

¹THE
KARNATAKA TRADE UNIONS
REGULATIONS, 1958

CONTENTS

<i>Regulations</i>	<i>Page No.</i>
1. Title and Application	40
2. Definitions	40
(a) The Act	40
(b) Form	40
(c) Section	40
3. Application for Registration	40
4. Register of Trade Unions	40
5. Certificate of Registration	40
6. Cancellation or withdrawal of registration	40
7. Transfer of Registration of Union	40
8. Registration of change of name	40
9. Amalgamation of Trade Unions	41
10. Fees	41
11. Amendment of Rules	41
12. Appeals	42
13. Dissolution of Trade Union	42
14. Return	42
14-A. Maintenance of Records	42
15. Auditors	43
16. Exception	44
17. Audit	44
18. Audit of Political Funds	44
19. Inspections	44
20. Repeal and Savings	44
SCHEDULES I to III	45-47
FORMS A to F	47-55

[As amended by Notification No. LLH 118 LBW 59, dated 15-6-1961; SO 2948, dated 7-8-1965; GSR 299, dated 4-7-1967; GSR 95, dated 11-3-1968 and GSR 84, dated 27-3-1975].

NOTIFICATION

No. LLH 21 LBW 58, dated 4th June, 1959

In exercise of the powers conferred by Section 29 of the Trade Unions Act, 1926 (XVI of 1926), the Government of Karnataka hereby make the following

1. Published in the Karnataka Gazette, Part IV-1C, dated 18-6-1959, p. 1816.

regulations, the same having been previously published in Notification No. LLH 21 LBW 58, dated 25th October, 1958, as required by Section 30 of the said Act.

1. Title and Application.—(1) These Regulations may be called the **Karnataka Trade Unions Regulations, 1958.**

(2) They extend to the whole of the State of Karnataka.

2. Definitions.—In these regulations:—

(a) "The Act" means the Trade Unions Act, 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 under Section 4 shall be made in Form 'A'.

4. Register of Trade Unions.—The Register of Trade Unions referred to in Section 8 shall be maintained in Form 'B'.

5. Certificate of Registration.—The certificate of registration issued by the Registrar under Section 9 shall be in Form 'C'.

6. Cancellation or withdrawal of registration.—(1) Every application for cancellation or withdrawal of registration under clause (a) of Section 10 shall be signed by the Secretary and seven or more members of the Trade Union and the seal of the Trade Union shall be affixed thereto.

(2) There shall be appended to every such application a certificate signed by the members making it to the effect that the statements contained in the application are to the best of their knowledge and belief true.

(3) Upon an application for the cancellation or withdrawal of registration of a trade union being presented to him, the Registrar, if he has reason to believe that the applicants have not been duly authorised by such Union to make the same, may, for the purpose of ascertaining the fact, require from the applicants such evidence as may seem to him necessary and examine any officer of such Union.

(4) 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 be served a notice in Form 'D' on the Trade Union through its Secretary in person or by Registered Post.

(5) The certificate of registration issued by the Registrar under Section 9 shall be surrendered by the Secretary of the Union when the Registrar decides to withdraw or cancel such certificate under clause (a) or clause (b) of Section 10.

7. Transfer of Registration of Union.—(1) The Registrar, on receipt of a notice of removal of the Registered Office to any State in India other than the State of Jammu and Kashmir, shall forward to the Registrar of the State to which the Head Office of the Trade Union has

been transferred a copy of all the entries contained in the register prescribed by Regulation 4 and a copy of the rules of the Union with all amendments thereto.

(2) The Registrar of the State to which Head Office of the Trade Union has been transferred will thereupon enter in his register the particulars relating to the trade union and shall certify the fact of such registration on the certificate issued under Regulation 5. The Secretary of the Union shall present the certificate to the Registrar for this purpose.

(3) The procedure prescribed in clause (2) above shall be followed in respect of trade union whose Head Office has been transferred to the Karnataka State:

Provided that if the name of the trade union the Head Office of which has been so transferred is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either trade union, the Registrar shall require such trade union to change its name and shall refuse to act under clause (2) until such change has been made.

8. **Registration of change of name.**—When the Registrar registers a change of name under sub-section (3) of Section 25, he shall certify under his signature at the foot of the certificate issued under Regulation 5 that the new name has been registered. The Secretary shall present the certificate to the Registrar for this purpose.

9. **Amalgamation of Trade Unions.**—On receipt of notice of amalgamation under sub-section (1) of Section 25 if the Head Office of the amalgamated trade union is in the Karnataka State the Registrar shall consult the Registrars of the Trade Unions in the States in India so amalgamating, if any, before registering the amalgamated trade union under sub-section (4) of the said section.

