



TRADE UNION IN INDIA, OBJECT OF THE TRADE UNION ACT, 1926 AND VARIOUS SHORT COMINGS OF THE TRADE UNIONS IN INDIA

*By Rahul Kapoor
From Indore Institute of Law*

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ABSTRACT

This research paper deals with the purpose, scheme of the trade unions Act, 1926 and various short comings of the trade union in India. Trade union can be described as an association of wage earners, formed for the purpose of collective action for the defense of its professional interest. We see in this paper, the history of the trade union, events occurred in 1st world war and 2nd world the era of pre independence in subject related to working class. The condition of the working class is very worst and we see that after the independence parliament passed certain laws for the protection of working labour. Trade union Act was passed in 1926 before independence and we know that at that time british rule was existing no proper implementation was there, after independence certain amendments were came for proper implementation. This Act provide certain provision which is benefited to the practice of trade union, such power and immunities were given to registered

trade unions, rules and regulation is drawn for the registration of trade union etc. But the implementation of Act is very necessary now we see various shortcoming of the trade union because of many reasons and one of the main reasons is no proper implementation of the government plans which is drawn for the workers protection to provide education, awareness etc, and the resultant conclusion is that the present situation in India related to workers is that majority of the workers had no knowledge about trade union, migrated worker cannot attempt to join trade union because they were very poor, lack of leadership qualities is there and many more short comings and certain problems. Implementation of such Act in several areas or industry is not proper, the labour who don't have knowledge exploit easily. Government had to takes measures for the proper implementation and awareness programme.

INTRODUCTION

For the first time an association of mill workers was formed named 'Bombay mill hands association' this association was formed for the relief or redressal of grievances of the Bombay mill workers, there was a beginning of the trade unionism in India can be traced back to the year 1890, when the association of the Bombay mill workers was formed. After the event of the 1st world war occurred certain problems and difficulties was arise, the cost of living is effectively increased and the existing British ruled also gaining their interest and exploit Indian workers throughout the country. At that time the increase in cost of living in the world-wide and the economic dissatisfaction among the workmen or working class particular in the industries.



The industrial unrest and the economic dissatisfaction led to numbers of strikes by workers. On the many occasions these strikes was successful in getting the demand of workers fulfilled. The trade union movement in India got drifted by success of strikes in India and the establishment of International labour organization has also influenced the growth to the trade union movement in our country.

After the independence democratic spirit is gradually developing the welfare state among the Indian citizens and workmen in industries. An event had got occurred in the year 1920 that in High court of madras a suit file against the officials of the madras textile labour by Binny & co, granted an injunction restraining the unions officials to induce certain workers to break their contracts of employment by refusing to return to work. Obviously the leaders of the trade union found themselves liable to prosecution and imprisonment even for bona fide trade union activation. This was the event it was felt that some legislative protection to trade union was necessary. Mr. N.M. joshi, the general secretary of all India trade union congress successfully moved a resolution in central legislative assembly to take measure by government for protection of trade union. The employers were so much opposed to any such legislative measure being adopted that the passing of the Indian trades union Act, but effectively the Act was passed in 1926 and Act was enforced only from 1st june, 1927.

1. HISTORY OF THE TRADE UNION MOVEMENT IN INDIA.

After 19th century industrial revolution in India bring about radical changes in the

western world. Furthermore, significant changes in the method of production, shipping and transportation resulted in changes in Social set-up. With the technological and scientific development in the industrial sector reach in the emergence of the two classes. The two classes that is the Managerial class (Entrepreneur's class) and the working class (labours or wage earning class). And these both the classes strive for conflicting interests. The working class claims for the higher wages and better conditions of service, while managerial class demands the maximum production at minimum wages.

There is a conflicting interest between the managerial class and wage earning class, with regard the evolution of Industrial relations are very much influenced by the government policy related to industrial relations. To end the disputes and problems between both the classes government bring some policies and it use legislation, administrative actions, tripartite consultation and education to solve the problems and the dispute between both the classes. With such problems and disputes, disputes regarding the wages of workers, no proper facilities to workers, no proper security to workers and so on. After the trade union moment came in India which had experienced or be subjected to Industrial revolution. The basic reason for the growth of trade union moment in India during 19th century and prior to 1st world war was the lack of Industrial development in the country and such other reasons like no proper wages is given to working class, deprivation of freedom of expression, instability of labour force, no proper participation of



workers, exploitation of workers, and so on under the British rule.

