

IN THE COURT OF LEARNED DISTRICT AND SESSIONS JUDGE-
CUM-PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM- LABOUR
COURT-CUM-APPELLATE AUTHORITY UNDER THE TRADE UNIONS
ACT, 1926, GURUGRAM-II.

.....

Appeal No. _____ of 2013

Smt. Anannya Bhattacharjee

..... Appellant

Versus

Registrar, Trade Unions, Haryana

.... Respondent

Evidence of respondent by way of affidavit of Rakesh Gupta, age 56 years s/o late Sh.R.C.Dass Gupta, Labour Inspector, O/o Labour Commissioner, Haryana, Chandigarh.

.....

I, the above named deponent, do hereby solemnly state and affirm as under:-

1. That the Trade Union in question, namely, 'Garment and Allied Workers Union' is not entitled to registration under the Trade Unions Act, 1926 and the present appeal is also not maintainable and deserves dismissal due to the **four reasons** being submitted here in below from (A) to (D) which are independent from each other:-

(A) APPEAL NOT MAINTAINABLE:

That first of all it is submitted that the present appeal is not maintainable. This appeal has been filed only by one person, namely, Smt. Anannya Bhattacharjee. It is settled law that when an unregistered Trade Union, Partnership Firm, Society, Co-operative Society or some other Association of persons is aggrieved by some action or order and wants to challenge that action / order then in that event any single person / member thereof cannot approach the court. Such challenge in the court

cannot be maintained by a single person / member. For maintaining such challenge, appeal etc. before any adjudicating authority, say Hon'ble Labour Court / Hon'ble Tribunal, all the members of un-registered Trade Union / Society / Association have to file such case jointly. However, if some such Body / Association, as stated above, is a registered one and wants to challenge some action / order then also the Governing Body or Executive Committee (by whatever name known) has to authorize any one or two of its office bearer(s) or member(s) and such authorization has to be placed on court file, mentioned in pleadings, and is also required to be proved. But in the present case the aforesaid union is not registered and, therefore, the present appeal filed by said Smt. Anannya Bhattacharjee alone without associating all other members of this Union, without associating at least even those who had signed and filed the application for registration of Union, is not maintainable. Hence, the present appeal is not maintainable.

It requires specific submission here that no doubt in Section 11 of the Trade Unions Act, 1926 it has been mentioned that any 'person' aggrieved by refusal of the Registrar, Trade Union to register a Trade Union, can file appeal before the Labour Court having appropriate territorial jurisdiction. But the word 'person' here means only one thing i.e. the body of persons, say all the persons who had applied for registration of Trade Union. The legislature in inserting the word 'person' in section 11 of the Trade Unions Act, 1926 has not meant an individual. Interpreting the word 'person' here as an individual would frustrate the very object of collective and commonness of interest of the Union because in that situation an individual can frustrate the opinion of majority. Further, if all members or applicants approach the courts separately then in case of different nature verdicts / judgments of the courts an anarchy and chaos would take place. This is the reason that multiplicity of litigation on the

same cause of action is prohibited and discouraged by the Indian legal system.

(B) COMMONNESS OF INTERESTES:

That the application for registration of the Trade Union in question was legally against the basic law for registration of Trade Unions. The registration of a Trade Union is regulated and done under the Trade Unions Act, 1926 provided the union fulfills the terms and conditions stipulated therein. Section 4 (1) of this Act clearly provides that any seven or more members of a Trade Union may apply for registration of the Union. **Second proviso** to this sub-section (1) of section 4 clearly lays down that **no** Trade Union of workmen shall be registered unless and until such union has atleast seven members on the date of making application for registration and such seven persons **must also** be the workmen actually engaged or employed in the establishment or industry with which the union is connected. This section 4(1) is reproduced below for kind perusal:-

“Section 4,- Mode of registration.- (1) 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:

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 Union 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 persons as its members, who are workmen engaged or employed in the establishment or industry with which it is connected”.

It is clear from above reproduced section 4(1) that the 7 (seven) persons making application for registration should be those who are actually workmen and are actually engaged or employed in an establishment / industry with which the Union is connected. **This means that a particular**

Trade Union must be connected with a particular establishment / industry only, and not with more than one establishments / industries. Therefore, a single union formed by workmen engaged / employed in more than one establishments / industries cannot be registered.

But above condition was not fulfilled in the present case. In this case the below mentioned 8 (eight) persons / members had applied for registration and all these 8 did not belong to, were not engaged or employed in one and same establishment / industry, rather they were employees of different establishments / industries. In fact, one of them was not even employed anywhere. This position becomes clear from the particulars of said 8 applicants detailed herein below, and the copy of application submitted by them for registration is also at **Ex. R-1** :-

Sr. No.	Signature	Occupation	Address	Remarks
1.	Sd/- Anannya Bhattacharjee	Social Activist	Plot No. 1, Rao Maichand Complex, Near Jwala Mill, in front of Military Station, Old Delhi-Gurgaon Road, Gurgaon, Haryana.	Not employed anywhere as she is admittedly a Social Activist.
2.	Sd/- Nagender Singh	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana.	
3.	Sd/- Ashok Singh	Worker	M/s Modelama, Plot No. 105, Phase-I, Udyog Vihar, Gurgaon, Haryana.	
4.	Sd/- Ram Karan	Worker	M/s Richa Global, Plot No. 232, Phase-I, Udyog Vihar, Gurgaon, Haryana.	

5.	Sd/- Montun Giri	Worker	M/s Gaurav International, Plot No. 133, Phase-IV, Udyog Vihar, Gurgaon, Haryana.
6.	Sd/- Parmod Kumar	Worker	M/s Rolex Hosiery, 7 IDC, Mehrauli Road, Gurgaon, Haryana.
7.	Sd/- Khushooo	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana.
8.	Sd/- Anwar Ansari	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana.

A perusal of the above table clearly shows that from amongst the above 8 persons, the applicant no.1 was / is not employed anywhere as admittedly she is only a Social Activist. The 3 applicants i.e. applicant nos. 2, 7 and 8 were the employees of M/s Viva Global, Gurgaon. The applicant nos. 3, 4, 5 and 6 are employed in four different establishments / industries, all these four establishments / industries are different from one and another, having different managements / owners, and these are also located at different places. Therefore, a common union of workmen of these different establishments / industries could not be formed as their employers / managements were different. The working and employment conditions of all these applicants working and employed in different establishments / industries are different. Conditions of employments and working of different establishments / industries can never be similar and identical. As such, there could not be commonness of interest of such workmen. **Commonness of interests of the members of a Union is essentially must.** Persons with different interests cannot form a joint trade union as has been held by the Hon'ble Punjab and Haryana

High Court in judgment dated 7.10.2016 in CWP No. 1628 of 2002 titled as 'All Escorts Employees Union Versus State of Haryana and others', the relevant and operative part of which is reproduced here:-

"Moreover, as per Section 6 (e) of the Act, the Constitution should provide admission for ordinary members, who shall be persons actually engaged or employed in an industry with which, the trade union is connected. When an application for amendment of Rule 4 of the Constitution was made, the segregation of two companies had already taken place. The unit, which used to manufacture two wheeler motorcycles under the brand name of 'Yamaha', segregated from the Escorts Group of Industries and had become a 100% subsidiary of 'Yamaha Motor Company, Japan.'" Since August, 2001, the Escorts Group of Industries has totally ceased to have any concern with the motorcycle manufacturing. After August, 2001, the Escorts Group of Industries has not been manufacturing motorcycles. The workers working in the motorcycle manufacturing unit have, thus, legally ceased to be the members of the petitioner-union as per existing Rule 4 off the Constitution. Now, they do not have any commonness of interests with the workers of Escorts Group of Industries.

