



The Indian Trade Unions (Madhya Pradesh Amendment) Act, 1960

Act 28 of 1960

Keyword(s):

Central Act Amendment, Approved List, Approved Union, Industrial Court, Local Area

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

MADHYA PRADESH ACT

(No. 28 of 1960)

*THE INDIAN TRADE UNIONS (MADHYA PRADESH AMENDMENT)
ACT, 1960*

TABLE OF CONTENTS

Sections	Page
1. Short title and commencement.	420
2. Amendment of section 2, Central Act XVI of 1926.	420
3. Substitution of new section for section 11, Central Act, XVI of 1926.	420
4. Insertion of new Chapter III-A, Central Act, XVI of 1926.	421
5. Amendment of heading of Chapter IV and insertion of new sections 28-I and 28-J.	423
6. Amendment of section 29, Central Act, XVI of 1926.	424
7. Insertion of new section 32-A in Central Act XVI of 1926.	424

MADHYA PRADESH ACT

(No. 28 of 1960)1

THE INDIAN TRADE UNIONS (MADHYA PRADESH AMENDMENT) ACT, 1960

(Received the assent of the President on the 23rd November 1960, assent first published in the "Madhya Pradesh Gazette" Extraordinary, on the 31st December 1960.)

An Act further to amend the Indian Trade Unions Act, 1926 in its application to Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the Eleventh Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Trade Unions (Madhya Pradesh Amendment) Act, 1960.

(2) It shall come into force on such date² as the State Government may, by notification, appoint.

Amendment of section 2, Central Act XVI of 1926.

2. In section 2 of the Indian Trade Unions Act, 1926 (XVI of 1926) (hereinafter referred to as the Principal Act),—

(i) clause (a) shall be renumbered as clause (a-2) and before clause (a-2) as so renumbered, the following clauses shall be inserted, namely:—

“(a) ‘approved list’ means the list of approved unions maintained by the Registrar under section 28-A;

(a-1) “approved union” means a registered Trade Union on the approved list;”

(ii) clause (b) shall be renumbered as clause (b-2) and before clause (b-2) as so renumbered, the following clauses shall be inserted, namely:—

“(b) ‘Industrial Court’ shall have the meaning assigned to it in the Madhya Pradesh Industrial Relations Act, 1960 (27 of 1960);

(b-1) ‘local area’ means any area notified by the Registrar as a local area for the purposes of this Act:

Provided that such area shall not comprise of more than one revenue district.”

Substitution of new section for section 11, Central Act, XVI of 1926.

3. For section 11 of the Principal Act, the following section shall be substituted, namely:—

“11. (1) Any person aggrieved by an order of the Registrar—

(a) refusing to register a trade union; or

(b) withdrawing or cancelling a certificate of registration; may within thirty days from the communication of such order to the trade union concerned, appeal to the Industrial Court whose decision shall be final :

Appeal.

1. For Statement of Objects and Reasons (in English), see “Madhya Pradesh Gazette,” Extraordinary, dated the 10th April 1959, page 362 and (in Hindi) 3689, For Proceedings in Assembly, see Madhya Pradesh Vidhan Sabha Proceedings, 1969, Vol. 6, No. 8., pages 773-785, No. 9, 847-80, No. 10, 861-971, 1960, Vol. VII-No. 109, No. 802-635, No. 13 pages 1040-1045.
2. 31st December 1960. see Madhya Pradesh Labour Department Notification No. 9974-XVI, dated the 31st December 1960, published in the “Madhya Pradesh Gazette” Extraordinary, dated the 31st December 1960, page 1395.

Provided that in computing the period of thirty days, the time requisite for obtaining a copy of the order shall be excluded.

(2) The Registrar shall comply with any order passed by the Industrial Court under sub-section (1).

4. After Chapter III of the Principal Act, the following Chapter shall be inserted, namely:—

Insertion of new Chapter III-A,
Central Act, XVI of 1926.

“CHAPTER III-A

Approval Unions

28-A. It shall be the duty of the Registrar to maintain in such form as may be prescribed a list of approved unions.

Maintenance of list of Approved
Unions.