The real credit for the organized Labour movement in India goes to N.M. lokhande (Narayan meghaji lokhande) known as the father of the trade union Movement in India, the purpose of N.M. lokhande is to create attention of Government and public towards the unfairness of textile workers of Bombay and revision of Factories Act 1881. The period from 1904-1911 was the another phase for the trade unionism in India. In this period certain trade unions are formed. The leaders of Indian national congress founded the All India trade Union Congress in the year 1920 and it was the apex organization with a hierarchical setup of the associations at the provincial and regional levels finally linking the individual unions. For the first time in 1920 all India trade union Congress represented the Indian labour at the International labour organization (ILO).

Shri. N.M joshi, the father of the modern trade unionism in India, introduced a trade Union Bill in the assembly in the year, 1921. Thus, the struggle was begun for the legal recognition of the trade union in India for the protection of the working class and their existing adverse condition, at that time the British rule was existing at that time the government was unwilling to pass the bill. But due to heavy pressure from the political parties the government was compelled to enact the Indian trade union Act in 1926. After the enactment of the Indian trade Union Act 1926 the sudden occurrence of the 2nd world war arise and the 2nd world war brought some difficult conditions to the business

community and the economic difficulties to the working class, and during the world war the restraint of trade Union by the government invoking the defense of India rules which prohibited strike in essential services.

So, with the attainment of the independence in 1947 it will begin with the new era of the Indian Labour movement and after the Independence, the national government promising a fair deal to the working class and passed a number of labour legislations conferring rights and benefits on industrial workers.

TRADE UNION IN INDIA: OBJECT AND SCHEME OF THE TRADE UNION ACT, 1926.

Trade union is a voluntary association of workers in a particular industry or a Craft. Our Indian constitution of India under article 19(1)(c) guarantees freedom of association accords recognition to workers. However, this right is not available to certain categories of jobs. For instance government servants, who cannot form trade union under the trade union Act, 1926. (Tamil nadu NGO union vs registrar, trade unions, AIR 1962, madras HC held that tamil nadu union, which was an association of sub magistrates of the judiciary, tehsildars, etc, was not a trade union because these peoples are engaged in sovereign and functions of the state.

Under the trade union Act, 1926 a registered trade union enjoys certain privileges and immunities. The Indian trade unions Act was passed in 1926 and it came into force from 1st June, 1927. As we know at that era when the law (Indian trade union Act, 1926) was passed there was an British rule existing and the act



itself identical to the English trade union law. After the independence an Amendment came in 1964 by the Indian trade Unions (amendment) Act, 1964 the word 'Indian' has been deleted and Act is entitled as "the Trade Unions Act, 1926".

OBJECT OF THE TRADE UNIONS ACT, 1926.

The main object of the Act is to provide machinery for the registration of the trade unions. The term trade union used in the Act is not only confined to the workers union but also includes employers association as well according to section 2(h) of the trade union Act, 1926. The definition of the trade union under section 2(h) is very wide and since it covers not only workers union but also employers unions/associations. The Act also prescribes the object for which a trade union may spend and generate its general funds and also provides for the constitution of a separate fund for the political purposes. Its main object is to ensure industrial harmony, proper functioning and peacefully assemble without any dispute. And in the provisions of the trade unions Act the registered trade unions are protected from various civil and criminal liabilities under certain situations.

TRADE UNION : MEANING AND DEFINITION

The trade union is commonly understood as 'an association of wage earners/workers'. It is a voluntary association of workers in a particular industry or a craft.

According to Chambers¹, "A trade union is an association of wage earners, formed primarily for the purpose of collective

action for the forwarding defence of its professional interest.

According to L.J. hanson, A trade union is essentially an organization of the workers. In the words of the N.M. joshi, a well known trade unionist, "a trade union is essentially an organisation of the employees, not of employers, not of co-partners, not of independent workers".

Webbs, define trade union as, "it is a continuous association of wage earners for the purpose of maintaining or improving the conditions of their working lives".

Sec. 2(h)¹ "Trade Union" means any combination, whether temporary or permanent, formed primarily :

- (a) for the purpose of regulating the relations between
 - (i) workmen and employers or
 - (ii) between workmen and workmen,
 - (iii) or between employers and employers,
- (b) imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more Trade Unions:

INGREDIENTS OR ELEMENTS OF TRADE UNION:

To constitute trade union –

- there must be combination of workmen or employers;
- there must be trade of Business; and
- the main object of the union must be to regulate relations of employers and employees pr to impose restrictive conditions on the Conduct of any trade or business.

