

Regd.

From

State Public Information Officer-cum-
Deputy Labour Commissioner, HQ
O/o Labour Commissioner, Haryana,
30 Bays Building, Sector-17,
Chandigarh.

To

✓ Sh. Yogesh Parshad

RTI/111/2020/94

Dated: 5/8/2020.

Subject: Seeking Information under RTI Act, 2005.

In reference to your application dated **24.06.2020** received in this office on **30.06.2020** on the subject cited above.

The required information received from IR-I branch Vide **U.O.No-14110** dated **22.07.2020** of this office is enclosed herewith for your information and necessary action. It is also informed to you that if you are not satisfied with the requisite information then you can file an appeal within 30 days of receipt of reply of SPIO to the **First Appellant Authority i.e. O/o Labour Commissioner, 30 Bays Building, Sector-17, Haryana Chandigarh.**

(Enclosed as above)

State Public Information Officer-cum-
Deputy Labour Commissioner, HQ
O/o Labour Commissioner, Haryana,
30 Bays Building, Sector-17,
Chandigarh



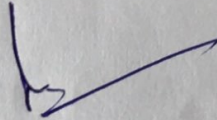
Subject:- Application dated 24.6.2020 filed by Sh. Yogesh Parshad under the Right to Information Act, 2005.

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Will the SPIO-cum-DLC, Headquarters, kindly refer to his U.O. No. RTI/111/2020/12695 dated 7.7.2020 on the subject cited above?

The information asked for by the applicant alongwith office comments are given as under:-

Sr. No.	Information sought for by the applicant	Office comments
1.	Provide Standard Operation Procedure for Registration of a Union (Factory Based) in Gurugram, Haryana.	The procedure regarding registration of Trade Union is provided in the Trade Unions Act, 1926 and Regulations made thereunder.
2.	Provide the details of list of unions registered in last 10 years in Haryana.	210 Trade Unions have been registered during the last 10 years. List enclosed. (Seven pages)
3.	Rules and Administrative procedure for Registration of a Factory based union in Haryana.	As stated in reply to point no.1 above.
4.	Provide the details of Action Taken Report and Status of Union Registration file filed in Gurugram Haryana, Richa Worker Union, Filed on 18.3.2019 in company Gaurav International, Plot No. 198, Udyog Vihar, Gurugram, Haryana.	As the Union was not fulfilling the requirement of its registration so the application of the Union has already been rejected by the Registrar, Trade Unions, Haryana and a communication in this regard has also been sent to the Union vide letter dated 10.9.2019 sent under registered cover. Copy enclosed. (4 pages)
5.	Provide the details list of grounds in which a union Registration can be rejected.	The grounds of rejection are contained in the Trade Unions Act, 1926 and the Regulations made thereunder.


for Labour Commissioner, Haryana.

To

The SPIO-cum-DLC,
Headquarters.

U.O. No. IR-1 (TU)/2020/ 14110

Dated: 22-7-2020

-1-

List of the Unions registered during the last 10 years

Sr. No.	Name of Union
1.	Surya Roshni Ltd., Karamchari Union, Bahadurgarh
2.	Denso Hayana Associates Council
3.	Sanden Vikas Employees Union
4.	Rico Auto Employees Union
5.	UCO Bank Officers Association Haryana, Panchkula
6.	Shri Ram Engineers Employees Union
7.	Air Force Civilian Karamchari Union
8.	Q.H. Talbros Employees Union
9.	Haryana Agro Industries Workers Welfare Union
10.	Prathmik Krishi Sahkari Samitiya Karamchari Sangh
11.	Satyam Auto Employees Union
12.	Phoenix Contact India Sarmik Union Prithla Employees Union
13.	FCC Rico Employees Union
14.	Haryana Explosive Employees Union
15.	Indital Mazdoor Union
16.	H.M.M. Coaches Workers Union
17.	Omax Autos Workers Union
18.	The Panipat Co-operative Sugar Mills Ltd. Dailywagers Labour Union
19.	UHS Non Teaching Employees Association
20.	Degania Medical Devices Mazdoor Union
21.	NIT Suraksha Karamchari Sangh, Union
22.	Cooprative Sugar Mill Karamchari Sangh
23.	Harsoria Health Care Mazdoor Union
24.	Hema Engineering Industries Employees Union
25.	Emkey Automobile Mazdoor Union
26.	Amity International Karamchari Union
27.	Ch. Devi Lal Sahakari Suggar Mills Karmachari Union
28.	Punjab National Bank Staff Association Haryana Union
29.	Automax Karamchari Union

