

Bill No. 2 of 2019

THE TRADE UNIONS (AMENDMENT) BILL, 2019

A

BILL

further to amend the Trade Unions Act, 1926.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Trade Unions (Amendment) Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.

16 of 1926.

2. In the Trade Unions Act, 1926 (hereinafter referred to as the principal Act), after section 10, the following section shall be inserted, namely:—

Insertion of new section 10A.

10 "10A. (1) Where the Central Government is of the opinion that it is necessary or expedient to recognise a Trade Union or a federation of Trade Unions as Central Trade Union at the Central level, it may recognise such Trade Union or a federation of Trade

Recognition of Trade Unions at Central and State level.

Unions as the Central Trade Union in such manner and for such purposes as may be prescribed and if any dispute arises in relation to such recognition, it shall be decided by such authority in such manner as may be prescribed by the Central Government.

(2) Where the State Government is of the opinion that it is necessary or expedient to recognise a Trade Union or a federation of Trade Unions as the State Trade Union 5 at the State level, it may recognise such Trade Union or a federation of Trade Unions as the State Trade Union in such manner and for such purposes as may be prescribed and if any dispute arises in relation to such recognition, it shall be decided by such authority in such manner as may be prescribed by the State Government."

Amendment of
section 29.

3. In section 29 of the principal Act, in sub-section (2), after clause (b), the following 10 clause shall be inserted, namely:—

"(ba) the manner and purposes for recognition of Trade Union or federation of Trade Unions as Central Trade Union or, as the case may be, State Trade Union and the authority to decide disputes arising out of such recognition including the manner of deciding such disputes;"

STATEMENT OF OBJECTS AND REASONS

The Trade Unions Act, 1926 (the said Act) has been enacted to provide for registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions.

2. Being a pre-independence legislation, the said Act provides only for registration of Trade Unions. There is no provision for recognition of Trade Unions in the Act. However, presently recognition of Trade Union is governed by instructions and guidelines in the Code of Discipline evolved in 1958 as voluntarily accepted by employers and employees.

3. Since there are demands from various quarters for providing statutory force to the recognition of Trade Unions so that their role will become more important in maintaining harmonious industrial relations in the country, the Government proposes to amend the said Act to make provisions for recognition of Trade Unions or federation of Trade Unions at Central and State level. It is also proposed to empower the appropriate Government to make regulations to facilitate the manner and purposes of such recognition.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;

SANTOSH KUMAR GANGWAR

The 3rd January, 2019.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to insert clause (*ba*) in sub-section (2) of section 29 of the Trade Unions Act, 1926 so as to empower the appropriate Government to make regulations to provide the manner and purposes for recognition of Trade Unions or federation of Trade Unions as Central Trade Union or, as the case may be, State Trade Union and the authority to decide disputes arising out of such recognition including the manner of deciding such disputes.

2. The matters in respect of which rules may be made by the appropriate Government are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

LOK SABHA

A
BILL

further to amend the Trade Unions Act, 1926.

(Shri Santosh Kumar Gangwar, Minister of State for Labour and Employment)

MGIPMRND—3080LS(S3)—04-01-2019.