When the amalgamated trade union is registered under sub-section (4) of the said section it shall be assigned a new number in the register in Form 'B' and the Registrar shall issue a new certificate in Form 'C' therefor. 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' and send intimation of the registration of the amalgamated union to the Registrars of the Trade Unions so amalgamated in other States in India, if any.

10. **Fees.**—The fee payable for the registration of a trade union shall be ¹[ten rupees].

11. **Amendment of Rules.**—(1) On receiving a copy of the alteration made in the rules of a trade union sent under sub-section (3) of Section 28, the Registrar after satisfying himself that the alteration has been made in the manner laid down by the rules of the Trade Union and is

1. Substituted for the letters and figure "Rs. 5" by GSR 84, dated 3-3-1975, Kar. Gaz., dated 27-3-1975.

not inconsistent with any of the provisions of the Act, shall register the alteration in the entry relating to the trade union in the register of trade unions prescribed under Regulation 4 and deliver to the Secretary of such trade union a copy of the alteration with a certificate appended thereto the effect that the alteration has been duly registered by him.

(2) The fee payable for registration of alterations of rules shall be ¹[two rupees] for each set of alteration made simultaneously.

12. Appeals.—Any appeal made under sub-section (1) of Section 11 shall be filed within sixty days of the date of the order against which the appeal is made.

13. Dissolution of Trade Union.—(1) Along with the notice of dissolution under sub-section (1) of Section 27 the certificate issued under Regulation 5 shall be surrendered. When the Registrar registers the dissolution, he shall send an intimation of the fact of such registration under his signature to the Secretary of the Trade Union.

(2) Where it is necessary for the Registrar, under sub-section (2) of Section 27, to distribute the funds of a trade union which has been dissolved, he shall divide the funds in proportion to the amounts contributed by the members on roll at the time of dissolution, by way of subscription to the several funds of the trade union during their membership. In the event of the 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 each member to his legal representative.

14. Return.—The annual return to be furnished under Section 28 shall be submitted to the Registrar by the ²[30th day of April] in each year and shall be ³[in Form 'E' in the case of a Trade Union and in Form 'F' in the case of a Federation of Trade Unions.]

⁴[14-A. Maintenance of Records.—Every registered Trade Union shall maintain the following books and registers to facilitate the audit of its accounts, namely:—

(1) Applications for membership, register of membership and subscriptions in Form 'F';

(2) Register of receipts and disbursements of the General Fund Account;

(3) Minutes book to record the proceedings of all meetings;

(4) Register of stock, tools and plant to show the furniture, fittings and valuable documents relating to the immovable property of the Union;

1. Substituted for the letters and figure "Re. 1" by GSR 84, dated 3-3-1975, Kar. Gaz., dated 27-3-1975.
2. Substituted for the words and figures "31st day of July" by GSR 299, dated 4-7-1967, Kar. Gaz., dated 20-7-1967.
3. Added by GSR 299, dated 4-7-1967, Kar. Gaz., dated 20-7-1967.
4. Inserted by SO 2948, dated 7-8-1965, Kar. Gaz., 19-8-1965.

- (5) Machine-numbered subscription receipt book;
- (6) Register of receipts and disbursements for the Political Fund (if there is a political fund);
- (7) A file of vouchers.]

15. Auditors.—(1) The annual audit of the accounts of a registered trade union shall be conducted by;

- (a) the auditor authorised to audit the accounts of companies registered under the Indian Companies Act, 1956 (Central Act 1 of 1956); or
- (b) where the membership of a trade union did not at any time during the financial year exceed ¹[10,000],—
 - (i) by any local fund auditor appointed by the State Government, or
 - (ii) by the Controller of State Accounts, or
 - (iii) by a person, who, having held an appointment under Government in any audit or accounts department, is in receipt of a pension of not less than Rs. 150 per mensem, or
 - ²[(iv) by such auditor of the Labour Commissioner's Office as may be specified by the Commissioner of Labour or,]
- (c) where the membership of a trade union did not at any time during the financial year exceed 750,—
 - (i) 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
 - (ii) by any auditor appointed to conduct the audit of Co-operative Societies or by the Registrar of Co-operative Societies or by any Provincial Co-operative Organisation recognised by Government for this purpose, or
- (d) where the membership of a trade union did not at any time during the financial year exceed 250 by any two members of the union.

(2) Where the trade union is a federation of unions, and the number of unions affiliated to it at any time during the financial year did not exceed 50, 15 or 5, respectively the audit of the accounts of the federation

1. Substituted for the figures "2,500" by GSR 95, dated 11-3-1968, Kar. Gaz., dated 28-3-1968.

2. Item (iv) inserted by GSR 95, dated 11-3-1968, Kar. Gaz., 28-3-1968.

may be conducted as if it had not at any time during the year had a membership of more than 2,500, 750 or 250, respectively.