30.	Usha Amorphous Metals Mazdoor Union
31.	Exide Azad Karamchari Union, Bawal, Distt, Rewari
32.	Rai Sports School Karamchari Union
33.	Prasha Technologies Mazdoor Union
34.	Suzuki Powertrain India Employees Union
35.	Consolidated Coin Employees Union
36.	Suzuki Motor Cycle India Employees Union
37.	Yuva Motors Employees Union
38.	Metzeler Automotive Workers Union
39.	Nuchem Employees Union
40.	Naraingarh Hatcheries Workers Union
41.	Asha Workers Union Haryana
42.	Omax Autos Karamchari Union
43.	Senior India Employees Union
44.	Bajaj Motors Mazdoor Union
45.	Maruti Suzuki Workers Union
46.	Perfetti Van Melle Employees Union
47.	Kansi Nerolac Paints Karamchari Union
48.	Microtek Forging Employees Union
49.	MESL Workers Union, Binola
50.	Bajaj Motors Ltd., Sarmik Union
51.	Rane Nsk Steering Systems Employees, Union
52.	Nagar Nigam Mechanical Workers Union
53.	Casewell Drilling Services Private Limited Employees Union
54.	The Kurukshetra Schools and Colleges Drivers Union
55.	Mid Day Meal Workers' Union
56.	Defence Civilians Employees Union
57.	ESIC Haryana Paramedical Employees Union.
58.	Napino Auto & Electronics Employees Union
59.	Napino Auto & Electronics Employees Union
60.	Andritz Hydro Workers Union



61.	Non-Teaching Karamchari Sangh
62.	Haryana Nirmankarta Majdoor Sabha
63.	Association of Officers of UCO Bank, Haryana.
64.	Andritz Hydro Employees Union
65.	Manrega Mazdoor Union, Kurukshetra
66.	P.N. Writer and Compay Private Limited Group Employees Union
67.	Haryana Engineering College Non-Teaching Employees Union
68.	Mid Day Meal Mazdoor Union
69.	All Haryana Roadways Workers Union
70.	The Primary Agriculture Cooperative Society Karamchari Maha Sangh, Haryana
71.	Mitsubishi Electric Automotive Employees Union
72.	A.G.Kaamgar Union, Gurgaon
73.	ESIC Nurses Welfare Association, Haryana
74.	A.G.Industries Karamchari Union
75.	Munjali Kiri Employees Union
76.	Goshi India Auto Parts Karamchari Union
77.	Subros Limited Mazdoor Union
78.	Harsoria Health Care Workers Union
79.	Goshi India Auto Parts Employees Union
80.	Auto Fit Workers Union
81.	Lumax Automotive Systems Employees Association
82.	Xvarian Auto Industries Employees Union
83.	All Degania Medical Devices Employees Union
84.	Haryana Non Teaching Staff Union (Education Department)
85.	BSNL Contractor Workers Union, Hisar (Haryana)
86.	Talabros Automotive Components Workers Union
87.	Haryana Gharalu Kamgar Union
88.	Nirman Karya Mazdoor Mistri Union, Kurukshetra
89.	Ambala Cantonment Board Employees Union
90.	Wiltan Telmag Employees Union, Gurgaon
91.	The Bajaj Motors Limited Sarmik Union, Unit-I & III, Gurgaon