In the light of the above discussion, this Court is of the view that the proposed amendment has rightly been declined by the competent authorities.

Resultantly, the writ petition is dismissed".

In view of above, it is apparent that the union in question formed by persons with different interests and having no commonness of interests is illegal and such a Union is not at all entitled for its registration under the Trade Unions Act, 1926.

(C) PROVISIONS REGARDING ORDINARY MEMBERS AND APPROPRIATE GOVERNMENT:

That the application for registration of the union in question was legally bad on yet another reason. Section 6 of the Trade Unions Act, 1926 mandates a Trade Union to formulate its Rules / Constitution providing for various matters stipulated in this section 6 and failure in doing that results in non-registration of the Union. Clause (e) of this section 6 further clearly and specifically stipulates that the ordinary members of the union can be only the persons actually engaged or employed in an industry with which the trade union is connected. For ready reference, clause (e) of section 6 is reproduced below:-

"Section 6. Provisions to be contained in the rules of a Trade Union,- A Trade Union shall not be entitled to registration under this Act, unless the executive thereof is constituted in accordance with the provisions of this Act, and the rules thereof provide for the following matters, namely:-

(a) to (d) xx xx xx xx
(e) the admission of ordinary members shall be persons actually engaged or employed in an industry with which the Trade Union is connected, and also the admission of the number of honorary or temporary members as office-bearers required under section 22 to form the executive of the Trade Union.

(ee) to (hh) xx xx xx xx".

In compliance of above statutory provision contained in the Act of 1926, the Union in question formulated its Rules / Constitution, a true copy of which is at Ex.R-2. For the membership of its ordinary members, it enacted the provision in rule 4 of its Rules / Constitution and the same is reproduced here:-

"4. Membership:

4.1. Any workmen employed in any capacity in any industry (listed below in the Schedule) in Haryana / all India who has attained the age of 15 years shall be entitled to become ordinary member of the Union if he / she accepts rules and regulations of the Union and pays Rs.5 for membership fee and Rs.10 for admission fee at the time of admission of the union. All the members will be entitled to enjoy and exercise their membership rights as per the provision of the Trade Union Act, 1926.

4.2 and 4.3 xx xx xx xx"

The word 'schedule' has been mentioned in above rule 4.1, however, in the Rules / Constitution of the Union there is no Schedule as such. But in fact the list of different kind of industries has been mentioned in rule 6 of the Rules / Constitution of the Union where the union intends to operate and function. The same is as under:-

"Rule 6. The Union will operate and function among the following Industries:

- 6.1 Garment**
- 6.2 Leather and leather garment**
- 6.3 Textile and textile related**
- 6.4 Home furnishing**
- 6.5 Other Allied Industries etc."**

A bare perusal of above reproduced rule 4 read with rule 6 of the Rules / Constitution of the Union clearly shows that firstly anybody

employed in the different kind of **industries in Haryana or anywhere in India** can become an ordinary member of this union. Secondly, such members may be employed anywhere in different kind of industries.

But above provisions in Rules / Constitution of the Union are contrary to the two legal provisions of the Trade Unions Act, 1926, as stated below:-

- (i) Above rule 4.1 of the Rules / Constitution of the Union is violative of and contrary to Section 6 itself of the Trade Unions Act, 1926 as it admits ordinary members of the union belonging to, engaged and employed in different industries located anywhere in India. Whereas, requirement of section 6(e) is that the ordinary members of Union should be belonging to, engaged or employed in one and the same industry / establishment with which the union is connected.
- (ii) Section 2 of the Trade Unions Act, 1926 clearly provides that the 'appropriate Government' for the purpose of registration of the Trade Union and controlling the functioning of trade union in the area of one State, shall be the State Government (Registrar) of the area falling in that State. Whereas, when the union is to operate and / or has its members spread over the areas of different States then the appropriate Government for registration and controlling the functioning of that trade union, shall be the Central Government. In such situation, when the union in question wants to operate in different States of India then its appropriate Government for registration is not the State of Haryana through its Registrar of Trade Unions, Haryana, but the Central Government of India.

However, it is made clear here that even in such situation of operating from different States also the ordinary

members of the union should be those who are actually employed and engaged in some industry having its separate Branches with similar working and employment conditions and having one and same employer, and commonness of interests.

In view of above, the application of the union in question for its registration was not legally maintainable.

(D) Without prejudice to the purely legal aspects submitted above, it is submitted here on facts that section 4 (1) of the Trade Unions Act, 1926 provides that the application for registration of a Trade Union may be made by atleast 7 persons / members of a Trade Union, who are also engaged and employed with the establishment / industry with which the Trade Union is connected. Further, sub-section (2) of section 4 of the Act *ibid* provides that an application of the Union shall not become invalid if after making application but before registration of the Union some applicants, but not exceeding half (50%) of persons who made the application, have ceased to be members of the Trade Union.

In the present case, the General Body of the Union vide its resolution dated 30.10.2011, had authorized the below mentioned 8 persons to make application in the office of the respondent for registration of their Trade Union under the Trade Unions Act, 1926:-

Sr. No.	Name	Occupation
1.	Anannya Bhattacharjee	Social Activist ✓
2.	Nagender Singh	Worker
3.	Ashok Singh	Worker
4.	Ram Karan	Worker
5.	Montun Giri	Worker
6.	Parmod Kumar	Worker
7.	Khushoo	Worker
8.	Ritu Singh	Social Activist ✓

A perusal of above clearly shows that the authorized person at Sr. No. 1 and 8 are only Social Activists and not employed. Thereby, in

Sr. No.	Name	Occupation	Address
1.	Anannya Bhattacharjee	Social Activist	Plot No. 1, Rao Malchand Complex, Near Jwala Mill, in front of Military Station, Old Delhi-Gurgaon Road, Gurgaon, Haryana.
2.	Nagender Singh	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana.
3.	Ashok Singh	Worker	M/s Modelama, Plot No. 108, Phase-I, Udyog Vihar, Gurgaon, Haryana.
4.	Ram Karan	Worker	M/s Richa Global, Plot No. 232, Phase-I, Udyog Vihar, Gurgaon, Haryana.
5.	Montun Giri	Worker	M/s Gaurav International, Plot No. 133, Phase-IV, Udyog Vihar, Gurgaon, Haryana.
6.	Parmod Kumar	Worker	M/s Relax Hostelry, 7 IDG, Mehrauli Road, Gurgaon, Haryana.
7.	Khushoo	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana.
8.	Anwar Ansari	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana.
9.	Reetu Singh	Social Worker	Plot No. 1, Rao Malchand Complex, Near Jwala Mill, in front of Military Station, Old Delhi-Gurgaon Road, Gurgaon, Haryana.
10.	Sangeeta Singh	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana.

that position there remained only 6 persons authorized for making the application against the statutory requirement of atleast 7 persons and thereby rendering the application invalid in view of provisions contained in section 4(1) of the Act *ibid*.