The definition of the trade union under Sec. 2(h)¹ is too wide since it covers not only workers unions but also employers unions/associations. As express by N.M. Joshi a well known trade unionist, a trade



union should refer only to workers organisations.

RECOGNISATION OR IDENTIFICATION OF THE TRADE UNION

There is no provision under the trade Unions Act, 1926 for reorganization of the trade unions. The trade union (Amendment) Act, 1947 made provisions for the recognition of the trade unions by agreement and by order of court subject to fulfillment of such conditions. But the Act has not been implemented. Later the trade union bill, 1950 also provided for recognition where application was made by more than one union, but the bill was lapsed on the dissolution of parliament, again an attempt was also made to amend the trade union Act, 1926 in 1950 in the parliament providing for the inspection of books of trade unions by the registrar of trade unions. But this bill also lapsed with the dissolution of parliament. The Bombay industrial relation Act, 1946, the Madhya Pradesh and Rajasthan state Act provide compulsory recognition. On 06-09-1999 the central government had decided to give recognition to trade unions as central trade union for the purpose of representation in the world organisations and international conferences if the unions fulfill the following conditions:

- The union has a minimum of five lakhs memberships as on march, 1997.
- The union must have members from at least four states.
- The union must have membership at least in four industries

The central chief commissioner will make verification relating to the fulfillment of the above mentioned conditions.

RIGHTS OF RECOGNISED UNION

A trade union which is statutorily recognised must be entitled to the following additional privileges and rights compared to an unregistered union-

- The right to sole representation of the workers in any collective bargaining;
- To raise issue and enter into agreements with employers on general questions concerning the terms and conditions of employment;
- To collect membership fees and subscriptions payable by members to the union within the premises undertakings or demand check off facility;
- To put up notice board in the premises of the undertaking and affix notices relating to meetings, statements of accounts and other announcements;
- To nominate representatives to grievance committee or statutory and non- statutory bipartite committees.
- To discuss with the employer the grievances of the workers.

The recognition of a trade union is different from its registration. A trade union registered under this Act is entitled to all the protections and rights given by the Act.

REGISTRATION OF TRADE UNION

For the permanent growth and stable unions, unions is encouraged by relying on the device of registration. A registered trade union is entitled to get some benefits and protection under the Act. Therefore the supporters of the trade union are prompted



to get their union registered under the trade union Act, 1926.

Chapter-2 of the trade Union Act, 1926, containing sections 3 to 14 lays down the provisions relating to the registration of the trade unions. Registration is a good device to ensure growth of permanent and stable unions. Registration of trade union is not compulsory, but the registration is desirable because a registered trade union enjoys certain privileges and immunities. Similarly the rights and privileges are conferred on the members of a registered trade union. In other words, the members of a registered trade union are entitled to get protection, immunities, exemption from certain civil and criminal liabilities. However, it is to be noted that an individual dispute becomes an industrial dispute only when it is represented through a body of workmen or trade union, registered or not. Similarly, a civil servants union cannot be registered under the trade union Act.

In this case¹ the high court of madras on appeal by the N.G.O's union dismissed the appeal. In this case, application for registration of the N.G.O's union was refused by the registrar of the trade union on the ground that the unions of civil servants could not be registered under the trade union Act. Highcourt dismissed the appeal on the ground that, to get the union registered under the trade union Act, the members of the union must be workmen engaged in trade, business or industry and the applicants do not have such capacity, since they are civil servants engaged in the tasks of the sovereign and legal aspects of the state.

In the case¹, the Calcutta high court held that employees of E.S.I. Corporation would come within the meaning of workmen and

hence, they could be registered under the trade unions Act.

PROCEDURE AND FORMALITIES FOR REGISTRATION

Chapter 2 containing sections 3 to 14 of the trade Union Act, 1926 and the central trade union regulations, 1938 containing 17 rules and forms A, B, C provide for the procedure for the registration of the trade union.

REGISTRATION (Sec. 3 and 4):

Empowers the appropriate government to appoint the registrar of trade union for each state¹:

The appropriate Government may appoint as many Additional and Deputy Registrars of Trade Unions as it thinks fit for the purpose of exercising and discharging, under the superintendence and direction of the Registrar, such powers and functions of the Registrar under this Act as it may, by order, specify and define the local limits within which any such Additional or Deputy Registrar shall exercise and discharge the powers and functions so specified.

Mode of registration¹

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.