16. **Exception.**—Notwithstanding anything contained in Regulation 15, no person, who, at any time during the year, was entrusted with any part of the funds or securities belonging to the trade union shall be eligible to audit the accounts of that union.

17. **Audit.**—The auditor or auditors appointed in accordance with these regulations shall be given access to all the books of the trade union, shall verify the annual return with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration appended to Form 'E', 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, unvouched or not in accordance with the Act. The particulars given in this statement shall indicate;

- (a) every payment which appears to be unauthorised by the rules of the trade union 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 but is not brought to account by any person.

18. **Audit of Political Funds.**—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 trade union and by the same auditor or auditors.

19. **Inspections.**—(1) The register of trade unions maintained in accordance with Regulation 4, shall be open to inspection by any person on payment of a fee of fifty paise.

(2) Any document in the possession of the Registrar received from a registered trade union may be inspected by any person on payment of a fee of fifty paise for each document inspected.

(3) Documents shall be open to inspection on all days on which the Office of the Registrar is open and within such hours as may be fixed for this purpose by the Registrar.

(4) Copies of any of the documents specified in clause (2) may be obtained by any person from the Registrar on payment of copying charges at such rates as may be fixed by him in that behalf.

20. **Repeals and Savings.**—(1) The Bombay Trade Unions Regulations, 1927, as in force in Bombay Area;

(2) The Hyderabad Trade Unions Regulations, 1956, as in force in Hyderabad Area;

(3) The Madras Trade Unions Regulations, 1927, as in force in Madras Area;

(4) The Central Trade Unions Regulations, 1938, as in force in Coorg Area; and

(5) The Mysore Trade Unions Regulations, 1951, as in force in Mysore Area, are hereby repealed:

Provided that the provisions of Section 6 of the General Clauses Act, 1897 (X of 1897), shall be applicable as regards such repeal:

Provided further that anything done or any action under any of the repealed Regulations shall be deemed to have been done or taken under the corresponding provisions of these Regulations.

SCHEDULE I

List of Officers

Title	Name	Age/years	Address	Occupation

Note:—Enter in this Schedule the names of all Members of the Executive of the Union, showing in Column 1, the names of any posts held by them (e.g. President, Secretary, Treasurer, etc.) in addition to their offices as Members of the Executive.

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:—

Matter	Number of rules
1	2

Name of Union:—

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

The whole of the purposes for which the General Funds of the Union shall be applicable.

Matter	Number of rules
1	2

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 fine or forfeitures can be imposed or varied.

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

The manner in which the 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 19.....

Liabilities		Assets	
	Rs. Ps.		Rs. Ps.
Amount of General Funds	Cash	.....
Amount of Political Funds	In hands of Treasurer	.....
		In hands of Secretary	.....
Loans from other liabilities (to be specified)	In hands of	.....
		In the Bank	.....
		In the Bank	.....
		Securities as per list below	.....
		Unpaid subscriptions due	.....
		Loans to.—	.....
		Immovable property, goods and furniture	.....
		Other assets (to be specified)	.....
Total Liabilities	Total Assets	.....

List of Securities

Particulars	Nominal value	Market value	In hands of
Signed : 1. 2. 3. 4.			

FORMS

FORM A

Application for Registration of Trade Unions

Dated the day of

1. We hereby apply for the registration of a trade union under the name of
2. The address of the Head Office of the Union is
3. The Union came into existence on the day of 19
4. The Union is a union of employers/workers engaged in the industry (or profession)
5. A copy of the Rules of the Union duly superscribed as required by Section 4 of the Trade Unions Act, 1926 is appended hereto.
6. The particulars required by Section 5(1)(c) of the Indian Trade Unions Act, 1926, are given in Schedule I.
7. 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.
8. (To be struck out in the case of unions which have not been in existence for one year before the date of application). The particulars required by Section 5(2) of the Indian Trade Unions Act, 1926, are given in Schedule III.
9. *We have been duly authorised to make this application.

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

* State here whether the authority was given by a resolution of a general meeting of the Union, if not, in what other way it was given.

To

The Registrar of Trade Unions for the Karnataka State,
Bangalore.