However, even if the plea of the appellant is accepted to the effect that total 10 persons had been authorized by the Union in question for making application for registration, even then the Union is not entitled to its registration. For illustrating this aspect the particulars of these 10 allegedly authorized persons are given in the Table below and thereafter the comments thereon are submitted:-

Sr. No.	Name	Occupation	Address
1.	Anannya Bhattacharjee	Social Activist	Plot No. 1, Rao Maichand Complex, Near Jwala Mill, in front of Military Station, Old Delhi-Gurgaon Road, Gurgaon, Haryana.
2.	Nagender Singh	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana.
3.	Ashok Singh	Worker	M/s Modelama, Plot No. 105, Phase-I, Udyog Vihar, Gurgaon, Haryana.
4.	Ram Karan	Worker	M/s Richa Global, Plot No. 232, Phase-I, Udyog Vihar, Gurgaon, Haryana.
5.	Montun Giri	Worker	M/s Gaurav International, Plot No. 133, Phase-IV, Udyog Vihar, Gurgaon, Haryana.
6.	Parmod Kumar	Worker	M/s Rolax Hosiery, 7 IDC, Mehrauli Road, Gurgaon, Haryana.
7.	Khushoo	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana.
8.	Anwar Ansari	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana.
9.	Reetu Singh	Social Worker	Plot No. 1, Rao Maichand Complex, Near Jwala Mill, in front of Military Station, Old Delhi-Gurgaon Road, Gurgaon, Haryana.
10.	Sangeeta Singh	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana.

From above table it is evident that the authorized persons at no.1 and 9 are Social Activities and not employed. Hence, there remained

only 8 authorized persons. Out of these 8 authorized persons, the persons at nos. 2, 7, 8 and 10 were working with M/s Viva Global, Gurgaon. But this establishment stood closed w.e.f. 16.4.2012 rendering these 4 persons unemployed and thereby they stood dis-engaged and dis-employed with any establishment / industry. Regarding this fact of the closure of establishment / industry, namely, M/s Viva Global, Gurgaon, the report dated 21.12.2012 of the Deputy Labour Commissioner, Gurgaon is at Ex.R-3. Hence, there remained only 4 authorized persons against the mandatory requirement of atleast 7 applicants for making application for registration of the Union.

Now coming to the actual persons who had made application for registration of Union by putting their signatures, it is submitted that their list is as under:-

Sr. No.	Signature	Occupation	Address
1.	Anannya Bhattacharjee	Social Activist	Plot No. 1, Rao Maichand Complex, Near Jwala Mill, in front of Military Station, Old Delhi-Gurgaon Road, Gurgaon, Haryana. ✓
2.	Nagender Singh	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana. ✓
3.	Ashok Singh	Worker	M/s Modelama, Plot No. 105, Phase-I, Udyog Vihar, Gurgaon, Haryana.
4.	Ram Karan	Worker	M/s Richa Global, Plot No. 232, Phase-I, Udyog Vihar, Gurgaon, Haryana. ✓
5.	Montun Giri	Worker	M/s Gaurav International, Plot No. 133, Phase-IV, Udyog Vihar, Gurgaon, Haryana.
6.	Parmod Kumar	Worker	M/s Rolax Hosiery, 7 IDC, Mehrauli Road, Gurgaon, Haryana.
7.	Khushoo	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana. ✓
8.	Anwar Ansari	Worker	M/s Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana. ✓

On receipt of the above application of the union, the respondent had sought the fact finding enquiry report from the Deputy Labour Commissioner, Gurgaon so as check and verify the facts which

are required to be verified in terms of section 4 read with section 6 of the Act *ibid*. The Deputy Labour Commissioner, Gurgaon got the enquiry and verification done by his subordinate staff and vide her letter dated 21.12.2012 (Ex. R-3) had reported to the office of the respondent Registrar that the union was not fulfilling the requirement for registration. Perusal of that records make clear that from amongst above 8 applicants, the applicant at no.1 is a Social Activist, not employed anywhere. Hence, not a legal applicant. So, there remain only 7 applicants. Out of these 7 applicants, the applicant nos. 2, 7 and 8 were the employees of the establishment / industry, namely, M/s Viva Global, Gurgaon. This establishment / industry was closed w.e.f. 16.4.2012. Therefore, alongwith other workers working therein, these 3 applicant nos. 2, 7 and 8 also ceased to be in employment and consequently ceased to be members of the Union. As a result they also ceased to be applicants to the application for registration of Union. Thus after this there remain only 4 applicants. Out of 4 applicants, the applicant no. 4 Sh. Ram Karan had left the job by resigning on 23.1.2012. So, there remained only 3 applicants. In this regard, a reference is required to be made to section 6(e) of the Trade Unions Act, 1926 **which provides that the rules of the union must provide for the various provisions to be contained therein, and clause (e) of this section 6 mandates that ordinary members of the union shall be those persons who are actually engaged or employed in an industry with which the Trade Union is connected. In compliance of this section 6(e) the Union in question had framed its Rules / Constitution and in rule 4.1 thereof it had provided that any workmen employed in any capacity in any industry in Haryana / all India shall be entitled to become an ordinary member of the Union.** Now, it is clear that this rule 4.1 of the Rules / Constitution of the Union clearly stipulates that only a workman employed in an industry can become its ordinary member. Therefore, a person who is not employed

anywhere, cannot become ordinary member of the Union. Further, as and when a member of the Union ceases to be employed in an industry due to any reason then he automatically ceases to be member of the Union. It is also relevant to state here that application of registration of a Trade Union can be made only by the minimum 7 or more persons who are actually engaged / employed with some industry with which the Union is connected and they should be ordinary members. In such circumstances of there remaining only 3 valid applicants and more than half ceasing to be applicants to the application, the Union became dis-entitled for registration in view of the provisions contained in section 4(2) of the Trade Unions Act, 1926 which provides that if after application but before registration of union the number of applicants goes down by more than 50% (half) of the total number of applicants who submitted the application, then the Union does not remain eligible for registration. Section 4(2) of the Act *ibid* is reproduced below:-

“Section 4 (2) Where an application has been made under sub-section (1) for the registration of a Trade Union, such application shall not be deemed to have become invalid merely by reason of the fact that, at any time after the date of the application, but before the registration of the Trade Union, some of the applicants but not exceeding half of the total number of persons who made the application, have ceased to be members of the Trade Union or have given notice in writing to the Registrar dissociating themselves from the application”.

(E) That during the pendency of the application, a large number of alleged members of the union in question, who were employed in different establishments / industrial had left the jobs. Further many had given in writing that they have dis-associated themselves from this Union. Still further, as many as 57 members of this Union, who were employed in M/s Viva Global had also ceased to be members because of closure of this establishment / industry w.e.f. 16.4.2012. Thereby the member strength of this union had reduced to less than 100. Therefore, the Union was rendered ineligible for registration.

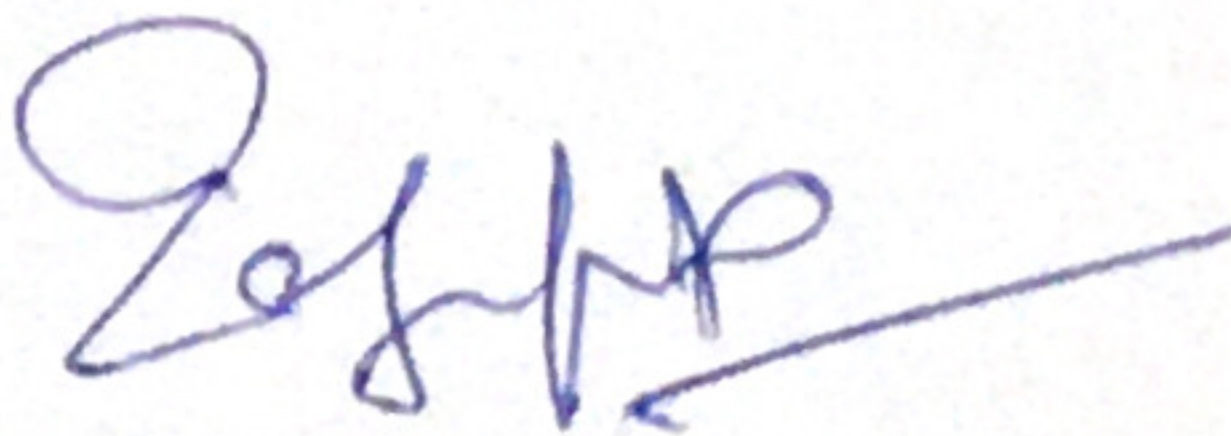
In view of above, the application of the union in question was rightly refused / declined for registration under the Trade Unions Act, 1926 vide impugned order dated 1.1.2013.