Application for registration¹

Every application for registration of a Trade Union shall be made to the Registrar, and shall be accompanied by a copy of the rules of the Trade Union and a statement of the following particulars, namely:--



- the names, occupations and addresses of the members making the application;
- the name of the Trade Union and the address of its head office; and
- the titles, names, ages, addresses and occupations of the office-bearers of the Trade Union.

A trade union is not entitled to registration unless the executive thereof is constituted in accordance with the provisions of the Act.

POWER OF REGISTRAR TO CALL FOR FURTHER INFORMATION¹

Section 7 of the Act empowers the registrar to call for further information and may suggest necessary changes with regard to name of the trade union. Power to call for further particulars and to require alteration of name.

REGISTRATION¹

According to section 8 of the Act, the registrar on being satisfied, registers the trade union by posting necessary entries in a register, and issues certificate to that effect under section 9 of the Act¹.

EFFECTS OF REGISTRATION

Incorporation of registered Trade Unions¹

Every registered Trade Union shall be a body corporate by the name under which it is registered, and shall have perpetual succession and a common seal with power to acquire and hold both movable and immovable property and to contract, and shall by the said name sue and be sued.

CANCELLATION OR WITHDRAWAL OF REGISTRATION¹

A certificate of registration of a Trade Union may be withdrawn or cancelled by the Registrar on the following grounds-

- (a) if the certificate has been obtained by the trade union
 - by means of fraud; or
 - by mistake; or
 - if the trade union is not in existence; or
 - if the trade union has contravened any provision of the Act willfully; or
 - if the trade union has incorporated any rule in its rules, which is inconsistent with the provisions of the Act.

Where the registration is cancelled or withdrawn on the application of the trade union, the registrar must satisfy himself, before granting such order. Where the withdrawal or cancellation of registration is for any other reasons, the registrar must give two months' notice specifying the grounds on which it is proposed to be withdrawn or cancelled the certificate of registration.

PRIVILEGES AND IMMUNITIES OF A REGISTERED TRADE UNION

The registered trade unions have certain privileges and immunities. Registration of trade union is not compulsory/mandatory. In other words it is optional. Similarly, the members of the trade union also are entitled to these benefits; enjoy privileges and immunity, exemption from certain civil and criminal liabilities. The trade unions Act, 1926 provide certain privileges and immunities to the members/leaders of the registered trade unions. The immunities or privileges of the registered trade unions may be explained with reference to the following heads:



a. CIVIL LIABILITY¹
IMMUNITY FROM THE CIVIL LIABILITY.

This immunity is available to registered trade union, any office bearer or its member. No civil suit lie against them for an Act, done in connection with a trade dispute on the ground that:

- Such act induces some other person to break a contract of employment; or
- It interferes with the trade or business or employment of some other person.

Further the inducement should be lawful means and not prohibited by the law of land. There is no immunity against violence, threats or any other illegal means. In the case¹ Kerala high court held, it was held that strike per se is not an actionable wrong. Further, it was held that the trade union, its officers, and its members are immune against legal proceedings linked with the strike of workmen by the provisions of section 18.

In the leading case¹ Patna high court held, it was held that employers do not have the right to claim damages against the employee participating in an illegal strike and thereby causing loss of production and business.

IMMUNITY FROM TORTIOUS LIABILITY,

The word 'tort' is a civil wrong. It is redressable by an action in civil court. It differs from breach of contract, breach of quasi contract, breach of trust or other equitable obligations(eg, trespass, private nuisance etc). But the section 18(2) of The trade unions Act, 1926, provides immunity from tortious liability. The Act seeking

exemption or immunity from tortious liability must be furtherance of a trade dispute.

A registered trade union is not liable for torts committed by its agent in furtherance of trade dispute, if such agent Acted:

- Without the knowledge of the executive committee of the trade union; or
- Contrary to the express instructions of the executive committee.

b. CRIMINAL LIABILITY

Criminal conspiracy in trade disputes –

According to section 17 of the trade unions Act, 1926, the office bearers of the registered trade union are immune from criminal liability for criminal conspiracy. English law defines conspiracy as 'an agreement of two or more persons to do an illegal act or a legal act by an illegal means'. Section 120-A of the Indian penal code, 1860, defines criminal conspiracy reads as follows

“when two or more persons agree to do, or cause to be done-

1. An illegal Act, or
2. An Act which is not illegal by illegal means, such an agreement is designated as a criminal conspiracy,”

The trade union Act, 1926, gives immunity to registered trade union, this immunity is partial in the sense that it is available only with respect to the legal agreements created by the members of trade union for the stimulation of valid objects of a trade union. Registered Trade Unions have certain rights to do in stimulation of their trade disputes such as calling for strike, persuading members. Illegal act includes all Acts which



provide ground for civil action. Thus for example, two men who agree to persuade workmen to break their contract with their employers are guilty of criminal conspiracy but section 17 of trade union Act, 1926, protects the trade unionist from criminal conspiracy where the agreement into which they have entered is not an agreement to commit an offence.

