………..

 (c) Initial of Registrar……………………

13. (a) Date of registration of amalgamation…………………..

 (b) Name of amalgamated Union………………….

 (c) Initial of the Registrar ………………………..

14. (a) Date of application for cancellation of registration under section 10 (a) ………………

 (b) Date of giving notice for cancellation or withdrawal under section 10(b) …………….

 (c) Date of issue of order withdrawing or cancelling registration ……………………..

15. (a) Names, occupation and address of the members applying for dissolution

Name Address Occupation

 1. 2 3

1.

2.

3.

4.

5.

6.

7.

 (b) Date of registration of dissolution and issue of a certificate to that effect……………….

 (c) Number and date of Registrar’s proceedings ordering distribution of funds under section

 27 (2), if any ……………………..

 (d) Initial of the Registrar…………………………

Year of Name Office held Age on Address Occupation Year of Other offices

entering in Union entry relinquishing held in addition

in office office to membership of

 executive with date

1 2 3 4 5 6 7 8

Note:- One page shall be allotted for each Union.

**FORM C**

(See Regulation 7)

Seal

**Certificate of Registration of Trade Union**

Name of Trade Union………………………………………………

Registration No…………………………………………………….

**OFFICE OF THE REGISTRAR OF TRADE UNIONS, NAGALAND**

 I hereby certify that the ……………………………………………. Union has been registered under the Trade Union Act, 1926, this …………… day of……….. 20…………..

Registrar

**FORM D**

(See Regulation 9)

**Application for withdrawal or cancellation of certificate or registration.**

Name of the Trade Union………………………………………

Address………………………………………………..

Registration No…………………………………….

Dated the day of 20

To,

 The Registrar of Trade Union.

 Nagaland, Kohima.

The above mentioned Trade Union desires that its certificate of registration under the Trade Unions Act, 1926, may be withdrawn or cancelled by resolution passed at a general meeting duly held on the ……………….. day of ………………. 20………. is as follows:

(Here give exact and true copy of the resolution)

 Secretary

(If not at a general meeting, state in what manner the request has been determined upon).

**FORM E**

(See Regulation 9 (3))

**OFFICE OF THE REGISTRAR OF TRADE UNIONS NAGALAND**

Place………………………..

 Notice before withdrawal of cancellation of certificate of registration under clause (b) of section 10 of the Act.

Registration No………………………… ……..……………………………….Trade Union.

 Notice is hereby given to the above mentioned Trade Union that it has the intention of the Registrar to proceed on the date of …………………….. 20 ……………. to withdraw or cancel the certificate of registration of the Trade Union, unless cause be shown to the contrary in the manner.

 The ground of such proposed withdrawal or cancellation is that the certificate of registration has been obtained by fraud or mistake, or the Trade Union has ceased to exist or has willfully and after notice from me violated the provisions of the above mentioned Act or allowed its rule………………………… to continue…………………………… and has rescinded its rule…………………… providing for a matter, provision for which is required by section 6.

(The facts should be briefly specified where practicable)

Seal

 Registrar

Dated day of 20…………………

To,

 The Secretary of

 (Here enter the name of the Trade Union)

\* The date entered here shall not be less than two months from the date of notice.

**FORM F**

(See Regulation 11)

**Notice of change of address of the Head Office of a registered Trade Union.**

Name of the Trade Union……………………………

Registration No…………………….. Address…………………………

Dated this …………….. day of ………………. 20……………

To,

 The Registrar of Trade Union

 Nagaland, Kohima

 Notice is hereby given that the Head Office of the above mentioned Trade Union has been removed from ………………………….. and now is situated at …………………………. in ……………………………

(Seal) Secretary

Received this day of ………………….. 20………………………., notice of removal of the Head Office of the registration number.

 Registrar

**FORM G**

(See Regulation 12)

**Notice of Change of name**

Name of the Trade Union already registered……………………………………….

Address…………………………….. ………………………………………………

Registration No……………………………………………………………………..

Dated this day of ……………………. 20……………….

To,

 The Registrar of Trade Unions,

 Nagaland, Kohima.

 Notice is hereby given that subject to the provisions of section 23 of the Trade Unions Act, 1926 the name of the above mentioned Trade Union has been changed to …………………..

 The consent of the members was obtained by i.e. by referendum resolution of a general meeting, if procedure followed is covered by any rule, quote number of the rule:

 Secretary

 Members:-

 1.

 2.

 3.

 4.

 5.

 6.

 7.

**FORM H**

(See Regulation 13)

**Notice of amalgamation of Trade Unions.**

A. Name of registered Trade Union …………………………………..

 Number of registration ……………………………………

B. Name of registered Trade Union……………………..

 Number of registration (and so on if more than two)……………………………….

 (Address) …………………………………………………

Dated the day of 20…………………..

To,

 The Registrar of Trade Unions,

 Nagaland, Kohima.

 Notice is hereby given that in accordance with the requirement of section 24 of the Trade Unions Act, 1926, the members of each of the above mentioned Trade Unions have resolved to become amalgamated together as one Trade Union.

