

B7
5080

84

53

CONSTITUTION
OF THE
ALL-INDIA
TRADE UNION CONGRESS

(REGD. No. 1852 Dated 12 SEPTEMBER 1973)

(As amended upto 1979)

AITUC PUBLICATION

Price : 50 paise

CONSTITUTION
OF THE
ALL-INDIA TRADE UNION CONGRESS
Registered under the Indian Trade Unions Act 1926
(Registered No. 1852, Dated 12th Sept. 1973)

1. The name of the organisation shall be the All-India Trade Union Congress (to be designated in abbreviated form as the AITUC).

AIMS AND OBJECTS

2. The objects of the AITUC shall be:
- (a) To establish a socialist state in India;
 - (b) To socialise and nationalise the means of production, distribution and exchange as far as possible;
 - (c) To ameliorate the economic and social conditions of the working class;
 - (d) To watch, promote, safeguard and further the interests, rights and privileges of the workers in all matters relating to their employment;
 - (e) To secure and maintain for the workers:
 - (i) The freedom of speech;
 - (ii) The freedom of press;
 - (iii) The freedom of association;
 - (iv) The freedom of assembly;
 - (v) The right of strike; and
 - (vi) The right to work or maintenance.
 - (f) To coordinate the activities of the trade unions affiliated to the AITUC; and
 - (g) To abolish political or economic advantage based on caste, creed, community, race or religion.

3. The AITUC shall endeavour to further the aforesaid objects by all legitimate, peaceful and democratic methods such as legislations and, in the last resort, by strikes and similar

other methods, as the AITUC may, from time to time, decide.

DEMANDS

4. The demands of the AITUC shall be:
 - (a) A statutory enactment providing for a six-hour working day;
 - (b) Minimum living wage;
 - (c) Weekly payment of wages;
 - (d) Equal wages for equal work, without racial or sex discrimination;
 - (e) One month's leave with full pay, or an equivalent amount of compensation when leave is not granted;
 - (f) Unemployment, sickness, old age, accident and maternity insurance;
 - (g) Pensions for widowed mothers and dependent children;
 - (h) Proper housing;
 - (i) Formation, through trade unions, of workers' committees in factories, workshops, business houses and all other places where collective work is performed, with a view to control conditions of work inside these places;
 - (j) Abolition of the employment of children under 15 years of age;
 - (k) Payment of wages to women workers six weeks before and six weeks after child-births;
 - (l) Abolition of all other systems of recruiting labour, except through trade unions;
 - (m) Abolition of fines and debts; and
 - (n) Effective control of the subscribers over the Provident Funds.

AFFILIATION OF UNIONS

5. (a) The AITUC may affiliate to itself any bonafide trade union which satisfies the following conditions:
 - (i) The trade union seeking affiliation shall make an application according to the form.

- (ii) It shall pay an annual contribution and special levies, as provided in these rules.
 - (iii) It shall send a copy of its rules and regulations, a list of its office bearers, a copy of the statement of accounts for the official year, giving an average paying membership for the period, duly audited as per the provisions of the Trade Unions Act; and such other information or materials as the general secretary of the AITUC may require.
 - (iv) The application for affiliation shall be forwarded through the state committee, wherever such a committee exists, to the general secretary of the AITUC, with remarks, if any, made by the state committee regarding the eligibility of the union for affiliation, under the Rules of the AITUC. Such applications shall be forwarded by the state committee to the general secretary within a period of two months.
 - (v) The minimum fee which a union desiring affiliation to the AITUC shall charge to its members shall not be less than three rupees per year, to be collected either monthly, quarterly, half yearly or yearly.
- (b) The Working Committee of the AITUC shall have the authority of accepting or rejecting any application for affiliation from a trade union, provided, however, that in case of the acceptance or rejection of any such application by the working committee, it will be open to the general council, or to the general body of the AITUC to confirm or set aside such a decision.
- (c) (i) The working committee/general council shall have the right to disaffiliate any union on any of the following charges:
- (a) non-payment of affiliation dues for three consecutive years;
 - (b) indulging in anti-AITUC/anti-working class activities.