In the case of West India Steel Company Ltd. vs Azeez 1990 Kerala, a trade union leader block or shut off work inside the factory for 5 hours leader was protesting against the delegation of a workman to work another section. It was held that while in a factory, the worker must submit to the instructions given by his superiors. A trade union leader has no immunity against disobeying the orders. A trade union leader or any worker does not have any right by law to share managerial responsibilities.

MINOR AS A MEMBER OF TRADE UNION

Section 21 empowers a trade union to admit a minor who has attained the age of 15 years, as a member of trade union. The minor so admitted shall enjoy all rights and privileges, as are enjoyed by other members. He can utilize the right to vote. But he is not entitled to become office-bearer of the trade union, until he has attained the age of 18 years.

COLLECTIVE BARGAINING

Collective bargaining or negotiation is one of the methods for settlement of an industrial dispute. It plays significant role in promoting labour management relation and

in ensuring industrial harmony. Collective bargaining is a process/method by which problems of wages and conditions of employment are settle peacefully and voluntarily between labour and management. In collective bargaining, the parties to the dispute that is the employer and workmen/employees settle their disputes by mutual discussions and agreements without the intervention of a third party. Such settlements are called bipartite settlements.

Therefore settlement of labour disputes by direct negotiation or settlements through collective bargaining is always preferable as it is the best way for the betterment of labour disputes. Collective bargaining is recognized as a right of social importance and greater emphasis is placed on it by India's five year plans.

GENERAL FUND AND POLITICAL FUND

Every registered trade union acquires certain rights and privileges on registration. As such, a registered trade union is entitled to maintain two kinds of funds namely:

- General fund and
- Particular fund.

GENERAL FUND

According to section 15 of the Trade union Act, 1926, a registered union can create a general fund. Members of the trade unions have to contribute, to the general fund. The fund can be utilized only for the purpose authorized by section 15 of the Act. The following purpose for which the general fund may be spend:



- (i) The payment of salaries, allowances and expenses to office-bearers of the Trade Union;
- (ii) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds.
- (iii) The expenses in connection with prosecution or defense undertaken for the purpose of securing or protecting any rights of the trade union.
- (iv) The conduct of trade disputes on behalf of the union or any member.

- The registration of electors or the election of a candidate for any legislative body or any local authority;
- The holding of political meetings of any kind, or the distribution of political literature or political documents of any kind to the members of the trade union.

RIGHTS, DUTIES AND LIABILITIES OF REGISTERED TRADE UNIONS

RIGHTS: the rights of registered trade union may be explained with the reference to the following heads-

Right of Admission: right to admission as a member in the trade union is not absolute right. A trade union may impose certain restrictions, qualifications for admissions subject to the provisions of the trade union Act and the rules and any other law in force.

Right of representation: A trade union can make a representation on the behalf of the employee or individual dispute, if such employee give written statement. With that statement, a trade union make representation before any conciliation officer, industrial tribunal, labour courts etc.

Right to contract: it can enter into contracts on its own name, being it is a legal person.

Right to own property: it can purchase and own movable or immovable property on its own name.

Right to sue: A trade union is a juristic person it can sue employer or any other person, it can argue before any labour court, authorities, and on behalf of itself, or it can argue on behalf of its members.

Right to inspect books: there is a valuable rights to the members of the

POLITICAL FUND¹

A registered trade union can create a separate fund for the purpose of promoting civic and political interests of its members. A registered trade union is not entitled to utilize its general funds for political causes of its members. For the political causes the trade union must create a separate political fund. The contribution to such fund must be collected separately.

- The payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body or of any local authority. The expenses includes the expenses incurred before, during or after the election in connection with his candidature.
- Maintenance of any person who is a member of any legislative body or of any local authority.

- (i)
- (ii)
- (iii)
- (iv)
- (v)
- (vi)



trade union or the office bearers, they can inspect the book of account at such time and this rights is given under section 20 of the trade union Act, 1926. However they have no right to take copy of books.