28-B. A Union entered on the approved list maintained under the Bombay Industrial Relations Act, 1947 as adapted in Madhya Bharat by the Madhya Bharat Industrial Relations (Adaptation) Act, Samvat 2006 (31 of 1949), before the commencement of the Indian Trade Unions (Madhya Pradesh Amendment) Act, 1960 (28 of 1960), shall be deemed to be an approved union under this Act.

Certain unions deemed to be
approved unions.

28-C. (1) Any Representative Union or where there is no Representative Union any registered Trade Union may apply in the prescribed form for being entered in the approved list.

Application for and entry in
the approved List.

(2) On receipt of such application the Registrar shall hold such enquiry as is prescribed and if he is satisfied that such union fulfils the conditions necessary for its being entered in the approved list, he shall enter the name of such union in the approved list and shall issue a certificate of its entry in such form as may be prescribed :

Provided that—

- (i) where two or more unions fulfilling the conditions necessary for registration specified in section 28-D apply for their entry in the approved list, the union which has the largest membership of the employees employed in the industry, shall alone be entered in the approved list;
- (ii) the Registrar shall not enter any union in the approved list, if he is satisfied for reasons to be recorded in writing that the application for entry is not made bonafide in the interests of employees but is made in the interests of the employer.

Explanation.—For the purposes of this section, the expression “Representative Union” shall have the meaning assigned to it in the Madhya Pradesh Industrial Relations Act, 1960 (No. 27 of 1960).

28-D. (1) No union shall be entered in the approved list under this Act, unless—

Condition of entry in the
approved list.

- (i) the union has for the whole of the period of three months next preceding the date of application under section 28-C a membership of not less than fifteen per cent of the employees employed in the industry in that local area;
- (ii) the constitution of the union shall be such, as may be provided by or under this Act, and in particular, shall require that—
 - (a) the subscription payable for membership shall be not less than four annas a month or such other sum as may be by the fixed State Government under sub-section (2) and accounts that the of the union shall be audited at least once in each financial year by an auditor appointed or approved by the State Government;

**THE INDIAN TRADE UNIONS (MADHYA PRADESH AMENDMENT)
ACT, 1960**

- (b) the executive of the union shall meet at least once in three months and that all resolution passed by the executive or general body shall be recorded in a minute book; and
- (c) the union shall not sanction a strike as long as conciliation and arbitration are available and shall not declare a strike until a ballot is taken and the majority of the members of the union vote in favour of the strike.

(2) The State Government may, by notification, direct that in the case of any registered trade union of workmen or employees engaged in any employment specified in the schedule to the Minimum Wages Act, 1948 (XI of 1948), the membership subscription may be less than four annas for such period as may be specified therein.

(3) Any registered trade union complying with the conditions specified in sub-section (1) and having a larger membership in an industry in a local area than an approved union for such industry shall on an application in that behalf be entered in the approved list in place of such approved union by the Registrar after holding such enquiry as he deems fit.

Approved union to continue to be so for altered local area for sometime.

28-E. Notwithstanding anything contained in section 28-D, if there is any alteration in the local area or areas—

- (a) an approved union in an industry in the altered local area or areas; or
- (b) where two or more approved unions exist in an industry in the altered local area or areas, the union having the largest membership, whether by agreement of the other approved unions or as determined by the Registrar after such inquiry as he deems fit;

shall be deemed to be the approved union for the altered local area or areas, as the case may be, for a period of six months from the date on which such alteration is effected or where such approved union or any other union in the altered local area or areas makes an application under section 28-G within such period until disposal of such application by the Registrar.

Removal from approved list.

28-F. The Registrar shall remove a union from the approved list if its certificate of registration is cancelled under section 10, and may also so remove a union if after holding such enquiry, as he deems fit, he is satisfied that it—

- (i) was entered in the list under mistake, misrepresentation or fraud; or
- (ii) has, since being included in the approved list, ceased to fulfil the conditions specified in section 28-D.

Appeal.

28-G. (1) Any person aggrieved by the order of the Registrar—

- (a) refusing to enter any registered trade union in the approved list; or
 - (b) removing a registered trade union from the approved list;
- may, within thirty days from the communication of such order to the trade union concerned, appeal to the Industrial Court whose decision shall be final :

Provided that in computing the period of thirty days the period requisite for obtaining a copy of the order shall be excluded.

