

**SEVENTH REPORT**  
**STANDING COMMITTEE ON LABOUR AND WELFARE**

**(1999-2000)**

**(THIRTEENTH LOK SABHA)**

**THE TRADE UNIONS (AMENDMENT) BILL, 2000**

**LOK SABHA SECRETARIAT**

**NEW DELHI**

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## CHAPTER-I

### INTRODUCTORY

1.1 The Trade Unions Act, 1926 provides for registration of trade unions of employers and workers and in certain respects, it defines the law relating to registered trade unions. It confers legal and corporate status on registered trade unions. The Act is administered by the concerned State Government.

1.2. The Ministry of Labour in their background note informed the Committee that the effort for substantially amending the Act was made through the Trade Unions and the Industrial Disputes (Amendment) Bill, 1988 introduced in the Rajya Sabha. It was not taken up for consideration by the Parliament and was withdrawn in 1990 when a Bipartite Committee comprising representatives of Employers' Organisations and Central Trade Union Organisations was constituted under the Chairmanship of Shri G. Ramanujam for "formulation of Specific proposals for a New Industrial Relations Bill". The Committee submitted its report in 1990.

1.3. Based on the recommendations of the Ramanujam Committee and subsequent deliberations held thereon at different fora , a Bill for amending the Trade Unions Act, 1926 was drawn up in consultation with the Ministry of Law. The Bill was presented by the Minister of Labour in the Rajya Sabha on 2.5.1994 for introduction. However, at the introduction stage several members raised preliminary objections, consequently the Bill could not be introduced in that House. After extensive discussions, it was unanimously agreed that the Bill may be referred to the Parliamentary Standing Committee on Labour and Welfare. The Bill, was therefore, referred to the Standing Committee on Labour and Welfare on 9<sup>th</sup> May, 1994 for examination and report.

1.4. The Parliamentary Standing Committee on Labour and Welfare examined the Amendment Bill at its various sittings. The Committee took evidence of the representative of Ministry of Labour and also heard the views of the Trade Unions viz: (1) Indian National Trade Union Congress,(2) Bhartiya Mazdoor Sangh, (3) Hind Mazdoor Sabha, (4) All India Trade Union Congress, (5) Centre of Indian Trade Unions; and (6) United Trade Union Centre. The Report of the Committee was presented to Lok Sabha on 8<sup>th</sup> August, 1995.

1.5. The Committee have been further informed that the proposals contained in the Trade Unions (Amendment) Bill, 1994 were re-examined in the Ministry of Labour in the light of the recommendations of the Parliamentary Standing Committee on Labour and Welfare and the Amendment Bill has been suitably revised which was introduced in Rajya Sabha on 28<sup>th</sup> April 2000.

1.6. During the course of evidence, the Committee sought clarification from the representative of the Ministry of Labour that Report of the Standing Committee on Labour and Welfare on "The Trade Unions (Amendment) Bill,1994" was presented on 8<sup>th</sup> August, 1995 whereas the Ministry has taken five years in studying the recommendations and bringing the legislation. Explaining the reasons for delay, the Secretary stated that the recommendations of the Committee were initially discussed with the Trade Unions and also in 33<sup>rd</sup> Session of Indian Labour Conference. Thereafter

the Government was toying with the idea of having a comprehensive Industrial Relations Bill instead of looking at Trade Union matters in isolation. Unfortunately, the Government could not succeed in finalising the Comprehensive Industrial Relations Bill and had to go ahead with Trade Unions (Amendment) Bill which was finalised in 1997, but due to successive changes in Governments in 1997 and also 1998, the Bill could not get approval of Cabinet till December, 1998. The Bill, however, could not be introduced even in 1999 also because 12<sup>th</sup> Lok Sabha was dissolved and Rajya Sabha was adjourned sine die on 23<sup>rd</sup> April, 1999. In the meantime, the amendment proposals were reformulated in consultation with all employing Ministries and Cabinet approval was obtained on 23<sup>rd</sup> February, 2000 and finally the Bill was introduced in Rajya Sabha on 28<sup>th</sup> April, 2000.