92.	P.P.M.C. Contractor Workers Organization
93.	Ahresty India Employees Union
94.	Asti Electronics Employees Union
95.	Carrier Midea India Employees Union
96.	Baxter India Employees Union
97.	Magnetec Mangal Employees Union
98.	Panipat Refinery Contractors Sharmik Sanghathan, Panipat
99.	Supreme Treves Employees Union
100.	Supreme Nonwoven Employees Union
101.	Metzeler Automotive Workers Union
102.	Haryana State Medical and Sales Representatives Union, Rohtak,
103.	Haryana Bhawan Nirman Karamkar Kalyan Sangathan, Kashyap Dharamshala, Karnal.
104.	Autodecor Group Employees Union
105.	Bellsonica Auto Component India Employees Union
106.	Public Health Gramin Tubewell Operators Organization, Haryana
107.	Bhawan Yewam Sanirman Kamgar Sangh, Haryana
108.	Metro Ortem Employees Union Sidhrawali, Gurgaon
109.	R.G.P.Workers Union Binola, Gurgaon
110.	Federation of All India Punjab & Sind Bank Officers
111.	Golden Green Gold and Resorts Mazdoor Union
112.	Auto International Workers Union
113.	Asian Colour Coated Ispat Employees Union
114.	Haryana Union of Journalist
115.	Baba Vishwakarma Kamgar Union
116.	Varun Bewrage Workers Union
117.	Bhawan and Anya Nirman Kamgar Union, Haryana
118.	Anganwadi Karyakarta Sahayika Union, Haryana.
119.	Vitiya Sansthan Theka Karamchari Sangh, Haryana,
120.	The Haryana Bhawan Nirman Mazdoor Sangh.
121.	Bhawan Nirman Mazdoor Sangathan, Haryana

122.	Uniproduct Karamchari Union.
123.	Munjal Showa Employees Union.
124.	Asian Paints Employees Union
125.	Haryana Mazdoor Sewa Sangh, Ambala
126.	Haryana Roadways Staff Sangthan, Rewari
127.	Munjal Auto Group Majdoor Union, Bawal, Rewari
128.	Swaraj Majdoor Sangh
129.	Jainco Rubber Industries Employees Union
130.	Ruskin Titus India Employees Union IMT Manesar, Gurgaon,
131.	ASCO Industrial Corporation Kamgar Sangh, Sonapat
132.	DUDH MOTI SAGAR EMPLOYEES UNION
133.	Haryana PWD Mechanical Karamchari Union
134.	Dudh Man Sagar Karamchari Union
135.	Sata Vikas Employees Union
136.	Auto Rikshaw Employer Union, Gurgaon
137.	Bhawan Avam Sahnirman Ekta Union, Haryana, Manoharpur, Distt. Jind
138.	Jai Haryana Majdoor Sangh, Haryana,
139.	Oriental Bank Employees Union (Haryana)
140.	Amity International Employees Union
141.	HPGCL, SC & BC Workers Union RGTPP, Khedar, Hisar
142.	Frigoglass India Employees Union
143.	Arcotech Employees Union
144.	Bhawan and Allied Workers Union
145.	Haryana Building Construction & Allied Worker Federation
146.	Haryana Auto Chalak Sangthan, Gurgaon.
147.	Building Construction and Other Workers Association
148.	MES Constructors Workers Union
149.	Vikas Bhawan Nirman Sarmik Sangh, Haryana
150.	Shree Bankey Behari Embroidery Workers Union
151.	FMI Automotive Components Employees Union
152.	Bhawan Yewam Sanirman Karamkar Mazdoor Sangh, Haryana

153.	Haryana Building Construction & Allied Workers Union
154.	Haryana Bhawan Nirman Mazdoor Kalyan Sangthan
155.	IAC International Automotive India Employees Union
156.	Bhawan Nirman Sharmik Organization, Haryana.
157.	Dr. Bhim Rao Ambedkar Karam Yogi Union, Kurukshetra
158.	Bhawan Nirman Mazdoor Vikas Kamgaar Union
159.	Haryana Building and General Labour Union
160.	Bhawan Nirman Avam Sarv Mazdoor Sangh
161.	Aam Aadami Majdoor Union Sang
162.	Carls Berg India Employees Union
163.	Bhawan Nirman Sarmik Sangh Hisar Mandal
164.	Haryana Bhawan Nirman Sarmik Upkar Union
165.	Adusat Chowkidar and Part-Time Karamchari Sangh Haryana
166.	Railway Vendors Kamgar Sangh
167.	Mark Exhust Theka Sharmik Sangathan
168.	Bhawan Yewam Sanirman Sharmik Sanghthan, Sonipat,
169.	Bhawan Nirman Majdoor Union Haryana
170.	Bhawan Nirman Sharmik Vikash Sangthan Haryana
171.	Coventry Coil Karamchari Union
172.	Haryana Mazdoor Sangh.
173.	Sintex Brite Auto Plast Employees Union
174.	Rico Aluminium & Ferrous Auto Components Ltd. Employees Union
175.	Panchkula Central Cooperative Bank Karamchari Maha Sangh
176.	Haryana Aam Adami Majdoor Union Sang
177.	Construction and Allied Workers Union
178.	Haryana Nirman Karta Majdur Sangh, Palwal
179.	Ahresty India Mazdoor Union, Bawal
180.	Hindustan Mazdoor Sangh.
181.	Auto Rickshaw Employer Association Gurgaon
182.	Bhawan Awam Sahnirman Nirmal Union, Haryana,
183.	Anubandhit Vidyut Karamchari Sangh Haryana.