FORM B**Register of Trade Unions**

1. Serial Number.
2. Date of Registration.
3. (a) Names of the Members making the application;
(b) Occupations of the Members making the application;
(c) Addresses of the Members making the application.
4. Name of Trade Union.
5. Address of the Head Office of Trade Union.
6. Date of establishment of Trade Union.
7. Officers of Trade Union:—
Title
Name
Age
Occupation
Address
8. Signature of the Registrar.
9. (a) Whether provision has been made for a separate fund under Section 16 and if so, from what date;
(b) Initials of the Registrar.
10. (a) Date of intimation for alteration of rules;
(b) Date of registration of rules, alteration of and issue of a certified copy thereof;
(c) Initials of the Registrar.
11. (a) Date of registration of change of address of Registered Office;
(b) Address of the Trade Union as changed;
(c) If the changed address is in any State in India, whether extracts of Registration sent to the Registrar of that State;
(d) Initials of the Registrar.
12. (a) Date of registration of change of name;
(b) Name of the Trade Union as changed;
(c) Initials of the Registrar.
13. (a) Date of Registration of Amalgamation;
(b) Name of the Amalgamated Union;
(c) Registration number of the Amalgamated Union;
(d) Initials 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;
- (d) Initials of the Registrar.
15. (a) (1) Names of the members applying for dissolution;
- (2) Occupations of the members applying for dissolution;
- (3) Addresses of the members applying for dissolution;
- (b) Date of Registration of dissolution and issue of certificate to that effect;
- (c) Number and date of Registrar's proceedings ordering distribution of funds under Section 27(2), if any;
- (d) Initials of the Registrar.

Note: One page shall be allotted for each Union.

FORM C

Certificate of Registration of Trade Union

No.

It is hereby certified that the has been registered under the Trade Unions Act, 1926, this day of 19

Seal:

Registrar of Trade Unions for the
Karnataka State, Bangalore.

¹[FORM D

Trade Unions Act, 1926 (XVI of 1926)

Office of the Registrar of Trade Unions
for the Karnataka State, Bangalore.

Place:

Notice before withdrawal or cancellation of certificate of registry under clause (b) of Section 10 of the Act .

Trade Union.

Register No.

Notice is hereby given to the abovementioned Trade Union that it is the intention of the Registrar to proceed on the *date of 19 to withdraw (or cancel) the certificate of registration of the Trade Union unless cause be shown to the contrary in the meantime.

The ground of such proposed withdrawal (or cancellation) is that the Certificate of Registration has been obtained by fraud (or mistake), or that the

1. Form "D" substituted by Notification No. LLH 118 LBW 59, dated 15-6-1961.

Trade Union has ceased to exist or has wilfully and after notice from me violated the provisions of the abovementioned Act, or allowed its rule, to continue in force which is/are inconsistent with the provisions of the Act or has rescinded its rule providing for a matter provision for which is required by Section 6.

(The facts should be briefly specified where practicable)

(Signature)
Registrar.

Dated: day of19.....

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

To

The Secretary to,
(Here enter name and Trade Union).]

¹[FORM E

[See Regulation 14]

[(Form of Annual Returns under Section 28 of the Trade Unions Act, 1926, for the year ending on the 31st December 19..... (in the case of a Trade Union)].

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; and
 - (d) Private Sector-State Sphere.
7. Name of the All-India Body/Federation to which affiliated:
8. Affiliation number
9. Affiliation fee paid during the year
10. Number and date of receipt for payment of affiliation fee
11. Membership fee per month

1. Form "E" substituted by GSR 299, dated 4-7-1967, Kar. Gaz., dated 20-7-1967.

- ted
in
led
- te
12. Number of members on books at the beginning of the year
 13. Number of members admitted during the year
 14. Number of members who left during the year
 15. Number of members on books at the end of the year
(i.e., on 31.12.19): Male-Female-Total:
 16. Number of members contributing to Political Fund
 17. Number of members who paid their subscription for the whole year
 18. A copy of the Rules of the Trade Union corrected up to the date of despatch of this return is appended
 19. Part B of the return overleaf has been duly completed.

Date.....

Secretary.

* If the union falls under more than one category, the membership claimed in each category may be shown separately.

Part B
I. General Fund Account

Income	Rs. Ps.	Expenditure	Rs. Ps.
Balance at the beginning of the year	Salaries and allowance of Officers	.....
Subscription from members (including unpaid subscriptions due for the year)	Travelling Allowance, Salaries allowances and expenses of establishment	.....
		Auditor's fees	
		Legal Expenses	
(a) Subscription received	Expenses in conducting trade disputes, Compensation paid to members for loss arising out of trade disputes.	
(b) Subscription in arrears for three months or less	Funeral, old age, sickness, unemployment benefits, etc.	
(c) Subscription in arrears for more than three months		Educational, social and religious benefits.	
		Cost of publishing periodicals, Rents and Rates and taxes.	
		Stationery, Printing and Postage.	
Donations	Expenses incurred under Section 15 (j) of the Trade Unions Act, 1926 (to be specified)	
Sale of periodicals, books, rules etc.	Other expenses (to be specified)	
Interest on investments	Balance at the end of the year.	

Income from miscellaneous sources (to be specified)	
Total	Total

II. Political Fund Account

	Rs. Ps.		Rs. Ps.
Balance at the beginning of the year		Payments made on objects specified in section 16(2) of the Trade Unions Act, 1926 (to be specified)	
Contributions from members at per member		Expenses of management (to be fully specified)	
		Balance at the end of year	
Total		Total	

Treasurer.

