

Trade Unions Act, 1926: A Comprehensive Analysis

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ABSTRACT:

An important piece of law that controls the creation, filing, and operation of trade unions in India is the Trade Unions Act, 1926. The Trade Unions Act is thoroughly examined in this abstract, which explores its main provisions, goals, and effects. A legislative foundation for regulating trade unions and advancing collective bargaining between companies and workers is provided by the Trade Unions Act of 1926. It strives to protect employees' rights and interests, increase their negotiating power, and provide a framework for the amicable settlement of labour disputes. The scope and application of the Trade Unions Act are the first topics covered in this examination. It explores the trade union registration process, outlining the prerequisites, steps, and advantages of registration. The research also clarifies the benefits and rights enjoyed by registered trade unions, such as their legal standing, their immunity from certain legal proceedings, and their capacity to bargain on behalf of employees. The review also examines the goals of the Trade Unions Act, highlighting the significance of encouraging collective action, defending employees' rights, and fostering happy workplace relationships. In resolving labour concerns, negotiating improved working conditions, and promoting workers' welfare, it examines the function of trade unions.

KEYWORDS:

Amalgamation, Authorities, Commissioner, Dissolution, Intervention.

I. INTRODUCTION

Prior to the widespread rise of industrialisation, there existed private contracts between employees and employers. Therefore, until that point, there was no need for any mechanism managing the interaction between employees and employers to evolve. However, after the modern factory system was established, this relationship became less important as a result of widespread industrialization, which encouraged employers to lower the cost of production in order to withstand the fierce market competition and maximise their profit by using technologically advanced means of production. Due to the advent of a new class of wage-dependent workers, the preexisting employer-employee relationship in which workers were exploited by their employers was altered. The development of many trade unions was a consequence of the conflict of interests between employees and employers as well as the suffering of workers [1]–[3].

An organised group of employees known as a trade union works to support its members on matters like wage equity, a positive work environment, working hours, and other advantages to which employees ought to be entitled rather than compensation for their efforts. They serve as a conduit between management and employees. They were just recently established institutions, but because of their direct impact on the social and economic life of the workforce, they have grown to be a formidable force. Different laws governing the same is necessary in order to supervise and manage the operations of various trade unions. The Trade Unions Act of 1926 is the main Act in India for regulating and supervising the activities of trade unions. The purpose of this page is to clarify and highlight important facets of the Act.

II. DISCUSSION

Creation of the Act

A trade union is a voluntary group of employees belonging to a certain trade, industry, or corporation that was established to advance and safeguard their welfare via collective action. They are the companies most suited to achieving harmony and enhancing relations between the employer and the workers. They are established not just to meet the needs of the workforce but also to instill in them a feeling of responsibility and discipline. The first organised trade union in India was established in 1918, and since then, they have expanded to practically all of the industrial hubs in the nation. The Indian Trade Unions Act, 1926, is the piece of law that governs these trade unions. The Act regulates the registration of trade unions, as well as their rights, obligations, and liabilities, and it makes sure that their money are used lawfully.

It grants the registered trade unions legal and corporate standing. Additionally, it aims to shield them from civil or criminal punishment so they may continue their legal work for the working class. Both the association of employers and the union of employees are subject to the Act. It encompasses all of India. Additionally, any registered trade union is exempt from the Societies Registration Act of 1860, the Co-operative Societies Act of 1912, and the Companies Act of 1956, and any registration of such a trade union under any such Act is null and invalid.