- (ii) The working committee/general council shall have the right to suspend or expel any individual office-bearer or member of the working committee or of the general council if such a member indulges in anti-AITUC/anti-working class activities.
 - (iii) Any union or individual against whom action is proposed to be taken under sub-rule (b) (i) and (ii) shall be informed in writing of the charges against it/him and opportunity shall be given to its representatives to answer the charges.
 - (iv) A decision of the working committee/general council shall be by simple majority of those present.
 - (v) Any union individual against whom action has been taken may appeal to the next higher body. The general council will also have the right to review its earlier decision. Pending the appeal/review, the decision of the working committee/general council shall however be fully operative.
- (d) Agricultural Workers' Unions:
- (i) The working committee/general council of the AITUC may affiliate a union/federation of agricultural workers on an application made by it in the form specified.
 - (ii) Such a union/federation shall be governed by the constitution and will have all rights and obligations of an affiliated union subject to the following provisions:
 1. The minimum fee chargeable from its members prescribed in Rule 5(a) (v) of this constitution shall not be applicable.
 2. The affiliation fee payable to the AITUC shall be at the rate of 10 paise for every five members. 50 per cent of this fee will be paid to the respective state committees;
 3. A union affiliated under this clause shall be entitled to send delegates to any session on the following basis: and its membership will be account-

ed for the relevant state's entitlement under Rule 9(a) (vi) for the general council on a pro-rata basis: One delegate for every 5,000 members. Any fraction over the last batch of 5,000 members shall be entitled to one additional delegate if it is in excess of 2,500 members.

- (c) The AITUC will maintain a register of affiliated unions. Such list and account books shall be open for inspection by the general council members on giving 15 days' prior notice in writing to the general secretary.

AFFILIATION FEES

- 6. Each affiliated union shall pay to the AITUC:
 - (a) An annual contribution at the rate of 25 paise per member, subject to a minimum of Rs. 30/-.
 - (b) Such other levy as may be fixed by a majority of not less than two-thirds of the members of the general council.

(Note: Accounts of the AITUC shall be maintained in accordance with the financial year beginning from January 1 and ending with December 31).

- 7. (a) The annual contribution shall be paid by the 30th June each year. The special contribution or levy shall become payable as and when fixed in each case. Non-payment of any contribution or levy that has become due shall disqualify the defaulting union from voting at or participating in the meetings of the AITUC, or any of its constituent bodies, until the payment is made; the disqualification shall also apply to the voting on the circulars that may be issued by the secretariat, till the fees are paid; provided that the working committee may, in special cases for reasons to be recorded, remit the disqualifications.
- (b) A union, when disqualified for non-payment of contributions or levies may be realliliated on payment of the arrears and the current fees.
- (c) In case a union is disqualified, within the meaning of subrule (a), for a period of not less than twelve

months, the general secretary may issue a notice to the union concerned to make good within three months, all the dues at the date of the notice. In case, the union fails to pay all such arrears, demanded within the time given, it shall be liable for disqualification.

COMPOSITION OF THE AITUC

8. The AITUC shall consist of:
- (i) The affiliated unions;
 - (ii) The delegates assembled at the general or special session;
 - (iii) The general council including the office-bearers;
 - (iv) The working committee of the general council;
 - (v) The state bodies.

GENERAL COUNCIL

9. (a) The general council shall consist of:
- (i) A president;
 - (ii) Not more than nine vice-presidents;
 - (iii) A general secretary;
 - (iv) A treasurer;
 - (v) Not less than three secretaries, but not more than five; and
 - (vi) Other members elected by the general session of the AITUC on the basis of the total affiliated membership of unions in each state on the following scale:
 - One representative for every 5,000 members or part thereof up to a membership of 50,000;
 - One representative for every additional 10,000 members;
 - One representative each from the trade federations or groups that may be formed by the general council.
- (b) Delegates alone shall be eligible for election to the general council. Election of members of the general

council shall be made during the general session of the AITUC, by the delegates present at the session.

- (c) Vacancies shall be filled or changes made in the personnel of the general council from the state where vacancies have occurred, at a meeting of the general council.

10. The council of state committees shall have the right to substitute members of the general council from the state as elected under Rule 9(a) (vi).

11. The representatives elected by the AITUC on the general council, in the manner prescribed in these rules, shall co-opt members on the council, not necessarily connected with any trade union as such but who have taken part in the trade union movement and whose presence on the council may be considered essential in the interest of the movement. The number of such co-opted members may not be more than one-sixth of the total number of representatives of the affiliated organisations.

12. There shall be a working committee of the general council consisting of:

- (a) All office-bearers of the AITUC as ex-officio members;
- (b) Thirty-five members elected by the general council by a system of cumulative voting.