 And that it is intended that the Trade Union shall henceforth be called the ........………………….……………………………………

 Accompanying this notice is a copy of the rules intended to be henceforth adopted by the amalgamated Trade Union which are the rules (if so) of the ………………………………………

 (To be signed by seven members and the Secretary of each Trade Union)

 Secretary

 Members:-

 1.

 2.

 3.

 4.

 5.

 6.

 7.

**FORM I**

(See Regulation 15)

**Notice of the dissolution of Trade Union**

Name of the Union……………………………….

Registration No…………………………………..

Address…………………………………………..

Dated this day of 20………………….

To,

 The Registrar of Trade Union,

 Nagaland, Kohima.

 Notice is hereby given that the above mentioned Trade Union was dissolved in pursuance of the rules thereof on the …………….. day of ……………. 20………….

 We have been duly authorized by the Union to forward this notice on its behalf, such authorization is based on a resolution passed at a general meeting on the ……………… day of ……….. 20….…….

 Secretary

 Members:-

 1.

 2.

 3.

 4.

 5.

 6.

 7.

 Here insert the date, or if there was no such resolution, state in what other way the authorization was given.

**FORM J**

(See Regulation 16)

**Annual Return**

(Under section 28 of the Trade Unions Act, 1926 for the year ending 31st march 20………..)

Name of Union……………………………………..

Registered Head Office …………………………..

Number of certificate of registration……………………………..

Return to be made by Federation of Number of affiliated Unions at the beginning of Trade Unions. the year

 Number of Unions joining during the year

 Number of Unions disaffiliated during the year

 Number of Unions affiliated at the end of the year

(This return need not be made by Number of members on books at the beginning of the Federation of Trade Unions) the year.

 Number of members admitted during the year

 (add together)

 Number of members who left during the year (deduct)

 Total number of members on books at the end of the year

 Males …………………………………..

 Females…………………………………

(The name of the affiliated and disaffiliated Unions should be given in separate statements marked ‘A’ ‘B’ and ‘C’).

 Number of members contributing to political fund ………………………………………….

A copy of the rules of the Trade Union corrected upto date of dispatch of the return is, appended

Dated ……………….. 20………………..

 Secretary

STATEMENT OF LIABILITIES AND ASSETS

on ……………. day of ………….. 20…………..

|  |  |
| --- | --- |
| LIABILITIES Rs. PAmount of general fundAmount of political fundLoans taken from Debts due toDebts due toOther liabilities (to be specified)Total Liabilities ………………………….. | ASSETS Rs. P.Cash In hands of TreasurerIn hands of SecretaryIn hands of In the bank In the bankSecurities as per list below Unpaid subscriptions due Loans toImmovable property Goods and furniture Other assets (to be specified)Total Assets …………………………… |

LIST OF SECURITIES

Particulars Face value Cost price Market price at date In hands of

 on which accounts

 have been made

 Treasurer

GENERAL FUND ACCOUNT

|  |  |
| --- | --- |
| INCOME Rs. P.Balance at the beginning of the yearContribution from members as per memberDonations Sale of periodicals, books, rules etc.Interest on investments.Income from miscellaneous sources(to be specified)Total ……………………………. | EXPENDITURE Rs. P.Salaries, allowances and expensesof officersSalaries, allowances and expensesof establishmentAuditor’s feeLegal expensesExpenses in conducting trade disputesCompensation paid to members forloss arising out of trade disputes.Funeral, old age, sickness, unemployment benefits, etc.,Educational, social and religious benefits.Cost of publishing periodicals.Rents, rates and taxes, Stationery, printing and postageExpenses incurred under section 15 (j) of the Trade Unions Act, 1926, (to be specified).Other expenses (to be specified)Balance at the end of the yearTotal …………………………….. |

POLITICAL FUND ACCOUNT

|  |  |
| --- | --- |
| INCOME Rs. P.Balance at the beginning of the yearContribution from members as per memberTotal ……………………………. | EXPENDITURE Rs. P.Payments made on objects specified in Section 16 (2) of the Trade Unions Act, 1926Expenses of management (to be fully specified)Balance at the end of the year.Total …………………………….. |

 Treasurer

AUDITOR’S DECLARATION

The undersigned, having had access to all the books and accounts of the Trade Union, and having examined the foregoing statements and verified them with the account vouchers relating thereto, now sign the statements as found to be correct, duly vouched and in accordance with the law, subject to the remarks, if any, appended hereto.

 Auditor

(Delete the words if no remarks are made)

 Auditor

OFFICERS RELINQUISHING OFFICE

The following changes of officers have been made during the year

Name Office Date of relinquishing office

OFFICERS APPOINTED

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name | Date of birth | Private address | Personal occupation | Title or position held in union | Date on which appointment in Col.5 was taken up. | Other offices held in addition to membership of executive with dates. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|  |  |  |  |  |  |  |

 Secretary

 Sd/-

 Anenla T. Sato Commissioner and Secretary

 to the Government of Nagaland