The Ministry of Labour's Industrial Relations Division is in charge of enforcing the Act. The Division works to make changes to labour legislation that affect industrial relations and the institutional framework for dispute resolution. It collaborates closely with the Central Industrial Relations Machinery (CIRM) to make sure the nation has a reliable, efficient, and dignified workforce that is free from exploitation and capable of producing increasing levels of productivity. The Chief Labour Commissioner (Central) [CLC(C)], an associated office of the Ministry of Labour, is another name for the CIRM. Organisation. The Chief Labour Commissioner (Central) is in charge of the CIRM. Its responsibilities include preserving worker relations, upholding labour regulations, and confirming union membership in the central area. It guarantees cordial workplace interactions by:

1. monitoring of the Central Sphere's labour relations;
2. intervention, mediation, and conciliation in labour disputes to facilitate conflict resolution;
3. intervention in cases when strikes or lockouts are threatened in order to prevent the strikes or lockouts;
4. Putting agreements and rewards into action.

In India, trade unions have grown to be a significant forum for addressing worker issues. They have also developed into one of the most effective pressure organisations, a collection of individuals working to persuade the government to enact labor-friendly laws without having any desire to join the government. After World War 1, labour unionism began to take real form as an organised entity. Trade unions in India are mostly a result of recent, extensive industrialisation; they are not an offshoot of any pre-existing social structures. Several philanthropists and social workers, including Shri Sorabji Shapurji Bengali and Shri N.M. Lokhandey, first recognised the need for an organised trade union in 1875. As a result of their tireless efforts, trade unions like the Printers' Union of Calcutta (1905) and the Bombay Postal Union (1907) were founded.

Industrial worker organisations in India were sparked by the establishment of textile and mill industries at the start of the 19th century in the presidential cities of Bombay, Madras, and Calcutta. The first labour union in India was established by N.M. Lokhande in 1890 as the Bombay Mill-Hands Association. A number of other labour organisations and unions in India rose to prominence in the years that followed, including the Madras Labour Union, which B.P. Wadia formed in 1918 and was the country's first to be officially recognised as a trade union.

The Ahmedabad Textile Laborer's Association in Gujarat, which became a union under Mahatma Gandhi's guidance and was regarded as one of the strongest unions in the nation at the time due to the distinctive method of arbitration and conciliation it had developed to settle the grievances of the workers with the employers, began to grow in the country in 1920. Since the union upheld Mahatma Gandhi's principles of truth and nonviolence, it was able to obtain justice for the workers in a nonviolent way without endangering societal unity. The All India Trade Union Congress (AITUC), the first trade union federation, was established in the same year. It was created in response to the International Labour Organization's findings, which emphasised the impact of politics on trade unions and organisations and how this has a negative impact on the viability of any economy [4]–[6].

Nationalist leaders like Mahatma Gandhi saw the significance of the creation of an organised labour union and established the idea of trusteeship, which called for the participation of both employers and employees, in order to improve relations between them. According to the theory, those who are financially stable should own property and use it not only for their own benefit but also for the welfare of those workers who are less fortunate financially. Each employee should view himself as a trustee of other employees and work to protect their best interests.

Numerous commissions also emphasised the creation of trade unions in India. For instance, the Royal Commission on Labour or Whitley Commission on Labour, which was established in the years 1929–1930, recommended that the issues brought on by modern industrialization in India are similar to those it caused elsewhere in the world and that the only remaining solution is the creation of powerful trade unions to free the labourers from their pitiful circumstances and exploitation.

Development of Trade Union Law in India

Industrial relations development in India is significantly influenced by labour regulations. All Indian labour law has as its guiding concept the development of social justice. The necessity for carefully crafted employment laws in the nation was further fueled by the creation of the International employment Organisation to improve the status of workers worldwide. A number of other internal forces, like as the Swaraj movement of 1921–1924 and the Royal Commission on Labour, also opened the way for numerous labour regulations and pushed the constitution's writers to include such labor-friendly provisions in the document. According to the Indian Constitution, labour is a concurrent list topic that is subject to both state and federal legislation. The following are the country's several employment laws:

1. The 1961 Apprentices Act's goal was to strengthen and hone existing abilities via both practical and theoretical instruction while also promoting emerging talent.
2. The Contract work (Regulation and Abolition) Act of 1970 sought to regulate the use of contract work and, in certain cases, to outlaw it altogether.
3. Act of 1952 Concerning Employees' Provident Funds and Other Provisions: The Act provided social security to the workers and controlled how their earnings were paid.
4. The 1948 Factories Act was designed to protect the health of employees doing specific designated jobs.
5. The Minimum Wages Act of 1948 set minimum pay rates for a number of vocations.
6. The Trade Union Act of 1926 established legislation governing registered trade unions and allowed for the establishment of trade unions.