III. Statement of Liabilities and Assets on the 31st December, 19 ..

Liabilities	Rs. Ps.	Assets	Rs. Ps.
Amount of General Fund		Cash	
Amount of Political Fund		In hands of Treasurer	
Loan from		In hands of Secretary	
Debts due to		In hands of	
		in the Bank	
		in the Bank	
		Securities as per list below:	
		Unpaid subscriptions due for	
		(a) the year	
		(b) Previous year	
		Loans to —	
		(a) Officers	
		(b) Members	
		(c) Others	
		Immovable property	
		Goods and furniture	
		Other assets	
		(to be specified)	
Other Liabilities (to be specified)			
Total Liabilities		Total Assets	

IV. List of Securities

Particulars	Face Value	Cost Price	Market Price at date on which accounts have been made up	In hands of

Treasurer.

V. Auditor's Declaration

The undersigned, having had access to all the books and accounts of the Union, and having examined the foregoing statements and verified the same with the account vouchers relating thereto now sign 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 had properly maintained its membership registers and its accounts and the members had paid their membership subscription to the Union as shown in the foregoing statement of the General Fund account of the Union, subject to the remarks, if any, appended hereto.

Auditor.

The following changes of officers have been made during the year;

Name	Office	Date of relinquishing office

Officers appointed

VI. Officers Relinquishing Office

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

Title of position held in Union	Date on which appointment in column 5 was taken up	Other Offices held in addition to membership of executive with date
5	6	7

VII. Elections

Date of last election of office-bearers	Date of next election of office-bearers

¹FORM F

Register of Membership and Subscription.

Sl. No.	Token of works number	Name	Address	Date of Admission	Occupation	Rate of pay	Rate of subscription
1	2	3	4	5	6	7	8

Subscription paid

April	May	June	July	August	September
9					

1. Form "F" substituted by SO 2948, dated 7-8-1965, Kar. Gaz., dated 19-8-1965.

<i>Subscription paid</i>						<i>Total</i>
<i>October</i>	<i>November</i>	<i>December</i>	<i>January</i>	<i>February</i>	<i>March</i>	
						10

<i>Amount outstanding at the end of the year</i>	<i>Subscription in arrears for three months or less</i>	<i>Subscription in arrears for more than three months</i>	<i>Remarks.</i>
11	12	13	14

¹THE
KARNATAKA TRADE UNIONS
ELECTION. (MODEL)
RULES, 1953

(As amended by GSR 97, dated 11-3-1968)

NOTIFICATION

No. LS 2067 LW 201-51-6, dated 18th July, 1953

The following Model Election Rules of Trade Unions are hereby published for information and guidance of Trade Unions for framing their rules under Section 6 of the Indian Trade Unions Act, 1926, the draft of the same having been published in Part IV, Section 2(C) of the Karnataka Gazette, dated 9th April, 1953.

1. These rules may be called the Karnataka Trade Unions Election (Model) Rules, 1953.

2. In these rules, except where the context otherwise requires:

- (a) "The Act" means the Trade Unions Act, 1926. (Central Act XVI of 1926).
- (b) "Executive Committee" means the executive of the Union consisting of the following office-bearers:
 - (1) President,
 - (2) Vice-President,
 - (3) Treasurer,
 - (4) Secretary,
 - (5) Assistant Secretary;

and such number of members as has been determined by the rules of the registered Trade Union.

- (c) "Union" means a Trade Union registered under the Act and includes an Association registered under the Karnataka Labour Act, 1942.
- (d) "Section" means Section of the Act.
- (e) "Commissioner of Labour" means the Officer appointed to be the Commissioner of Labour in Karnataka and includes the Assistant Commissioner of Labour.

1. Published in the Karnataka Gazette, dated 23-7-1953, Part IV, Section 2-C, p. 380.

3. (1) The Members of the Executive Committee, other than the office-bearers shall consist of persons representing several Departments in the industry or such group of Departments as may be designated by the Returning Officer and shall be elected by members on such department or group of departments as the case may be at or on such date or dates immediately preceding the annual meeting of the General Body of members as may be fixed and notified by the Returning Officer.

(2) The members of the Executive Committee and the office-bearers shall be elected once in two years at the annual meeting of the General Body of the members.

4. ¹[(1)] For the purposes mentioned in Rule 3, the President and in his absence the Vice-President, and in the absence of the President and the Vice-President, the Secretary or the Assistant Secretary or any other person duly authorised by the Executive Committee shall be the Returning Officer and shall notify the calendar of events in Form 'A', annexed to these Rules, appointing,—

- (a) a date for the publication of preliminary Voters' List;
- (b) a date for the publication of final list of voters;
- (c) a date on or before which notices of candidature are to be presented;
- (d) a date for the scrutiny of notices of candidature;
- (e) a date not later than the date next succeeding the date fixed for the scrutiny of notices of candidature, on or before which candidatures may be withdrawn;
- (f) a date for the publication of the list of candidates standing for election; and
- (g) a further date or dates on which a poll shall, if necessary, be taken:

Provided that any person, who is a candidate for the election shall not be the Returning Officer.