13. (i) The general secretary and secretaries shall constitute the secretariat.

- (ii) The functions of the secretariat will be defined by the working committee.

14. (a) The AITUC shall meet once every three years;
- (b) The general council shall meet at least once a year;
 - (c) The working committee shall meet at least twice a year.

15. The working committee shall have the power to call a special session of the AITUC. On a requisition from the unions representing one-fourth of the total strength of the AITUC, the general secretary shall, in consultation with the president, call a special session of the AITUC within six weeks of the receipt of the requisition, for the purpose of transacting the definite business mentioned in the requisition.

NOTICE FOR MEETINGS

16. (a) Notice of the time and place of meeting of the working committee, general council and general and special sessions of the AITUC, shall be given by the general secretary.
- (b) For the meeting of the working committee, at least 15 days' notice shall be given; for the meeting of the general council and the general session of the AITUC, at least a fortnight's and a month's notice respectively shall be given.
- (c) Emergency meeting of the working committee can be called by giving a notice of seven days.

ELECTION OF DELEGATES

17. (a) For the general or special session of the AITUC the affiliated unions (except agricultural workers' unions) shall be entitled to elect delegates on the following basis:
 - (i) One delegate for each union having a membership up to 500.
 - (ii) One additional delegate for every complete set of 500 members up to a total membership of 15,000.
 - (iii) One additional delegate for every complete set of 1000 members over a membership of 15,000.
 - (iv) One additional delegate will be allowed for the last fraction in each category provided that the said fraction consists of more than 50% of the requisite numbers.
- (b) To ascertain the number of delegates which an affiliated union is entitled to send to the AITUC, the basis shall be the number of paying members existing on the register of the union, as disclosed in the balance sheet of the union, for the year prior to the session of the AITUC, duly certified by the auditor

- (c) An affiliated union shall furnish to the general secretary the names and addresses of the delegates two weeks before the date fixed for the session of the AITUC.
- (d) Delegate's cards will be issued on production of a certificate of election by the secretary of the union concerned and on payment of a delegation fee of Rs. 2.00 per delegate.
- (e) No person who is neither an office-bearer of the affiliated union, nor a member of the affiliated union shall be entitled to be elected as a delegate of the AITUC.
- (f) Office bearers or members of the working committee or general council who are working in the central office of the AITUC will be ex-officio delegates to the general or special session of the AITUC with full rights to speak and vote. The working committee will determine the number and names of such delegates for every session.
- (g) Propositions for the agenda of the general session of the AITUC must be signed by the president or the secretary of the union sending them, and must reach the general secretary of the AITUC, at least two weeks before the time fixed for the meeting of the AITUC.
- (h) A trade union shall not be allowed to send more than five resolutions but in order that important labour questions may not be omitted from discussion at the session, the general council is empowered to place important propositions on the agenda.
- (i) At the meeting of the AITUC, the official business shall have priority over other business.

18. On a motion being put to the session of the AITUC, the president shall declare the result on a show of hands. But if any delegate demands a division, the voting shall be by unions, and each union is then entitled to as many votes as the number of delegates it is entitled to send as per rule 17 above. On a poll, the voting shall be by means of a card.

QUESTIONS FOR DECISION

18-A. Questions coming for decision before the working committee, the general council and the session of the AITUC, shall be decided by a majority of votes, provided, however, that questions of political nature, and those relating to strikes to be declared by the AITUC, and the affiliation of the AITUC to any international organisation shall be decided by a three-fourths majority.

RECEPTION COMMITTEE

19. (a) The state committee for the place where the session is to be held, will form a reception committee for the purpose. In places where a state committee is not functioning, a committee appointed by affiliated unions of the place shall be the reception committee.

(b) The reception committee shall have power to collect funds for the expenses of the AITUC session. After meeting the expenses of the session, if there be any surplus, the same shall belong to state or local trade union organisation of the place, where the session is held.

QUORUM

20. The quorum at the sessions of the AITUC and at the meetings of the general council and the working committee shall be one-third of the delegates or members of the respective bodies. The quorum for meeting of the secretariat shall be three.

POWERS OF GENERAL COUNCIL AND WORKING COMMITTEE

21. (a) The general council shall have the authority to take all proper steps to carry out the work of the AITUC in accordance with the constitution.

(b) The working committee shall have the authority:

(i) To take all proper steps for carrying out the resolutions passed at the previous sessions of the AITUC;

- (ii) To deal with the emergency that may arise affecting the interests of the working class; and
- (iii) Generally to advance and further the aims and objects of the AITUC.