184.	All India Yamaha Motor Employees Sabha
185.	Aaryawart Bawan & Anaya Sahnirman Karamkar Union
186.	Rashtria Bhawan and Nirman Kamgar Sang Ambala,
187.	Avery Dennison Employees Union
188.	Samaj Kalayan Bhawan Nirman Karmik Sanghthan Haryana
189.	Haryana Bhawan Aur Sannirman Majdoor Sang, Haryana
190.	Haryana Construction and Allied Workers Union
191.	Shiksha Board Theka Sarmik Sangh Bhiwani
192.	Anubandhit Safai Karamchari Sangh, SHQ, Panchkula,
193.	Swasthay Karamchari Sangh, Haryana
194.	EIPL Workers Union, Bawal, Rewari
195.	Swasthty Theka Karamchari Union, Panchkula
196.	Asha Karyakarta Union, Haryana
197.	All JCB Employees Union
198.	P.G.I.M.S. Anubandh Karamchari Sangathan
199.	Mid-Day-Meal Karyakarta Union Haryana
200.	Belco Pharma Workers Union
201.	Dr. Bhim Rao Ambedkar Karamkar Union, Kaithal
202.	Gramin Chowkidar Sangh Haryana
203.	Sajag Bharat Bhawan Nirmaan Mazdoor Union
204.	Inklab Mazdoor Sangh, Dhanavri.
205.	Taxi Employer Union, Gurugram
206.	Government Medical College Employees Union
207.	All Haryana Pravahan Karamchari Sangh
208.	The Kuruksetra University Non Teaching Employees Association, Kurukshetra.
209.	Haryana Roadways Chalak Sangh
210.	Anubandhit Shramik Sangh, I.G.S.T.P.S.Jharli, Jhajjar

Registered

From

The Labour Commissioner-cum-
Registrar, Trade Unions, Haryana,
Chandigarh.

To

The President / General Secretary
Richa Garment Workers Union, Gurugram,
Plot No. 198, Phase-I, Udyog Vihar, Gurugram.

No. IR-1/2019/ 28175

Dated: 10-9-19

**Subject:- Application of Richa Garment Workers Union, Gurugram for
its registration under the Trade Unions Act, 1926.**

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Reference your application dated nil received on 18.3.2019 on
the subject cited above.

2. Your papers for registration of the Union have been examined.
But the Union is not entitled to registration in view of the following reasons:-

(i) Section 6(e) of the Trade Unions Act, 1926 specifically provides that the 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. Further Section 4(1) of the Act and its two provisos provide that no Trade Union of workmen shall be registered unless at least ten per cent or one hundred of the workmen, whichever is less, are engaged or employed in the establishment or industry with which the Union is connected and further that on the date of making application for registration there must atleast be 7 members of the Union who are workman engaged or employed in the establishment or industry with which the Union is connected. So, it is clear that the members of the Union should be only from one establishment / industry. The object of these provisions is that the members of a Union should have commonness of interests because the persons working in different establishments under different employers cannot have same working and service conditions as there are bound to be differences. Same is the ultimate meaning of the word 'union'. Persons having different and heterogeneous interests cannot have union and commonness of interests.

Whereas, the position of the present applicant Union is quite different and contrary to the above said legal provisions. Rule 4.1 of the Constitution (Bye-laws) of the Union provides that "Any worker employed in

True Copy/
A. D. Singh

Accounts Officer
Labour Department, Haryana

27/7/2020

any capacity in any unit of M/s Richa and Co and M/s Gaurav International and all the Units of M/s Richa Group in Haryana who has attained the age of 18 years shall be entitled to become ordinary members of the Union and will have to pay Rs.10 as admission fees and Rs.120 as annual membership fees. All the members will be entitled to enjoy and exercise their membership rights as per the provisions of Trade Union Act, 1926. Any worker working in any establishment/factory of the Garment Industry across Haryana is qualified to become a member of this Union."