2. That it is pertinent to submit here that identical Rule came up for consideration before this Hon'ble Appellate Court in an appeal filed by Bridgestone India Automotive Products Private Limited Employees Union and the Hon'ble Appellate Court vide its order dated 6.7.2018 was pleased to dismiss the said appeal.

3. In view of above reasons the Union in question is not entitled to registration and the registration of the Union was rightly declined by the Registrar, Trade Unions, Haryana vide impugned speaking order dated 1.1.2013. The same is sustainable being legally sound in view of the reasons stated and in the submissions made herein above.

In view of above, the appeal has no merit, therefore, may kindly be dismissed.

Place: Gurugram
Dated: 7.9.2018

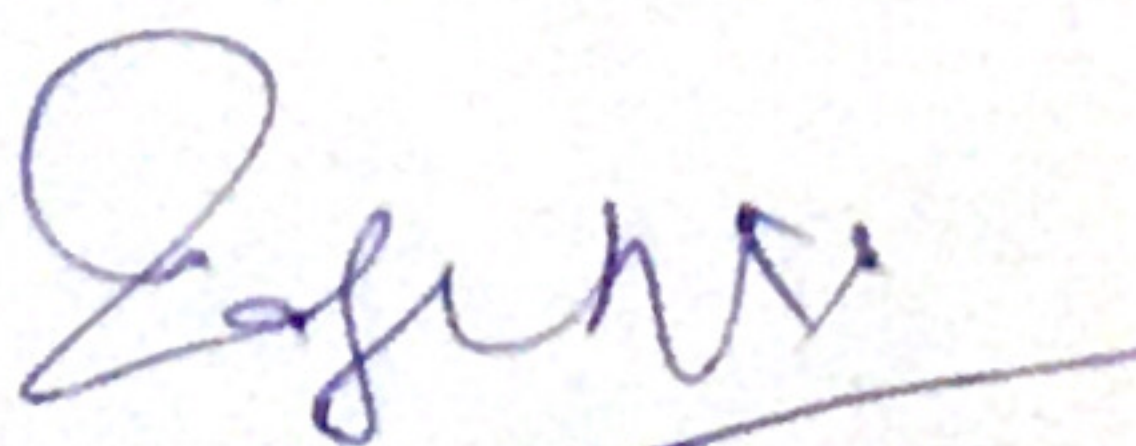


Deponent

Verification.

Verified that the contents of paras 1 to 3 including sub-paras of my above affidavit are true and correct as per the information derived from the official records believed to be correct. No part of it is false and nothing material has been concealed therein.

Place: Gurugram
Dated: 7.9.2018



Deponent

EX. K-1
 LC
 No. 6167
 Date 23/12/11

22-12-2011

FORM 'A'

APPLICATION FOR REGISTRATION OF TRADE UNION

Date the 19th day of December 2011

- We hereby apply for the registration of a Trade Union under the name of "Garment and Allied Workers' Union".
- The Address of the Head office of the Union is Plot No.1, Rao Maichand Complex, Near Jwala Mill, In front of Military Station, Old Delhi-Gurgaon Road, Gurgaon. Haryana.
- The Union came into existence on the 2nd day of October 2011.
- The Union is a Union of employees/workers engaged in the industry of Garment and allied industries.
- The particulars required by section section 5(1)(c) of the Trade Unions Act, 1926, are given in Schedule I.
- The particulars given in Schedule II show the provision made in the rules for the matters detailed in section 6 of the Trade Unions Act, 1926.
- We have been duly authorized to make this application by the second Resolution of Third General body meeting of the "Garment and Allied Workers' Union"

Serial No.	Signature	Occupation	Address
1	Ang Duttal	Social Activist	Plot No.1, Rao Maichand Complex, Near Jwala Mill, In front of Military Station, Old Delhi-Gurgaon Road, Gurgaon, Haryana
2	नागिन्द्र सिंह	Worker	M/s. Viva Global, Plot No.413, Phase-III, Udyog Vihar, Gurgaon, Haryana
3	गोप	Worker	M/s. Modelama, Plot No 105, Phase I, Udyog Vihar, Gurgaon, Haryana
4	Samkaran	Worker	M/s. Richa Global, Plot No.232, Phase I, Udyog Vihar, Gurgaon, Haryana
5	M-URI	Worker	M/s. Gaurav International, Plot No.133, Phase IV, Udyog Vihar, Guigaon, Haryana
6	रवि	Worker	M/s. Rolex Hosiery, 7 IDC, Mehrauli Road, Gurgaon, Haryana
7	सुरेश	Worker	M/s. Viva Global, Plot No.413, Phase III, Udyog Vihar, Gurgaon, Haryana
8	अनवर अंसारी	Worker	M/s. Viva Global, Plot No.413, Phase-III, Udyog Vihar, Gurgaon, Haryana

To
 The Registrar
 Trade Unions, Haryana
 Chandigarh

Ang Duttal
 President
 Garment and Allied Workers' Union
 Gurgaon

15

The Constitution and Rules of the "Garment and Allied Workers Union"

1. **The name of the Union** shall be the "Garment and Allied Workers Union" and it shall be in the following rules, be referred as "union".
2. **The Head Office** of the Union shall be at Plot No. 1, Rao Malchand Complex, Opposite to Dominant Offset, Jwala Mill, Gurgaon, Haryana and its branches can be opened all over the Haryana State/all India. The Head Office of the Union may be shifted to any other suitable place in the state of Haryana/all over India as per the requirement of the Union.