GENERAL SECRETARY'S REPORT

22. The general secretary shall present to the general session, a report of the work done by the working committee the general council and an audited statement of accounts and balance sheet, duly certified by auditors.

ELECTION OF OFFICE-BEARERS

23. Office-bearers shall be elected by simple majority by the general council of the AITUC at its meeting immediately following its election and before the session concludes.

The general council shall be entitled to fill any vacancy or make any other changes among the office-bearers arising due to any reason.

24. The outgoing president shall preside at the general session, and any special session that may be held during his term of office.

ELECTION OF DELEGATES TO INTERNATIONAL AND OTHER CONFERENCES

25. Delegates and advisers to the meetings of the World Federation of Trade Unions and other international and national conferences and meetings shall be ordinarily elected at meetings of the general council or the working committee, whichever is being in session. In case of emergency and when either the general council or the working committee cannot be convened, decisions may be taken by circular to the members of the working committee.

INTERNATIONAL AFFILIATION

26. The AITUC may be affiliated to such international bodies as have same or similar object and methods.

The decision about affiliation shall be taken by the general council of the AITUC.

POLITICAL COMMITTEE

27. The working committee may appoint, from among its members, a political committee consisting of seven members. The committee shall endeavour:

- (i) To encourage the affiliated unions to build up their political funds;
- (ii) To organise, in consultation with the general council, elections to the local bodies and the legislatures.
- (iii) To keep a watch over the taxation proposals of the central and state governments and over the development of labour legislation in India, from the point of view of the working class
- (iv) To initiate legislation in the interests of the working class; and
- (v) To do such other political propaganda in consultation with the working committee, as may not be inconsistent with this constitution.

FINANCES

28. The funds of the AITUC shall be kept in a bank and the working committee shall have the power to nominate such persons from among the office-bearers of the AITUC who may be authorised to open and operate such bank accounts.

The funds of the AITUC will be spent for the management of the organisation and on trade union issues as decided by the secretariat/working committee of the AITUC.

BYE-LAWS

29. The general council shall have power to make bye-laws, not inconsistent with this constitution, and in particular on questions to:

- (a) the election of delegates,
- (b) the submission of returns, and
- (c) the affiliation fees.

STATE COMMITTEES

30. (a) Affiliated unions in every state/union territory shall form a state committee of the AITUC. Every union in the state/union territory affiliated to the AITUC shall automatically form a part of the state committee, and a union which has not secured affiliation to the AITUC cannot become a member of the state committee. The state committee and the individual unions shall have power to manage their affairs according to their own rules, subject to the provisions of this constitution.

Where a state consists of two or more linguistic units, separate state trade union committees may be permitted to be formed by the general council.

- (b) Out of the collection of affiliation fees from unions, the state committees shall be paid fifty percent.
- (c) State Committees shall have the right to fix levy on affiliated unions in the state, as may be decided by a majority of not less than three-fourths of the members of the general council of the state Committee.
- (d) The state Committee may enrol as associate member, any union which has not secured affiliation to the AITUC but which proposes to observe the constitution of the AITUC, except sub-rule (a) (iv) of Rule 5. The associate unions will have no power of voting at the meeting of state committees nor will they be entitled to have any privileges of affiliated unions under the constitution of the AITUC.

AMENDMENT

31. Any addition or changes in the Constitution shall be made by the General Council by a three-fourth majority in a meeting attended by at least sixty per cent of the members for which a specific item in the agenda has been notified in this behalf.

32. The AITUC shall be merged with any TU organisation or dissolved on a decision taken by a three-fourths majority of the delegates present at a special congress with specific agenda called for the purpose.

BYE-LAWS OF THE CONSTITUTION UNDER
RULE 29

(1) Election of delegates: Delegates to the session of the AITUC shall be elected in a meeting of the executive committee or some duly authorised committee or the general body of the union. A delegates form should be issued by the general secretary, AITUC, to each union in which the names of the delegates and other details required, shall be entered. The general secretary, AITUC, shall register only those persons as delegates, whose names are sent to him duly entered in the form.

(2) Submission of Returns: Every affiliated union shall send to the general secretary, every year, such information or material as the general secretary may require. The general secretary, should issue a form in the month of April every year. The information must reach the office of the AITUC by the end of August. A report of the information received may be presented to the general council at its next meeting held after October.