**1.7 The Committee note that the Trade Unions Act, 1926 provides for registration of Trade Unions of Employees and Workmen. With a view to further amend the Act, a Bill viz. “The Trade Unions (Amendment) Bill, 1994 was drawn up by the Ministry of Labour. The said Bill was referred to the Standing Committee on Labour and Welfare during Tenth Lok Sabha even before introduction in any House. The Standing Committee on Labour and Welfare had discussed the Bill in detailed and presented its Report on 8<sup>th</sup> August, 1995. Based on the recommendations of the Committee, the Ministry of Labour has re-drafted the Bill and the Trade Unions (Amendment) Bill, 2000 was ultimately introduced in Rajya Sabha on 28<sup>th</sup> April, 2000. The Committee are astonished to note that the Government have taken five years in studying their recommendations and bringing the present Legislation. According to the Ministry the said Bill could not be introduced for want of Cabinet approval due to successive changes in Governments during 11<sup>th</sup> Lok Sabha and early dissolution of 12<sup>th</sup> Lok Sabha. In the opinion of the Committee the structure of Industrial Organisations and of the Labour forces has undergone significant changes with the economic liberalisation and globalisation but the Trade Unions Act has not undergone any major changes. The Committee, therefore, recommend that in order to achieve the very objectives of the Bill, the Parliament may consider to pass the Trade Unions (Amendment) Bill, 2000 at the earliest.**

## **CHAPTER-II**

### **REPORT**

#### **Clause 2 of the Bill**

2.1 Section 4 of the Trade Unions Act, 1926 provides that “(I) Any seven or more members of a Trade Union may, by subscribing their names to the rules of the Trade Union and by otherwise complying with the provisions of this Act with respect to registration, apply for registration of the Trade Union under this Act.”

2.2 The Ministry of Labour had proposed in The Trade Unions (Amendment) Bill, 1994 that the following provisos shall be added in Section 4, Sub- Section (1) namely:-

“Provided that no Trade Union of Workmen shall be registered unless at least ten per cent of workmen engaged or employed in the establishment or industry with which it is connected are, on the date of making of application for registration the members of such Trade Union;

Provided further that the certificate of registration of a registered Trade Union of workmen issued before the commencement of the Trade Unions (Amendment) Act, 1994, shall be deemed to have been cancelled after six months of such commencement unless an application for its continuance along with a list of its members is made by the Trade Union before the expiry of six months after such commencement claiming that at least ten per cent, of the workmen engaged or employed in the establishment or industry with which it is connected are, on the date of making of such application, its members.”

2.3 The Standing Committee on Labour and Welfare in para 2.3 of their Fifteenth Report (Tenth Lok Sabha) had recommended that clause 2 of the Bill may be amended as follows:-

“Provided that no Trade Union of workmen shall be registered unless at least ten per cent of workmen engaged or employed in the establishment or industry with which it is connected, or 100 whichever is less, are, on the date of making of application for registration, the members of such Trade Union and in no case shall a Union be registered without a minimum strength of at least seven members.”

“Provided further that the certificate of registration of a registered Trade Union of workmen issued before the commencement of the Trade Unions (Amendment) Act, 1994 shall be deemed to have been cancelled after six months or such extended time as may be granted by the Registrar of such commencement unless an application for its continuance along with a list of its members is made by the Trade Union before the expiry of six months after such commencement claiming that at least ten per cent of the workmen or 100 whichever is less (subject to a minimum of 7) engaged or employed in the establishment or industry with which it is connected are, on the date of making of such application, its members.”

2.4 The Recommendations of the Standing Committee on Labour and Welfare have been accepted and incorporated in the Trade Unions (Amendment) Bill, 2000. It has been further clarified by the Ministry of Labour that the provisions relating to certification of registration of a registered trade union of workmen issued before commencement of Amendment Bill have not been incorporated in Trade Unions (Amendment) Bill, 2000 on the advice of Deptt. of Legal Affairs as already registered trade unions will not be required to seek fresh registration.

2.5 In the Trade Unions (Amendment) Bill, 2000 the Government have now proposed that clause 2 may be amended as follows:-

“Provided that no Trade Union of workmen shall be registered unless at least ten per cent. or one hundred of the workmen, whichever is less, engaged or employed in the establishment or industry with which it is connected are the members of such Trade Unions on the date of making of application for registration;

“Provided further that no Trade Union of workmen shall be registered unless it has on the date of making application not less than seven person as its members, who are workmen engaged or employed in the establishment or industry with which it is connected.”