²[(2) (a) The Commissioner of Labour or his nominee shall be the Returning Officer for conducting elections of the Union whose membership exceeds 2,000. The Returning Officer may appoint as many polling officers as may be necessary, for conducting such elections.

(b) The Union which requires the assistance of the Commissioner of Labour for conducting elections, shall by a resolution passed by the Executive Committee, request the Commissioner of Labour to conduct the elections. The cost of the elections shall be borne by the Union and the said

1. Rule 4 renumbered as sub-rule (1) by GSR 97, dated 11-3-1968, Kar. Gaz., dated 28-3-1968.

2. Sub-rules (2) added by GSR 97, dated 11-3-1968, Kar. Gaz., dated 28-3-1968.

cost shall be deposited in the Office of the Commissioner of Labour in advance.]

5. The Returning Officer shall prepare the Voters' List and shall publish it by posting it on the Notice Board of the Union and by sending it to the employer concerned for publication in the Notice Board of the Factory or other industrial concern.

6. (1) Any person whose name is not entered in the List of Voters published as aforesaid and who deems that he (she) is entitled to have his (her) name entered therein; and any person who objects to the entry of any name in the said list on the ground that name is wrongly entered therein may apply in writing within three days from the date of publication of the Voters' List to the Returning Officer for the amendment thereof.

(2) The employer concerned may also forward to the Returning Officer his objection, if any, for the entry or deletion of any name and the grounds for such objection.

7. The Returning Officer shall, immediately on receipt of such applications, verify the statements made therein; and publish any additions to or omissions from or corrections in the list which he finds to be necessary within a week after the period fixed for making applications for amendments under Rule 6.

8. (1) The notice of candidature shall be presented in Form 'B' appended hereto and shall be delivered to the Returning Officer on or before the date specified in the calendar of events between the hours of 11 O' Clock in the forenoon and 5 O' Clock in the afternoon.

(2) A candidature shall be either for the office of an office-bearer or a committee member and not for both.

9. No person shall stand or nominated for election, who has at any time been removed from the office of office-bearer for misconduct in the discharge of his duties; or who was lawfully convicted by a competent court for moral turpitude.

10. Printed copies of notices of candidature shall be supplied by the Returning Officer to any candidate on a requisition by him.

11. On the date fixed in the calendar of events or scrutiny of nominations, the Returning Officer shall examine the notices of candidature and shall decide all objections which may be made to any notice of candidature, after such summary enquiry as he thinks necessary.

12. The scrutiny shall be completed on the same day and no adjournment of the proceedings shall be allowed.

13. (1) Any candidate may withdraw his candidature in writing subscribed by him and delivered to the Returning Officer before 3 p.m. on the date fixed in the calendar of events for withdrawal of candidature:

Provided that if this day is a public holiday, the notice of withdrawal shall be considered as having been received in due time if it is presented before 5 p.m. on the next succeeding day which is not a public holiday.

(2) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to present a fresh notice of candidature for the same election.

14. The Returning Officer shall, on receiving a notice of withdrawal under the last preceding rule, as soon as may be, cause a copy of such notice to be affixed in some conspicuous place in the office of the Trade Union.

15. After the expiry of the period within which candidature may be withdrawn, the Returning Officer shall, after assigning to each candidate any one of the colours, prepare a list in Form 'C' showing the names of the candidates whose notices of candidature are valid and who have not withdrawn, with the colour assigned to them and with distinguishing particulars as to occupations, etc., if there are two or more candidates bearing the same name, and cause it to be fixed in a conspicuous place in the Trade Union office.

16. (1) If the number of candidates who have not withdrawn their candidature in manner and within the time specified in Rule 13 is equal to the number of seats to be filled, the Returning Officer shall declare all such candidates to be duly elected.

(2) If the number of such candidates is less than the number of seats to be filled, the Returning Officer shall declare all such candidates to be elected, and call upon the Trade Union to elect a member or members, as the case may be, to fill the remaining seat or seats within such time as may be specified in a notification in this behalf.

(3) If the number of candidates exceeds the number of seats to be filled, a poll shall be taken on the date fixed in the calendar of events.