(2) The Registrar shall comply with any order passed by the Industrial Court under sub-section (1).

Rights of Officer of approved unions.

28-H. Such officers and members of an approved union as may be authorised by or under rules made in this behalf by the State Government,

shall, in such manner and subject to such conditions as may be prescribed, have a right—

- (a) to collect sums payable by members to the union on the premises where wages are paid to them;
- (b) to put up or cause to be put up a notice board on the premises of the undertaking in which its members are employed and affix or cause to be affixed notices thereon;
- (c) for the purpose of the prevention or settlement of a trade dispute—
 - (i) to hold discussions on the premises of the undertaking with the employees concerned who are the members of the union;
 - (ii) to meet and discuss with an employer or any person appointed by him for the purpose of removing the grievances of its members employed in his undertaking;
 - (iii) to inspect, if necessary, in any undertaking, any place where any member of the union is employed.

5. In Chapter IV of the Principal Act.—

- (i) for the heading "Regulations" the heading "Miscellaneous" be substituted; and
- (ii) before section 29, the following sections be inserted, namely:—

"28-I. (1) For the purposes of discharging his duties generally under the Act and verifying the correctness of the annual returns submitted under section 28, the Registrar shall have power to inspect the account books, the list of members and the minute book of a registered Trade Union:

Amendment of heading of Chapter IV and insertion of new sections 28-I and 28-J.

Provided that an inspection made under this sub-section shall, as far as practicable, be done at the office of the registered Trade Union or at a place within a reasonable distance therefrom and after giving reasonable notice.

Other powers of Registrar.

(2) For the purposes of discharging his duties under Chapter III-A, the Registrar shall, in addition to the powers mentioned in sub-section (1), have—

- (a) the following powers of a court of civil jurisdiction under the Code of Civil Procedure, 1908 (V of 1908), namely:—
 - (i) power to require or accept the proof of facts by affidavits;
 - (ii) power to summon and enforce the attendance of any person and to examine him on oath;
 - (iii) power to compel the production of documents; and
 - (iv) power to issue commission for the examination of witnesses;
- (b) power to enter and inspect any place used by a registered Trade Union as office after giving reasonable notice; and
- (c) such other powers as may be prescribed.

28-J. (1) If there is any dispute as to who is the lawful officer of a registered Trade Union, any person claiming to be such an officer or the Registrar may refer the dispute to the Industrial Court in such manner as may be prescribed.

Dispute as to officer of registered Trade Union.

(2) On a reference being made under sub-section (1), the Industrial Court shall, after hearing the parties to such dispute and recording such evidence as it may consider necessary, decide the dispute and declare who is the lawful officer. The decision of the Industrial Court shall be final and shall not be called in question in any court of law.

**THE INDIAN TRADE UNIONS (MADHYA PRADESH AMENDMENT)
ACT, 1960**

(3) No civil court shall entertain any suit or other proceedings in respect of any dispute which has been referred to the Industrial Court under sub-section (1) and is pending before such Court and if any such suit or proceeding is pending in a civil court on the date of the reference, the civil court shall, on receipt of a notice from the Industrial Court, cease to exercise jurisdiction in respect thereof and shall forthwith transfer the record of the suit or proceeding to the Industrial Court."

Amendment of section 29,
Central Act, XVI of 1926.

6. In section 29 of the Principal Act, after clause (d) the following clauses shall be inserted, namely:—

- (d-1) the form in which the approved list shall be maintained under section 28-A;
- (d-2) the form of application under section 28-C;
- (d-3) the officers and members of approved unions to be authorised under section 28-H and the manner in which and the conditions subject to which the rights of such officers under that section shall be exercised;
- (d-4) the manner of enquiry required to be undertaken by the Registrar under this Act;
- (d-5) the manner in which the dispute shall be referred to Industrial Court under section 28—'J'.

Insertion of new section 32-A
in Central Act, XVI of 1926.

7. After section 32 of the Principal Act, the following section shall be inserted, namely:—

Penalty for contraventions of
Section 28-H

"32-A. Any employer who contravenes the provisions of section 28-H shall be punishable with fine which may extend to five hundred rupees."