- (vii) **Right to Amalgamate:** According to section 24 of the Act, two or more registered trade unions may become amalgamated as one trade union with or without dissolution or division of funds of such unions.

DUTIES AND LIABILITIES:

The trade unions Act, 1926 imposes the following duties and liabilities on a registered trade union:-

- The act imposes on a registered trade union, duty to spend the fund (general fund and political fund) allotted for the purpose.
- Every registered trade union must send annually to the registrar in the following matters:
 - (a) A general statement, audited in proper manner of all receipts and expenditure during the year ending 31st December,
 - (b) An audited statement of its assets as on year ending 31st December.
 - (c) A statement showing change of office bearers or members made by the trade union during the year,
 - (d) A copy of the rules of the trade union amended up to date.
- Whenever any alteration is made in the rules of the registered trade union, a notice regarding altered rules must be sent to registrar within 15 days of such alteration.
- When failure to submitted returns or give notice, shall make every office bearers or other person bound is liable to pay fine

which may extend to Rs.5 and not exceeding Rs.50.

- Any person who gives false information to any member of registered trade union with an intention to deceiving him is liable to punished with fine may extend to Rs.50.
- While selecting (or electing) a person as a member as a member of the executive committee or for any other office it must be seen that such person has completed the age of 18 and there was no conviction on him for any offence. And if such conviction and a period of five years has elapsed since his released then he is qualified for those post.
- A minister or a person holding an office of profit in union or state not be selected as the member of the executive or office bearer of a registered trade union(2001 Amendment).

AMALGAMATION OF TRADE UNION

According to section 24 of the Act, two or more registered trade unions may become amalgamated as one trade union with or without dissolution or division of funds of such unions. Section 25 lays down the procedure for the amalgamation that notice is to be served to the registrar of other state/states also, and section 26 speak about the effects about the amalgamation that the change in name does not affect the rights and obligation.

DISSOLUTION OF TRADE UNION

Section 27 of the Trade Union Act, 1926, deals with the dissolution of the registered trade union. Where a trade union is registered, a registered trade union may be dissolved at any time. Notice of such



dissolution signed by secretary and any other 7 members must be sent to the registrar within 14 days of dissolution. If the registrar is satisfied that the dissolution has been effected in accordance with the rules of the trade union, the registrar will register the fact of dissolution. The dissolution will come into effect from the date of such registration. And where the trade union's rules provide for the division of funds, the division of funds should be made in accordance with such rules.

If the trade union is unregistered the rules do not provide for dissolution, then it may be dissolved with the consent of all the members, or by the order of the court.

SHORTCOMINGS OF TRADE UNIONS

- The multiplicity of the unions in the same industry lead to division among workers and the existence of rival unions is responsible for unhealthy growth of trade union, in this situation employers take advantages at the time of collective bargaining and exploit working class.
- Before independence there were only few industries were existing in country, employers that is managerial class paid very low wages to the workers making their economic condition worst and in present situation same problem is existing, therefor workers are unable to pay subscription member fee for the trade union and never join the trade union.
- Mostly trade unions in our country were very small because of the small unions members cannot make efficient pressure on government or industries to fulfill their demands and requirements.
- The implementation of trade unions rules and regulations of the trade union Act is

not effectively and efficiently implemented, for this working class suffers certain problems.

- Establishment of trade union is because of dispute between employer and employee, so the working class of trade union have to face opposition from employers, so the employers try to discourage and given bribe to the union officials.
- Some migrated workers would get jobs through contractors and the contractors is a supporter of a industries or any establishment, the migrated workers are in a need of economic facilities and the basic requirements for fulfillment of their needs so they do not try to join a membership of trade union and cannot go against the managerial class because they were totally depend on managerial class.

CONCLUSION

In the above research conclusion is that the present situation in India related to workers Disputes that majority of the workers had no knowledge about trade union, about their rights and so they are exploited easily. Trade union is an association of workers where all the workers are fight for their rights who had exploits their rights. The formation of trade union is very necessary for the working class but with the shortcomings of the trade union unhealthy growth of trade union takes place. Illiteracy of workers is a big problem and the exploitation of working class is increasing day by day. Another problem is no proper implementation of such Act in several areas. Big industries have a low percentage of dispute but in small industries we see that the percentage of disputes is very high. So for the protection of the working class government had to bring some policies, awareness programme for workers



relating trade union and their rights, effective implementation of the Act should be there on the part of government and protect the rights of the workers and their security.