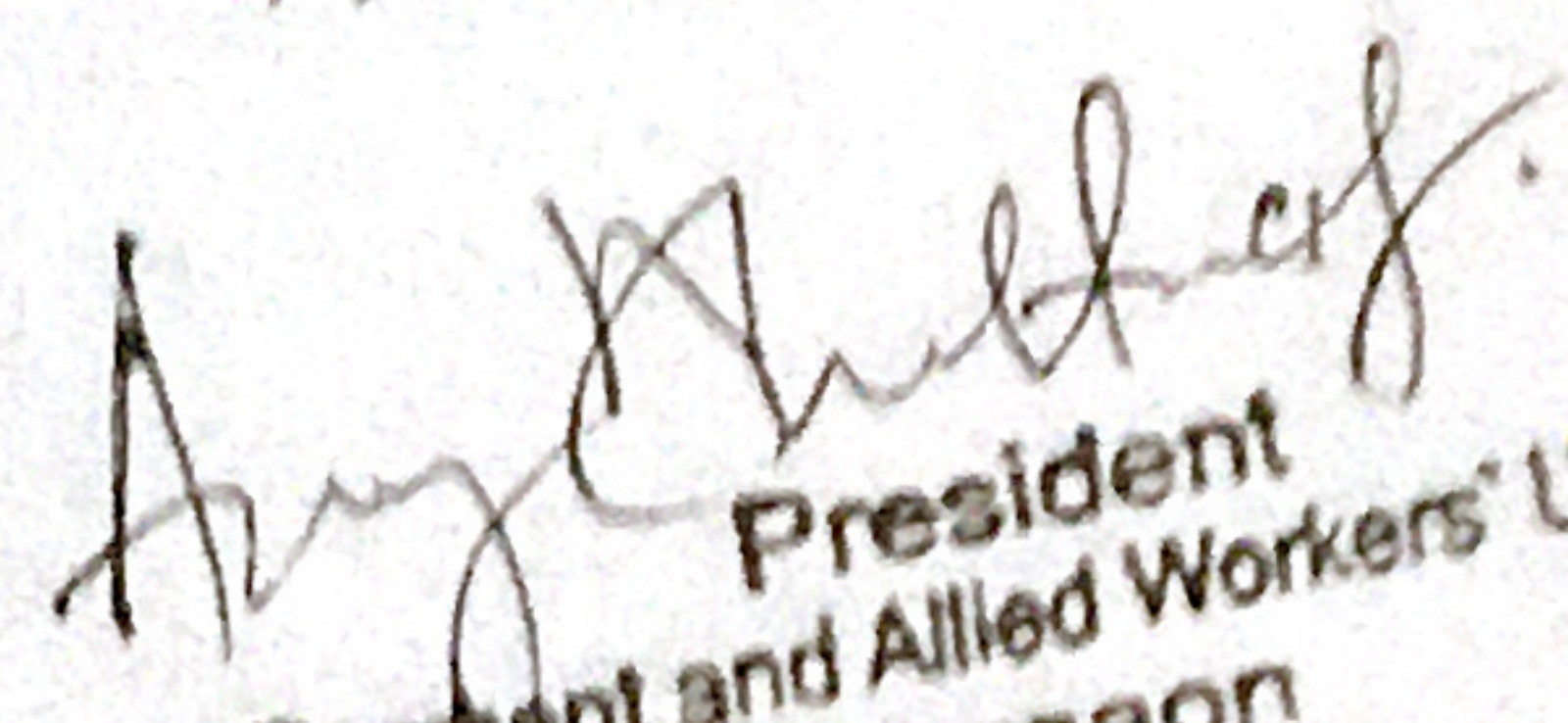
3. **Aims and Objectives of the Union**

The whole of the subjects for which the union has been established shall be:

- 3.1 To fight for the interests of the working class of the country and the state of Haryana in general and the Garment and its Allied industries in particular.
- 3.2 To fight for the uniform need-based wage policy for the workers of Garment and Allies industries of Gurgaon in particular and Haryana/all India in general.
- 3.3 To unite and organize the workmen employed in the Garment and Allied Industries for better wage and working conditions.
- 3.4 To take all possible steps to create and secure fair conditions of life and service for workers of Gurgaon and Allied industries in Haryana/all India in general.
- 3.5 To take all possible steps and initiative to resolve and redress the problems and grievances of the workmen of the sector of the state.
- 3.6 To take all possible initiatives and steps (to secure workers' interests during the disputes between employers and employees in Garment and Allied industries in the state.
- 3.7 To take all possible steps to provide all sorts of help to workmen in times of their distress.
- 3.8 To provide legal assistance to all needy workmen of the sector.
- 3.9 To take all possible steps to cooperate with like-minded organizations in the state, the country, and internationally as well for the sake of working class interests.
- 3.10 To take all possible steps to create progressive working class culture and temperament among the workmen of the sector in particular and Gurgaon in general by the help of cultural organizations and personalities, etc.
- 3.11 To take all possible steps to ameliorate the socio-economic and political conditions of the Gurgaon and the state as well.

4. **Membership:**

- 4.1 Any workmen employed in any capacity in any industry (listed below in the schedule) in Haryana/all India who has attained the age of 15 years shall be entitled to become ordinary member of the Union if he/she accepts rules and regulations of the Union and pays Rs 5 for membership fee and Rs 10 for admission fees at the time of admission of the union. All the members will be entitled to enjoy and exercise their


President
Garment and Allied Workers' Union
Gurgaon

membership rights as per the provision of the Trade Union Act, 1926.

4.2 The membership fee can be paid half yearly and yearly basis as per the convenience of the member.

4.3 If any member fails to pay his/her membership subscription/fee upto 6 months, his/her name automatically will be dropped from the membership list.

5 Honorary Members:

5.1 Those persons who are not eligible for admission as ordinary members under Article 4(1) above may be admitted as Honorary Members of the union for the purpose of being elected or co-opted to the executive committee of the union, subject to the provisions of section 22 of the Trade Union Act 1926.

5.2 Number of such Honorary Members will remain restricted to as provided in the Indian Trade Union Act 1926.

6 The Union will operate and function among the following industries:

- 6.1 Garment
- 6.2 Leather and leather garment
- 6.3 Textile and textile related
- 6.4 Home furnishing
- 6.5 Other Allied industries, etc.

7 Composition of the Union

- 7.1 General Body
- 7.2 Executive Committee
- 7.3 Office Bearers
- 7.4 Factory Committee

8 **General Body:** The General Body meeting of the Union shall be held generally in the month of March every year to transact and consider the following business:

- 8.1 The Annual Report and Accounts
- 8.2 To elect the Honorary Members
- 8.3 To elect the Office Bearers and Executive Members and the persons in charge of various cells and departments
- 8.4 To transact any other business with the permission of the Chair.
- 8.5 Special general body meeting may be called as per the requirement of the Union.
- 8.6 At least 15 days notice shall be given to the members for the General Body meeting.
- 8.7 The presence of at least one third members of the General Body shall be necessary to form a quorum for the General Body meeting.

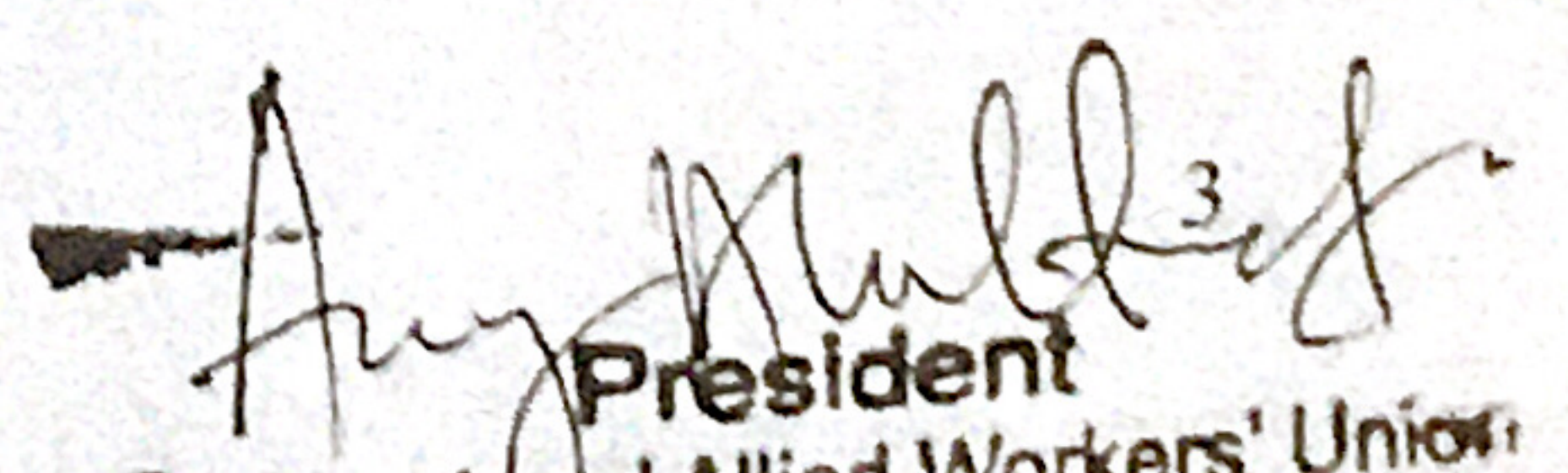
Anuj Chhabra
President
 Garment and Allied Workers' Union
 Gurgaon