### **Clause 3 of the Bill**

2.6 Section 5 of the Trade Unions Act 1926 deals with the application for Registration which provides:

“(1) Every application for registration of a Trade Union shall be made to the Registrar and shall be accompanied by a copy of the rules of the Trade Union and a statement of the following particulars, namely:-

- a) the names, occupations and address of the members making application;
- b) the name of the Trade Union and the address of its head office;  
and
- c) the titles, names, ages, addresses and occupations of the office bearers of the Trade Union”.

2.7 The Ministry of Labour vide their Trade Unions (Amendment) Bill, 1994 had proposed that in Section 5 of the principal Act, in sub-section (1, after clause 5 (a), the following clause shall be inserted, namely:-

“(aa) in case of a Trade Union of workmen:-

- (i) the names, occupations and addresses of the members of the Trade Union;
- (ii) the names, occupations and addresses of the workmen engaged or employed in the establishment or industry with which it is connected;

2.8 The Committee on Labour and Welfare in Para 2.6 of their Fifteenth Report had desired that the proposed amendments (aa) (i) in Section 5 (1)(a) of the Principal Act might be amended as follows:-

- (aa) In case of Trade Unions of workmen;
- (i) the names, occupations and complete addresses of the place of work of the members of the Trade Union.

2.9 The recommendations of the Parliamentary Standing Committee on Labour and Welfare have been accepted and incorporated in the Trade Unions (Amendment) Bill, 2000. It has been proposed that in Section 5 of the Principal Act, in sub-section (1), after clause, (a) the following clause shall be inserted, namely:-

“(aa) in the case of a Trade Union of workmen, the names, occupations and addresses of the place of work of the members of the Trade Union making the application.”

#### **Clause 4 of the Bill**

2.10 In Section 6 of the Principal Act, 1926 there are Provisions for payment of subscription by members of a Trade Union:

“(ee) The Payment of a subscription by Members of the Trade Union which shall not be less than twenty-five naye paise per month per member”

“(h) the manner in which the members of the executive and other office bearers of the Trade Union shall be appointed and removed.”

2.11 The Ministry of Labour through Trade Union (Amendment) Bill, 1994 had proposed that in Section 6 of the principal Act:-

- a) in clause (ee) for the words “ not less than **twenty-five naye paise**” the words “**one rupee**” shall be substituted;
- b) in clause (a) for the word “appointed”, the word “elected” shall be substituted.
- c) after clause (h) the following clauses shall be inserted, namely:-

“(hh) the duration not being more than three years, for which the members of the executive and the other office-bearers of the Trade Union shall be elected.

(hhh) the settlement of intra-union disputes;”

2.12 The Standing Committee on Labour and Welfare (Tenth Lok Sabha) had discussed sub-clause (a) in detail. Members were apprehensive over the increase in the rate of subscription. Some of the members were of the firm view that there should not be any change in the existing rate of subscription as it would be difficult to realise it from some of the poor members of the Union.

2.13 The Committee also discussed the clause (hhh) in detail. The Members were of the view that all intra-union disputes should be referred to the National Trade Union Centre to which the union is affiliated and unions should be made powerful to take a final decision in such matters. They were also of the view that since intra-union matters are internal matters of the union, it may not be appropriate for the Government to interfere in them.

2.14 The Ministry of Labour in a note furnished to the Committee has explained that the membership subscription of 25 paise per month was stipulated in the year 1960. With 40 years having elapsed, the subscription at the enhanced rate of one rupee per month appears justified. It is, therefore, proposed to retain the proposal. The Ministry has however agreed with the view of the Standing Committee and removed sub-clause (hhh) i.e. "Settlement of intra-union dispute. The Government have accordingly proposed that in Trade Unions (Amendment) Bill, 2000 section 6 of the Bill may be modified as under:-

a) for clause (ee) the following clause shall be substituted, namely:-

"(ee) the payment of a minimum subscription by members of the Trade Union which shall not be less than-

- (i) one rupee per annum for rural workers;
- (ii) three rupees per annum for workers in other unorganised sectors; and
- (iii) twelve rupees per annum for workers in any other case;

b) in clause (h) for the word 'appointed', the word 'elected' shall be substituted;

c) after clause (h), the following clause shall be inserted namely:-

"(hh) the duration of period being not more than three years, for which the members of the executive and other office bearers of the Trade Union shall be elected."

#### **Clause 5 of the Bill**

2.15 According to section: 9 of the Trade Unions Act, 1926 which provides Certification of the registration of Trade Unions.

"The Registrar, on registering a Trade Union under Section 8, shall issue a certificate of registration in the prescribed form which shall be conclusive evidence that the Trade Union has been duly registered under this Act.