17. If a person whose candidature has been notified under Rule 16, becomes subject to any of the following disqualifications or dies before the commencement of the poll, the Returning Officer shall, upon being satisfied of the candidate's disqualification or death, cancel his (her) name in the list of candidates and in the ballot papers if there is sufficient time to do so before the date fixed for polling.—

- (a) if the person is of unsound mind and is so declared by a competent court;
- (b) if the person is an undischarged insolvent;
- (c) if the person has been convicted for any offence involving moral turpitude;
- (d) if, having been legal practitioner and stood for election as an honorary office-bearer of the Association, he has been debarred or is under suspension from practising as such by

a competent court, the disqualifications in the latter case being operative during the period of such suspension:

Provided that a failure to make such cancellation shall not affect the election proceedings.

18. Votes shall be given by ballot and in person and in the manner provided therefor in these rules. No votes shall be given by proxy.

19. The Returning Officer shall select as many polling stations and as many polling booths in each polling station as he thinks necessary and allot an electoral area to be known as polling area for each polling station or booth as the case may be.

20. The Returning Officer shall select as many Polling Officers and Presiding Officers as he thinks necessary and they shall be literate persons.

21. The Returning Officer shall fix the hours at which the poll shall commence and the hour at which it shall close on the date or dates appointed for the poll. The hours fixed shall be notified on the Notice Boards of the office and in such other places as he may deem necessary.

22. The Presiding Officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time and shall exclude all other persons except.—

- (a) The Polling Officers;
- (b) The Candidates;
- (c) The Police and other Public Servants on duty;
- (d) The Commissioner of Labour; and
- (e) Such other persons as the Presiding Officer may from time to time admit for the purpose of identifying the electors.

23. Each polling station and, at a Polling Station having more than one polling booth, each such booth shall contain a separate compartment in which electors can record their votes screened from observation except insofar as it may be necessary to ensure that the ballot papers are duly placed in the box.

24. In each polling compartment at each polling station, as many ballot boxes as there are candidates shall be provided, the box of each candidate bearing the serial number and the distinctive colours assigned to him. A board shall also be provided on which the name of such candidate, the serial number and the colour assigned to him, shall be displayed in bold letters.

25. Every ballot box shall be so constructed that the ballot papers can be introduced therein and cannot be withdrawn therefrom without the box being unlocked. The Presiding Officer at any polling station, immediately before the commencement of the poll, shall show the ballot

boxes empty to such persons as may be present at such station, so that they may see that it is empty and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking such seal. He shall thereafter place the box so locked and sealed inside the polling compartment for the receipt of ballot papers, but secured from observation except insofar as it may be necessary to ensure that the ballot papers are duly placed in it.

26. Every ballot paper shall be in Forms D(i) and D(ii), respectively, according as the election is for office-bearers or for members of the Executive Committees and shall have a counterfoil attached to it.

27. At elections in which not more than one seat has to be filled, a voter shall be given only one ballot paper which shall be placed in the ballot box bearing the serial number and the colour assigned to the candidate for whom he desires to vote.

28. At elections in which more than one seat has to be filled, the voters shall be given as many ballot papers as there are seats to be filled and the Presiding Officer or Polling Officer shall explain to the voter that he may place all the ballot papers in the ballot box of one candidate or distribute them as he thinks fit and place them in different ballot boxes.

29. Immediately before a ballot paper is delivered to the elector, the number, name and description of the elector as stated in the electoral roll shall be verified and entered on the counterfoil and a mark shall be placed on a copy of the electoral roll against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

30. The elector on receiving the ballot paper or papers shall forthwith proceed into the polling compartments and there place the ballot paper or papers in the box or boxes according to his choice. Every elector shall vote without undue delay and shall quit the polling station as soon as he has voted.

31. (1) If an elector is incapacitated from blindness or other physical cause from voting in the manner prescribed in the last preceding rule, the Presiding Officer shall ascertain from him for whom he wishes to vote and shall in the presence of any candidate who may be present, place the ballot paper in the box bearing the serial number and the colour assigned to the candidate for whom he wishes to vote.

(2) In the case of every elector whose ballot paper is dealt within the manner laid down in sub-rule (1), a note shall be made on the counterfoil by the Presiding Officer, of the reason why it was so dealt with.

32. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering to the Presiding Officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper

and the latter shall, together with its counterfoil, be marked as cancelled by the Presiding Officer.

33. The Presiding Officer or the Polling Officer shall satisfy himself as to the identity of the person tendering the vote and may disallow the vote of any person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction. The Presiding Officer is also responsible for seeing that the votes are recorded with absolute secrecy, that no person who is entitled to vote is admitted near the table and that the persons who have recorded their votes leave the place immediately.

34. The Presiding Officer of each polling station as soon as practicable after the close of the poll shall, in the presence of any candidate who may be present, make up into separate packets the following and affix a seal thereon:—

- (i) the unused ballot papers;
- (ii) the spoilt ballot papers;
- (iii) the marked copy of the electoral roll; and
- (iv) the counterfoils of the ballot papers.