9 Executive Committee

- 9.1 The Executive Committee will manage all affairs of the Union between the times of two general body meetings.
- 9.2 The members of the Executive Committee shall be appointed from the ordinary members of the Trade Union with the consent of majority members present in the General Body Meeting
- 9.3 The tenure of any Executive Committee member shall be for one year
- 9.4 All the Executive Committee members must play a vital role to run the Union by organizing and running Factory Committees and shop level committees in the respective factories as per the direction and decision of the Union.
- 9.5 The total number of Executive Committee Members will be 13 only and 8 out of 13 will be office bearers to conduct day-to-day union activities and look after all affairs of the Union.
- 9.6 The Executive Committee shall meet at least once in a month and the presence of at least one third members of the Executive Committee shall be necessary to form a quorum.
- 9.7 At least 3 days notice shall be given in advance for an Executive Committee meeting to its members.
- 9.8 The continuous absence from the three Executive Committee meetings may be taken seriously and even his/her name may be dropped from the Executive Committee by the majority decision of the Executive Committee after examining causes/reasons behind his/her absence.
- 9.9 The President may call a special meeting of the Executive Committee whenever he/she thinks necessary by giving short notice to its members as per requirement of the organization.
- 9.10 The Executive Committee of the Union shall have the power to constitute Special Committees and cells for the purpose like, cultural cell, legal cell, crisis management cell, education and training cell, etc.
- 9.11 The Executive Committee shall have the power to recruit its cell in-charges even from professionals with independent charge and in-charges of cells maybe invited to attend the Executive Committee meeting to express their opinions and reports, etc.
- 9.12 The Executive Committee shall have all the power and right to fill vacant posts and seats of any committee of the Union or change the responsibilities of any office bearer, etc.

10 Factory Committee

- 10.1 There will be one Factory Committee in a company of any size. The size of the Factory Committee will be decided according to the size of the specific factory's workforce. Among them there will be one President, one Vice-President,


President
 Garment and Allied Workers' Union
 Gurgaon

18

one Secretary, one Propaganda Secretary and one Treasurer as well.

10.2 All the Factory Committee members must be elected from the General body of the respective company. The Factory Committee members will be responsible to organize or constitute shop level committee or department level committee to unionize all the workers of the company.

10.3 The Factory Committee must be developed as the effective centre of leadership of all the workmen of the company. They must enjoy popular support of the workmen of the company. Any pro-management element should not be allowed in the factory committee. The Factory Committee members must honour the collective wisdom of the workers of the company in all respects.

10.4 The Factory Committee members must learn how to prepare general charter of demands and how to negotiate and bargain with the management in the interests of the workmen.

10.5 The Factory Committee will maintain all kinds of records relating to the company and its all workmen and their service conditions etc.

10.6 All Factory Committee members must be re-elected after one year compulsorily.

11 Office Bearers

The Office Bearers shall consist of the following:-

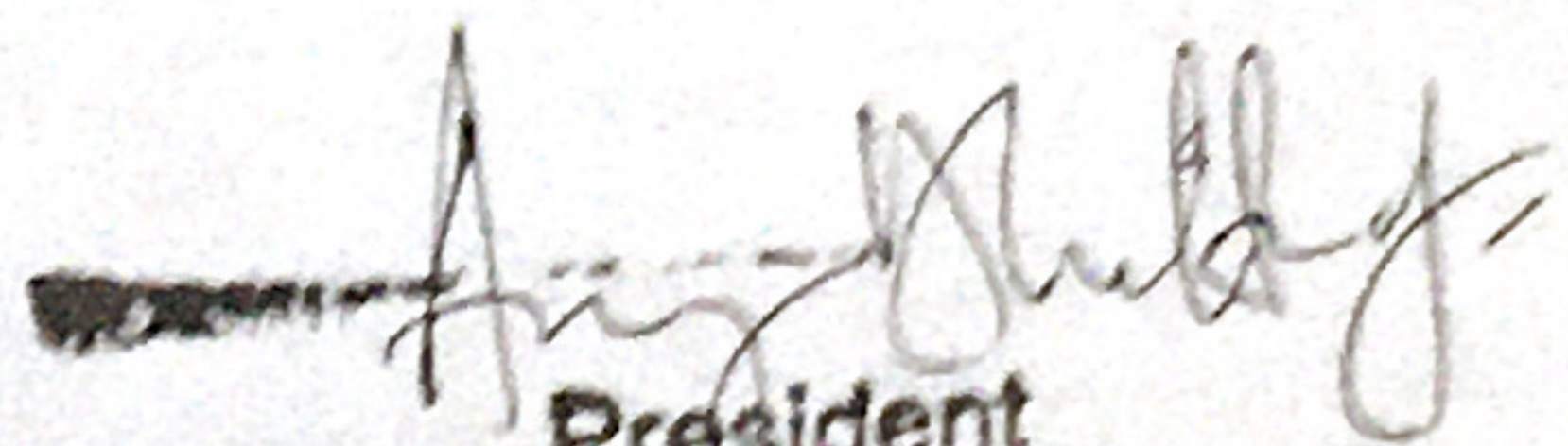
- A) President One
- B) General Secretary One
- C) Organizing Secretary One
- D) Publicity Secretary One
- E) Treasurer One
- F) Joint Secretary Three

11.1 The office bearers of the Union shall be appointed from the Executive Committee as decided in the Body Meeting of the Union.

11.2 The appointment of the office bearers shall be for one year from the date of appointment

11.3 The President: The President will be the constitutional and organizational head of the Union. He/she will have the right and power to exercise constitutional and organizational measures in case of any unwanted crisis of movement and the Union.

11.4 The President shall preside over all meetings of the Union including Executive Committee and General Body, etc.


President
 Garment and Allied Workers' Union
 Gurgaon

and preserve order of the meetings and organization as per the situation.

11.5 The President shall have the power to call emergency Executive Committee meetings and special General Body meetings whenever he/she thinks it is necessary.

11.6 The General Secretary: The General Secretary shall take minutes of all meetings of the Union and will take care of all correspondence and also convene all meetings as per the direction of the President. The General Secretary must have enough energetic and intellectual qualities to read the given situation and to lead the organization to achieve its goal. He/she must maintain records of the union and shall be responsible for ensuring submission of returns to the Registrar of Trade Unions in time.