2.16 The Ministry of Labour through Trade Union (Amendment) Bill, 1994 had proposed that after Section 9 of the principal Act, the following section shall be inserted, namely:-



“9A. A registered Trade Union of workmen shall at all times continue to have not less than ten per cent of the workmen engaged or employed in an establishment or industry with which it is connected as its members.

2.17 In the light of the earlier discussions, the Committee on Labour and Welfare (Tenth Lok Sabha) had recommend in Para 2.12 of their Fifteenth Report that the clause 9A should read as under:-

“ A registered Trade Union of workmen shall at all times continue to have not less than ten per cent of the workmen or 100 workmen whichever is less, engaged or employed in an establishment or industry with which it is connected as its members.”

2.18 The Government have accepted the recommendation of the Committee and amended the clause as under:-

“9A. A registered Trade Union of workmen shall at all times continue to have not less than ten per cent, or one hundred of the workmen, whichever is less, subject to a minimum of seven, engaged or employed in an establishment or industry with which it is connected, as its members.

### **Clause 6 of the Bill**

2.19 Section: 10 deals with the Cancellation of Registration of Trade Unions which States that :

“A certification of registration of a Trade Union may be withdrawn or cancelled by the Registrar-

(a) on the application of the Trade Union to be verified in such a manner as may be prescribed.

(b) if the Registrar is satisfied that the certificate has been obtained by fraud or mistake or that the Trade Union has ceased to exist or has wilfully and after notice from the Registrar contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any such provision or has rescinded any rule providing for any matter provision for which is required by Section 6:

Provided that not less than two months’ previous notice in writing specifying the ground on which it is proposed to withdraw or cancel the certificate shall be given by the Registrar to the Trade Union before the certificate is withdrawn or cancelled otherwise than on the application of the Trade Union.”

2.20 The Ministry of Labour vide Trade Union (Amendment) Bill, 1994 had proposed that in Section 10 of the principal Act, after clause (b) the following clause shall be inserted, namely:-

“( c) if the Registrar is satisfied that a registered Trade Union of workmen ceases to have the requisite number of members.”

2.21 The Committee on Labour and Welfare (Tenth Lok Sabha) had observed in Para 2.14 of their Fifteenth Report that clause 6 of the Bill proposes to give enormous powers to the Registrar of Trade Unions to cancel the certificate of registration of a Trade Union. The Members were of the view that in this regard, even the recommendations of the Ramanujam Committee had been ignored. They were also of the view that there should be some time limit for the Registrar to dispose of the application for registration of a Trade Union.

2.22 The Ministry of Labour in a note furnished to the Committee stated that the existing provisions of Section 10 of the Act dealing with cancellation of registration also contain provisions for issue of show cause notice two months before the proposed cancellation and the power of cancellation is exercised only when the Registrar is satisfied that the trade union has, inter alia, willfully and after notice contravened any provision of the Act etc. Section 11 of the existing Act also provides for the channel of appeals against the decision of the Registrar to cancel the registration of a trade union and the appellate courts have been given adequate powers to set aside the order of withdrawal or cancellation of the certificate of registration which the Registrar is bound to comply with. These provisions should adequately dispel the apprehensions that the proposed amendments may confer enormous and unlimited powers on the Registrar. The proposed amendment is considered necessary to prevent fragmentation leading to multiplicity of trade unions, which is precisely what the amendment Bill seeks to achieve. The Committee on Labour and Welfare had also not made any specific recommendations to modify or delete the clause. Government would, therefore, like to retain the proposed amendment of section 10 of the Act.

2.23 As regards the suggestion of the Committee that rules may be framed under the Act to provide for some time limit for the Registrar to dispose of applications for registration the Ministry has stated that since the Trade Unions Act is mainly enforced by the State Government, it is for the State Governments to consider this suggestion and where the problem of delay in the disposal of application for registration is acute, necessary provisions may be made in the respective State rules/regulations.

### **Clause 8 of the Bill**

2.24 Section: 22 deals with the Proportion of office bearers to be connected with the industry. It has been provided that no less than one half of the total number of the office bearers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Unions connected:

“Provided that the appropriate Government may, by special or general order, declare that the provisions of his section shall not apply to any Trade Union or class of Trade Unions specified in the order.