35. The packets shall be accompanied by a statement in a separate cover in Form 'E' by the Polling Officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot boxes, unused and spoilt ballot papers dealt with under Rule 32.

36. The ballot boxes and the packets and statements referred to in the last preceding rule shall be handed over or despatched to the Returning Officer.

37. In emergencies, the Returning Officer may close the poll and announce the postponement or adjournment of the poll and report the fact to the Commissioner of Labour and the Assistant Commissioner of Labour.

38. On closing the poll or on the day following it, the counting of votes shall commence.

39. (1) Votes shall be counted by the Returning Officer or by such other persons as he may authorise under his supervision in the presence of such candidates as may be present and proceeded with continuously.

(2) No person shall be appointed to assist in counting votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

40. When the counting of votes has been completed the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes have been given, to have been elected and report the results of election in Form 'F' to the Commissioner of Labour in Karnataka and the Assistant Commissioner

of Labour, to the Secretary of the Trade Union and to the management of the industrial undertaking concerned.

41. Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

42. Any question arising out of, in connection with or incidental to the election at any stage, shall be referred to a committee consisting of six persons with the Assistant Commissioner of Labour as Chairman, and the decision of such committee in all such matters shall be final. The six members constituting the committee shall be nominated by the existing executive committee of the Trade Union.

43. When the voting papers have been scrutinised, they shall forthwith be replaced in the ballot boxes from which they were taken and these boxes after being locked and sealed shall be kept in safe custody by the Secretary of the Union in his Office.

44. The voting papers shall be preserved for a period of three months from the date of election and shall thereafter be destroyed.

FORM A

Calendar of events for Election to the Executive Committee of the Labour Association

- | | | | |
|----|--|-------|-------|
| 1. | Date of publication of Voters' list | ..... | ..... |
| 2. | Date of receipt of applications for amendment of Voters' List | ..... | ..... |
| 3. | Date of publication of final List of Voters | ..... | ..... |
| 4. | Date of receipt of nominations | ..... | ..... |
| 5. | Date for the scrutiny of notices of candidature | ..... | ..... |
| 6. | Date and hour for presentation of notices of withdrawal of candidature | ..... | ..... |
| 7. | Date of publication of the list of candidates standing for election | | |
| 8. | Date of Polling | | |

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FORM B

[See Rule 8]

Nomination Form

1. Name of the Association
2. Name of the candidate
3. Ticket No. and Section
4. Age in completed years
5. Address of the candidate
6. Name of the proposer and the seat to which candidate is proposed
7. Signature of the proposer with date
8. Name of seconder
9. Signature of seconder with date

Declaration by Candidate

I hereby declare that I am willing to serve as a member of the Executive Committee/office-bearer of the above-named Association, if I am elected.

Place.....

Date.....

Signature of the Candidate.

FORM C

[See Rule 15]

List of Candidates for Election

Name of Labour Association

Sl. No.	Name of candidate	Address of candidate	Distinctive colour assigned to candidate

The Poll will be taken on of 19..... between and

Assistant Labour Commissioner.

FORM D(i)

Ballot Paper

Election of Office-bearers

Counterfoil Date..... Name of Labour Association Seat contested	Outerfoil Date..... Name of Labour Association Seat contested		
	Sl. No.	Names of candidates	Colours assigned
Voter's number on the Voters' List			
Department			
Ticket No.			
Voter's Signature or Thumb-impression			

N.B.—You have only one Vote.

FORM D(ii)

Ballot Paper

Executive Committee Membership

Counterfoil Date..... Name of Labour Association	Outerfoil Date		
	Sl. No.	Names of candidates	Colours assigned
Voter's number on the Voters' List			
Department			
Ticket No.			
Voter's Signature or Thumb-impression			

N.B. 1. You have votes.

2. You may place all the ballot papers in the ballot box of one candidate or distribute them as you think fit and place them in different Ballot Boxes.

FORM E

Ballot Paper Account

Name of the Labour Association

1. Total number of voters.
2. Total number of ballot papers entrusted to the Polling Officer.
3. Number of ballot papers used.
4. Spoilt ballot papers.
5. Balance that should be in the box.
6. Number of unused ballot papers.

Date

Polling Officer.

FORM F

Return of the Results of Election of the held on the

Composition of the Executive Committee	No. of Seats	Names of the candidates standing for election	No. of valid votes recorded in favour of the candidate
President			
Vice-President			
Secretary			
Assistant Secretary			
Treasurer			

Department

Members of the Executive Committee

Total number of valid ballot papers

Number of ballot papers declared invalid on whole or part

I do hereby declare that—

President	Labour Association.
Vice-President	Do
Secretary	Do
Assistant Secretary	Do
Treasurer	Do

Members of the Executive Committee have been duly elected on

One Thousand Nine Hundred and

Returning Officer