11.7 Organizing Secretary: The Organising Secretary shall be responsible for the general organizing affairs of the union

11.8 Publicity Secretary: The Publicity Secretary shall be responsible for the publicity of the Union. He/she shall undertake all such activities to promote the union among workmen

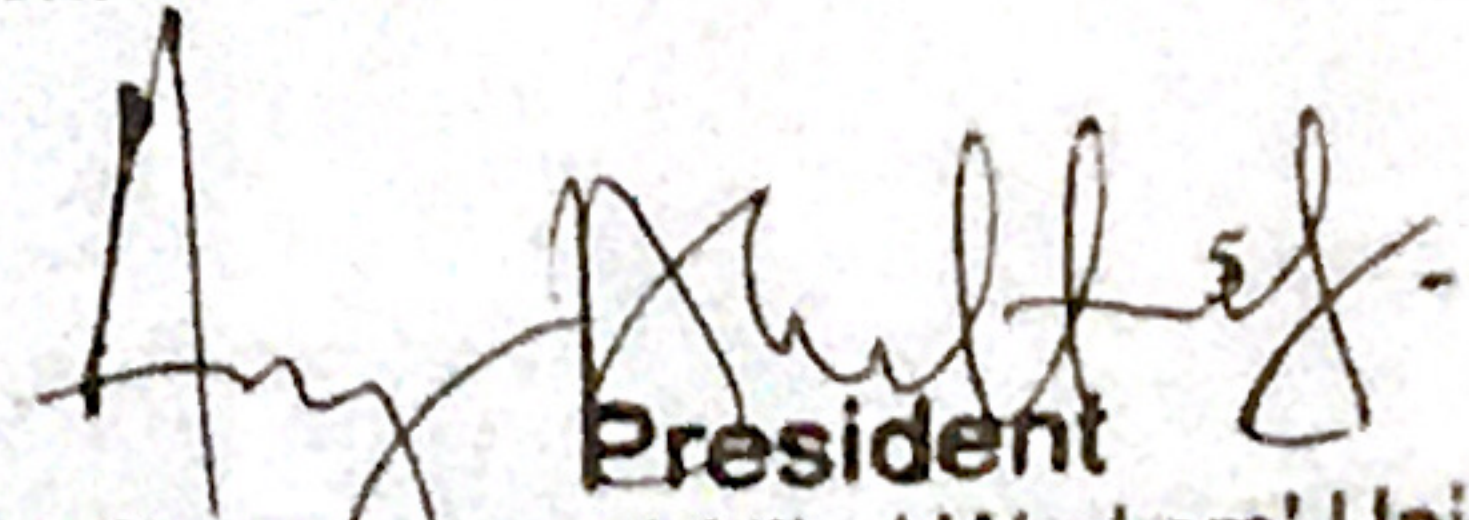
11.9 Secretary: Generally help General Secretary in his/her work and will also carry on specific responsibilities given by the Executive Committee. Up to three Secretaries can be appointed as per the Constitution.

11.10 Treasurer: The Treasurer shall be responsible for maintenance of all money matters of the Union. He/she will maintain all records of accounts and expenditures. He/she shall prepare a balance sheet annually for annual General Body meetings, returns, etc.

12 Cultural & Legal Cells

12.1 The Executive Committee may appoint or depute or recruit efficient person as in charge to organize and operate the above mentioned cells as per the demands and requirement of the organization.

12.2 The Legal cell in charge will look after all legal affairs of the Union. He/She will file legal cases and also defend the legal matters in various Courts as well as in the different forums in favour of workmen in general and the Union in particular. He/She may conduct legal clinic to give proper advice to the needy workers of the area. He/She may organize legal training camp/seminar to educate and enrich the level of legal consciousness of the workers in general and the members of the Union in particular. He/She may constitute a legal team for workers' legal rights advocacy in the area by the help of the Union.


President
Garment and Allied Workers' Union
Gurgaon

20

13 Custody of the Funds

13.1 The General Funds of the Union shall consist of membership subscriptions and donations received from members and from sympathizers, etc. The collected funds must be deposited in a chartered bank under the name of the union's account. The account shall be operated either by the President or the General Secretary where president is not available, along with the Treasurer.

14 Purpose of Funds: The General Funds of the Union Shall be spent for following purposes as:

- 14.1 The payment of expenses for the day-to-day activities of the Union.
- 14.2 The payment of legal expenses for protecting legal rights of the workers.
- 14.3 The payment of salary to the full time activists and professionals of the Union as per the decision of the Executive Committee of the Union.
- 14.4 The payment for printing materials, stationeries and also for the "magazine" of the Union as per the decision of the Union.

15 Assets

Nil

16 Annual Audit

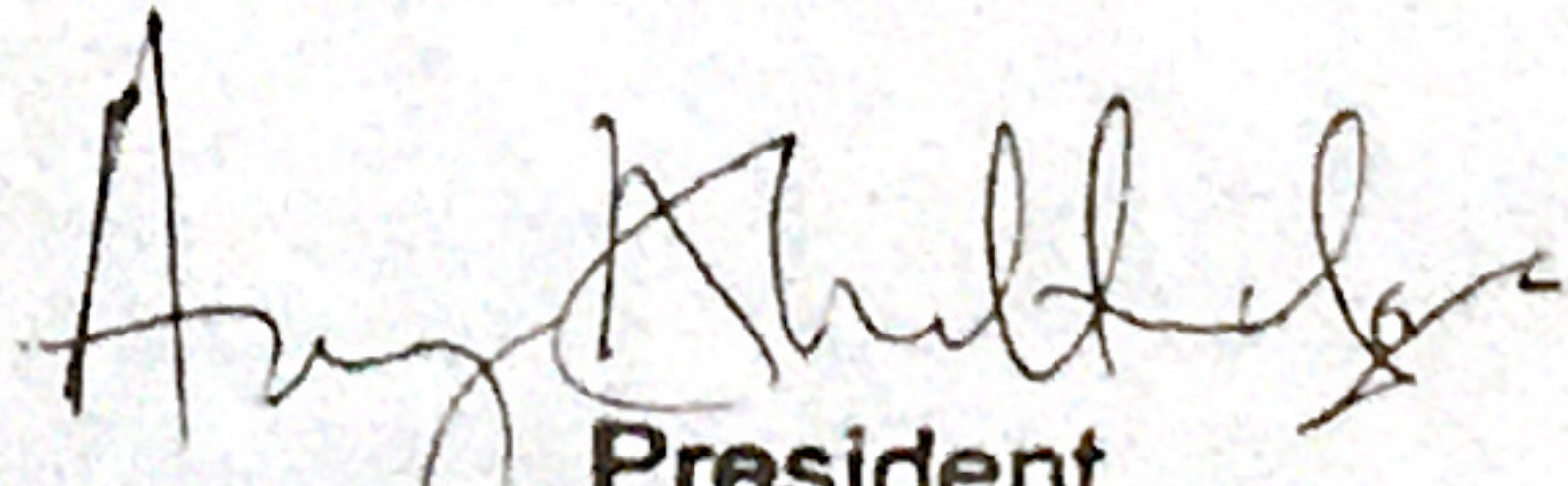
16.1 The Union shall make due provision for the annual audit of the Union accounts by any auditor appointed by the Union.

17 Maintenance of membership Register and minutes book etc.

- 17.1 The Union shall maintain a list of membership containing their names, father's name and particulars of their place of work and residence etc.
- 17.2 The Union shall maintain a separate minutes book for proceeding of meetings and its major decisions of the Union.
- 17.3 The Union shall maintain a separate accounts book of income and expenditure of the Union.
- 17.4 All the above mentioned documents shall be available for inspection of any Union member on seven days notice in advance to the name of President or Secretary.

18 Discipline of the Union

18.1 All the office-bearers and the members of the Union must respect all the workers in general and members of the Union in particular in all circumstances irrespective of their differences and personal views.