2.25 The Ministry of Labour in Trade Union (Amendment) Bill, 1994 had proposed that for Section 22 of the principal Act, the following section shall be substituted, namely:-

“22. (1) All office bearers of a registered Trade Union, except not more than one-third of the total number of the office bearers or two, whichever is less, shall be persons actually engaged or employed in the establishment or industry with which the `Trade Union is connected`.

(2) No member of the Council of Ministers or a person holding an office of profit (not being an engagement or employment in an establishment or industry with which the Trade Union is connected), in the Union or a State, shall be a member of the executive or other office-bearer of a registered Trade Union.”

2.26 The Standing Committee on Labour and Welfare had discussed the above amendments in details in view of the Committee, the Bill proposed to restrict the number of outsiders to two which was unreasonable. The Committee felt that the proposed amendment in an infringement on the right of workers to choose their own leaders. The Committee further observed that the definition of outsider given in the Principal Act has not been changed and ex-employees will, therefore, continue to be considered as outsiders which was also not a desirable practice. The Committee, had therefore, recommended in Para 2.17 of their Fifteenth Report (Tenth Lok Sabha) that in the proposed clause 22 (1) the word `two` may be substituted by `five`. The Committee had also desired that following explanation may be added after clause 22 (1).

Explanation: “The employees who have honourably retired or have been retrenched should not be deemed to be outsiders for the purpose of holding an office in Trade Unions”.

2.27 In a note furnished to the Committee the Ministry have stated that the above recommendations of the Committee have been accepted and incorporated in Trade Unions (Amendment) Bill, 2000. However, on the recommendations of the Workers’ Group of the Bipartite Committee on Comprehensive Industrial Relations Law, the present provision of the Act has been retained for the un-organised sector. The Government have therefore, proposed that for section 22 of the principal Act, the following section shall be substituted , namely:-

“22 (1) Not less than one-half of the total number of the office-bearers of every registered Trade Union in an unorganised sector shall be persons actually engaged or employed in an industry with which the Trade Union is connected:

Provided that the appropriate Government may, by special or general order, declare that the provisions of this section shall not apply to any Trade Union or class of Trade Unions specified in the order.

Explanation: For the purpose of this section; “unorganised sector” means any sector which the appropriate Government may, by notification in the Official Gazette, specify.

- (2) Save as otherwise provided in sub-section (1), all office-bearers of a registered Trade Union, except not more than one-third of the total number of the office-bearers or five, whichever is less, shall be persons actually engaged or employed in the establishment or industry with which the Trade Union is connected.

Explanation- For the purposes of this sub-section, an employee who has retired or has been retrenched shall not be construed as outsider for the purpose of holding an office in a Trade Union.

- (3) No member of the Council of Ministers or a person holding an office of profit (not being an engagement or employment in an establishment or industry with which the Trade Union is connected), in the Union or a State, shall be a member of the executive or other office-bearer of a registered Trade Union”

### NEW PROVISIONS

2.28 In addition, the Ministry has now added clauses 7 and 9 in the Trade Unions (Amendments) Bill, 2000 wherein it has been proposed to amend sections 11 and 29 of the Trade Unions Act, 1926.

2.29 Section 11 provides that (I) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal-

- (a) Where the Head Office of the Trade Union is situated within the limits of a presidency town to the High Court, or
- (b) Where the Head office is situated in any area, to such Court, not inferior to the Court of an additional or assistant judge of a Principal Civil Court of original jurisdiction as the Appropriate Government may appoint in this behalf for that area.

2.30 The Ministry of Labour in a note furnished to the Committee had stated that on the recommendations of the Bipartite Committee on comprehensive Industrial Relations Law they have proposed that in Section 11 of the Principal Act, in sub-section (1), after clause (a) the following clause shall be inserted, namely:-

“(aa) where the head office is situated in an area, falling within the jurisdiction of a Labour Court or an Industrial Tribunal, to that Court or Tribunal, as the case may be.”

2.31 Section: 29 deals with the Power to make regulations which states that

(1) the appropriate Government may make regulations for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters namely:-

- (a) the manner in which Trade Unions and the rules of Trade Unions shall be registered and the fees payable on registration;
- (b) The transfer of registration in the case of any registered Trade Union which has change its head office from one State to another,
- (c) the manner in which, and the qualifications by whom, the accounts of registered Trade Unions or of any class of such Unions shall be audited;
- (d) the conditions subject to which inspection of documents kept by Registrars shall be allowed and the fees which shall be chargeable in respect of such inspections; and
- (e) any matter which is to be or may be prescribed.