From above said Rule 4.1 and the list of members of this applicant union it is more than clear that the members of this Union are the workmen/employees of different establishments and owners. Therefore, this rule 4.1 of the Constitution (Bye-Laws) runs counter and contrary to section 6(e) and section 4 (1) of the Trade Unions Act, 1926. In such a situation, the registration of the present union is not permissible. For registration of a Trade Union under the Trade Unions Act, 1926 there should be community of interests of the members of the Union. But in the present case the employers and managements of the members of the Union are different, not one. The working and employment conditions of the members including applicants being under different managements/employers are different. Working conditions of persons/workmen/members employed under different employers/ establishments cannot be identical. As such, there could not be commonness of interests of such workmen/members. Persons having different interests cannot form a joint Trade Union entitling that for registration under the Trade Unions Act, 1926. Commonness of interests of the members of a Union is essentially must and of paramount necessity for the purpose of registration of a Trade Union.

(ii) In addition to above, it is relevant to point out here that as per report dated 25.6.2019 of the Assistant Labour Commissioner, Gurugram-1, the above said establishments are separately registered under the Factories Act, 1948. In such situation also the members of the Union coming from different establishments cannot form one union, as also explained above.

In furtherance of above two grounds, it is pointed out that aforesaid proposition of commonness of interest for registration of a Trade Union has also been upheld by the Hon'ble Punjab and Haryana High Court in judgment dated 7.10.2016 in CWP No. 16228 of 2002 titled as 'All Escorts

Endless

*True copy
Attached*

*Units C:
Labour Department Haryana*

27/2/20

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 of 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".

(iii) A perusal of the proceedings of the meetings of the general body shows that the Head Office of the Union is 'House No. 735, Behind Nagar Nigam School, Dada Wala Mohalla, Kapashera, New Delhi-110037'. Except for it the proceedings of the meetings of the General Body do not at all show any other address of the office of the Union. All the three meetings of the General Body, as placed on record, also reveal that all the three meetings were held at the above said address of Delhi. Whereas, in Rule 2 of the Constitution (Bye-Laws) of the Union, the address of the Head Office of this Union to be registered has been shown as of Delhi. With this, another address also has been shown as "C/o Gaurav International, Plot No. 198, Phase-I, Udyog Vihar, Gurugram-122016, Haryana". The showing of office address of Haryana in the Constitution (Bye-Laws) of the Union is contrary to the resolutions of the General Body because no such address has been approved by the General Body. Hence, showing of Haryana address is totally wrong and unwarranted. Therefore this specific resolution of the General Body cannot be overruled by inserting the Haryana address in the Constitution (Bye-Laws) of the Union. However, this Haryana address appears to have been inserted with a view obviously for the purpose of showing that the Registrar, Trade Unions, Haryana has the jurisdiction to register the Union. Whereas, the Registrar, Trade Unions, Haryana cannot

Signature

True copy / Attested

Accounts Officer
Labour Department, Haryana

27/7/22



register a Trade Union having the address of its Head Office at Delhi or any other place outside Haryana. Such provision is contained in section 2(f)(ii) of the Trade Unions Act, 1926.

(iv) Still further, it is also noteworthy to record here that the following 7 applicants have submitted the application for registration of the Union in this office after appending their signatures:-

Sr. No.	Name	Designation
1	Shiv Kumar	Vice President
2	Mukesh Tanti	General Secretary
3	Anil Tanti	Organizing Secretary
4	Akash Kumar	Secretary
5	Dev Jamadar	Secretary
6	Sudhanshu	Treasurer
7	Mukesh Kumar	Media Secretary

The Union has, however, claimed that its total membership is more than 140. But there is no resolution of the General Body authorizing the aforesaid 7 persons for making / submitting the application for its registration. Therefore, the application itself is not maintainable for registration.

In view of above, the application of the Union is not maintainable for registration under the Trade Unions Act, 1926 and the same is hereby rejected.

Sudhanshu
21/5/19
Deputy Labour Commissioner,
for Labour Commissioner-cum-Registrar,
Trade Unions, Haryana

Amal / A...
Accounts Officer
Labour Department, Haryana

[Signature]
27/7/2020