President
Garment and Allied Workers' Union
Gurgaon

- 18.2 All the office-bearers and members of the Union must respect collective wisdom and decision of the Union in all circumstances irrespective of their personal differences regarding any matter whatsoever.
- 18.3 The method of the criticism and self-criticism may be adopted to rectify personal and organizational differences in the respective committees and also among general members of the Union. And the method of backbiting and groupism is to be strictly prohibited in all circumstances in the interests of the organization.
- 18.4 Any divisive ideology or any religious prejudices or any caste prejudices will not be permitted in the organization in any cost.
- 18.5 The welfare of working class and creating unity among them must be the motto of all the leaders, cadres and members of the Union.
- 18.6 Economic corruption, any type of degeneration, hobnobbing with management and also disrespectful attitudes towards women will not be permitted in the organization in any cost.
- 18.7 Organizational secrecy and organizational unity must be preserved by all the members of the Union in all circumstances.
- 18.8 Any member of the Union found to be working against the interest of the Union may be expelled by the Executive Committee by a two-third (2/3rd) majority of its members present in the meeting.

19 Procedure for settling an election dispute or any other dispute of the Union

- 19.1 In case of an election dispute or any other dispute in any form within any Committee of the Union, the decision of the majority of the General body will be final.

20 Amendment of Rules

- 20.1 The Constitution and rules of the Union may be amended, altered, replaced or added for the interest of the workers and their movement at any time by a majority decision of the General body of the Union.

21 Procedure for Dissolution of the Union

- 21.1 The Union shall not be dissolved at any cost except by the decision of the General Body meeting called for the purpose specifically.

Arjun Kulkarni
President
Garment and Allied Workers' Union
Gurgaon

अधिकारी

पत्र

प्रेषक

रूप श्रम आयुक्त,
सर्कल- 1, गुडगांव।

सेवा में

रजिस्ट्रार ट्रेड यूनियन एवं
श्रम आयुक्त हरियाणा
चण्डीगढ़।
कमांक 7679

L. C. Chaur
Ravi



पंजीकृत

27/12/12
RK

दिनांक 31-12-12

विषय

Garment and Allied Workers Union, Gurgaon एक्ट 1926 के अधीन यूनियन का पंजीकरण करने बारे।

महोदय,

उपरोक्त विषय पर आपके कार्यालय के पत्र कमांक आई0आर0 2/25082 दिनांक 27-7-2011 पत्र कमांक आई0आर0-2/25981 दिनांक 25-5-2012 पत्र कमांक आई0 आर0 2/29075 दिनांक 2-6-2012 पत्र कमांक आई0 आर0 -2/38016 दिनांक 8-9-2012 तथा पत्र पृष्ठांकन कमांक आई0 आर0 2/44130 दिनांक 7-11-2012 तथा इस कार्यालय के पत्र कमांक 7299 दिनांक 26-11-2012 के सन्दर्भ में।

विषय संबंध में आपको सादर सूचित किया जाता है कि आप द्वारा भेजे गये कामजात इस कार्यालय में प्राप्त होने उपरान्त श्रम अधिकारी सर्कल-1, गुडगांव, को वैरीफिकेशन/जांच पड़ताल हेतु भेजे गये। श्रम अधिकारियों की वैरीफिकेशन/जांच पड़ताल करने उपरान्त भेजी गई रिपोर्टों के अनुसार श्रमिकों की वैरीफिकेशन पर आधारित है। इसलिए सभी श्रम अधिकारियों की रिपोर्टों का संकलन करके भेजी जा रही है।

श्रम अधिकारी, सर्कल-1, गुडगांव वि. रिपोर्ट अनुसार 105 श्रमिक विभिन्न संस्थाओं से आते हैं। कम संख्या 25,26,27,28,29,30,31,32,33,37,38,39, 49,52,55,58,59,60,99,101,104,106,110,111,113,114,115,118,128,129,133,145,176,169 ये जो श्रमिक गैर विवा ग्लोबल, प्लाट नम्बर-413, फेस 3, उद्योग विहार, गुडगांव के दर्शाया है ये संस्था दिनांक 16-4-2012 का बन्द हो चुकी है ये सभी श्रमिक कार्य छोड़कर जा चुके हैं तथा कम संख्या 116,117,119,120,121,146,148,149,150,151,152,153,154,155,156,157,158,159,162,163,164,165,166,167,153,170,175 जो श्रमिक गैर गोलामा एक्सपोर्ट प्लाट नम्बर 105 फेस 1, उद्योग विहार गुडगांव के श्रमिक छोड़कर जा चुके हैं शेष कम संख्या 147,159, जो कि गैर गोलामा एक्सपोर्ट प्लाट नम्बर 105, फेस 1, उद्योग विहार, गुडगांव का श्रमिक गी अयूटी से अनुपस्थित चल रहे है तथा कम संख्या 161 पर जो श्रमिक गोलामा एक्सपोर्ट प्लाट नम्बर 105 फेस 1, उद्योग विहार गुडगांव के श्रमिक ने लिखकर दिया है कि वह यूनियन का सदस्य नहीं है। श्री राम करण कम संख्या 43 गैर शीवा ग्लोबल प्लाट नम्बर 232, फेस 1, उद्योग विहार गुडगांव का श्रमिक नोकरी छोड़कर जा चुका है, तथा कम संख्या 47,20 पर जो श्रमिक गैर शीवा ग्लोबल प्लाट नम्बर 232, फेस 1, उद्योग विहार गुडगांव का श्रमिक अपनी अयूटी से अनुपस्थित चल रहा है जिस बारे केंस कोर्ट में चल रहा है। कम संख्या 79 पर जो श्रमिक गैर वेम हाई0 फेस0 ग्लोबल प्रा0 लि0 प्लाट नम्बर 488, फेस 3, उद्योग विहार, गुडगांव के श्रमिक का अनुपस्थिति कर केंस कोर्ट में चल रहा है। कम संख्या 74 जो श्रमिक गैर केंसपुरी एक्सपोर्ट प्रा0 लि0 प्लाट नम्बर 517, फेस 3, गुडगांव का दर्शाया गया है उसका स्थानांतरण फरीदाबाद कर दिया गया है। कम संख्या 89 पर जो श्रमिक गैर सी0एम0ए0एम0 सिंगोसिस्टम लि0 फेस 3, प्लाट नम्बर 474 उद्योग विहार गुडगांव का दर्शाया गया है ये श्रमिक ठेकेदार के पास कार्य करता था जब वह श्रमिक इस संस्था में कार्यरत नहीं था जिस बारे श्रम तथा समाजोता अधिकारी सर्कल-1, गुडगांव से मांग पत्र पर असाफलता रिपोर्ट श्रम आयुक्त हरियाणा चण्डीगढ़ को पत्र कमांक 1353 दिनांक 27-9-2012 के द्वारा भेज दी गई है। कम संख्या 87 पर जो श्रमिक दर्शाया गया है ये गैर एकवीर नॉटेशन प्रा0 लि0 प्लाट नम्बर 501 फेस 3, गुडगांव नामक संस्था बन्द हो चुकी है। कम संख्या 88,93,135,136,139,157,171,172 पर जो श्रमिक गैर आर0 एल0 एल0 एल0 प्लाट नम्बर 289 फेस-2, उद्योग विहार गुडगांव के श्रमिक पिछले तीन साल से इस संस्था में कार्य नहीं कर रहे हैं। कम संख्या 174 पर जो श्रमिक गैर हिन्दू करिगेशन प्लाट नम्बर 295 फेस 2, उद्योग विहार गुडगांव का श्रमिक श्री आशोक कुमार वैरीफिकेशन के समय देना था कम संख्या 40 व 72 जो श्रमिक गैर मुग्गी सुपरसेल इण्डिया लि0 प्लाट नम्बर 272 फेस 2, गुडगांव उद्योग विहार गुडगांव के श्रमिक अपने ही केंस पर कार्यरत नहीं थे। इनकी प्रतियां संलग्न है।