2.32 In a note furnished to the Committee, the Ministry of Labour has informed the Committee that Ministry of Parliamentary Affairs have been emphasising the need for incorporating a laying provision in various enactments. As the Trade Unions Act, 1926 does not have a laying provision, it is proposed that Section 29 of the Act may be amended to incorporate a provision that every regulation made by the Government under this Act shall be laid before both the House of Parliament. The Ministry of Labour has therefore, proposed in Trade Unions (Amendment) Bill, 2000 that in Section 29 of the principal Act, after sub-section (2) the following sub-sections shall be inserted, namely:-

(3) Every notification made by the Central Government under sub-section (1) of Section 22, and every regulation made by it under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or regulation, or both Houses agree that the notification or regulation should not be made, the notification or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be of no effect, as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or regulation

(4) Every notification made by the State Government under sub-section (1) of section 22 and every regulation made by it under sub-section (1) shall be laid, as soon as may be after it is made, before the State Legislature.

**2.33 The Committee note that with a view to reduce multiplicity of the Trade Unions, promoting internal democracy, and file leadership of Trade Unions and facilitating their orderly growth and regulations, the Ministry of Labour in 'The Trade Unions (Amendment) Bill, 2000' to amend Sections 4, 5, 6, 9,10, 11, 22 and 29 of The Trade Unions (Amendment) Act,1926. The revised proposals contained in the Bill are:-**

- (i) In clause 2 of the Bill, the Ministry has proposed that section 4 of the Act may be amended with a view to making an additional provision that no Trade Union of workmen shall be registered unless at least ten per cent. or one hundred, whichever is less, of workmen engaged or employed in the establishment or industry with which it is connected, are the members of such Trade Union on the date of making an application for registration. In no case a Union shall be registered without a minimum strength of seven members;
- (ii) According to Clause 3 of the Bill, the Trade Unions applying for registration will be required to provide names, occupation and complete addresses at the place of work of its members to facilitate verification of membership strength.
- (iii) In Clause 4, the Ministry has suggested to modify section 6 of the Act wherein it has been provided that minimum rate of subscription of Members of the Trade Unions to be revised to one rupee per annum for rural workers, three rupees per annum for workmen in other unorganised sectors and twelve rupees per annum in all other cases.
- (iv) Vide clause 5, the Ministry has proposed to insert Section 9 A after Section 9 to provide that a registered Trade Union of workmen shall at all times continue to have not less than ten per cent. or one hundred of the workmen, whichever is less, subject to a minimum of seven per cent engaged or employed in the establishment or industry with which it is connected as its members;
- (v) It has been further proposed to amend Section 10 of the Principal Act which gives powers to the Registrar for cancellation of registration, if he is satisfied that a registered Trade Union of workmen ceased to have a requisite number of members.
- (vi) In clause 8 of the Bill, the Ministry has proposed to substitute Section 22 of the Act, so that all office-bearers of a registered Trade Union, except not more than one-third of the total number of office-bearers or five, whichever is less, shall be persons actually engaged or employed in the establishment or industry with which the Trade Union is connected. The employees who have retired or have been retrenched shall not be construed as outsider for the purpose of holding an office in a Trade Union. In case of unorganised sector, however, the present provision of section 22 of the Act would continue to be applicable.
- (vii) In addition ,the Ministry has proposed to amend sections 11 and 29 of the Trade Union Act, 1926. In section 11 a provision on the recommendations of the Workers Group of the Bipartite Committee on comprehensive Industrial Law, has been added providing for an appeal before the Industrial Tribunal/Labour Court in case of non-registration/ restoration of registration. The other one relates to lying

**of Notifications made by the Central Government and Regulations made by the State Government under this Act.**

**2.34 The Committee are convinced with the above amendments proposed by the Ministry in The Trade Unions (Amend) Bill, 2000 which are by and large based on recommendations of the Standing Committee on Labour and Welfare (Tenth Lok Sabha) on the Trade Unions (Amendment) Bill, 1994, and there seems to be no further scope of the amendments in the Bill. The Committee, therefore, approve the proposed amendments in the Trade Unions (Amendment) Bill. 2000 and support the Bill in its entirety.**

**NEW DELHI**

**DR. SUSHIL KUMAR INDORA**

**September, 2000  
Ashvina, 1922 (Saka)**

**Chairman  
Standing Committee on Labour and Welfare**