Provisions of the Trade Unions Act, 1926

The inability of the employees to negotiate, particularly those who work in the unorganised industries, becomes a crucial factor in their exploitation. The only registered trade unions that have access to collective bargaining rights are them. However, there is no specific law governing the registration of unions in India; there is legislation surrounding the recognition of unions. The Indian Trade Union (Amendment) Act was approved by the parliament in 1947 as it became clear that there needed to be centralised laws for the registration of unions. The aforementioned Act attempted to include Chapter III-A, which listed the prerequisites for the obligatory recognition of any trade union, into the Trade Union Act, 1926. This Act, however, was never put into effect. Therefore, no legislation currently in effect in India mandates the recognition of unions. The amending Act 51 of 1970 removed the phrase "except the State of Jammu and Kashmir" from Section 1 of the Act. Thus, the whole of India is covered under the Trade Unions Act of 1926.

Registration of trade unions

The technique of registration is used to support the steady and long-term growth of unions. A recognised trade union is entitled to certain protections and advantages under the Act. As a consequence, the union's supporters are compelled to file paperwork with the Trade Unions Act of 1926 to officially establish their trade unions.

Sections 3 to 14 of Chapter 2 of the Trade Union Act of 1926 and the Central Trade Union requirements of 1938, which include about 17 Rules and Forms A, B, and C, contain the requirements pertaining to the registration of trade unions. Registration is a helpful instrument for promoting the growth of dependable and long-lasting relationships. Registration is desired even if it is not necessary since a registered trade union is given certain advantages and immunities. Additionally, some privileges and benefits are available to registered trade union

members. To put it another way, those who are a part of a union that has legal recognition are entitled to protection, immunity, and exclusion from a number of civil and criminal duties. It is important to keep in mind, however, that a personal dispute only becomes a workplace problem when it is advocated for by a group of workers or a trade union, whether or not they are registered.

The High Court of Madras rejected the N.G.O. union's plea in the matter of Tamil Nadu N.G.O Union v. The Registrar of Trade Unions (1962). The N.G.O. union's application for registration was denied by the trade union registrar in this instance on the grounds that public servant unions could not be registered under the trade union Act. The Trade Union Act requires that the union's members work for a trade, company, or industry in order for the union to be registered, yet the applicants lack this need since they are government officials in charge of the state's sovereign and legal duties. As a result, the appeal was rejected by the High Court.

In Registrar of Trade Unions, West Bengal v. Mihir Kumar Gooha (1962), the Calcutta High Court declared that employees of the E.S.I. Corporation would come within the definition of workmen and might, thus, register themselves as union members. The technique of registration is used to support the steady and long-term growth of unions. A recognised trade union is entitled to certain protections and advantages under the Act. As a consequence, the union's supporters are compelled to file paperwork with the Trade Unions Act of 1926 to officially establish their trade unions.

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The rules and legislation of each nation normally control how trade unions are registered. Although I can provide you a broad picture, please bear in mind that each jurisdiction may have different needs and processes. To guarantee compliance with the unique laws in your nation, it is always essential to examine the relevant legislation and get legal counsel.

Here are a few typical procedures for registering a union:

Learn about the rules and legislation governing unions in your nation's labour laws and regulations. These regulations often specify the obligations and privileges of labour unions as well as the prerequisites for registration. Organise a group of employees who are interested in forming a trade union and who have similar objectives and interests. A minimum threshold of employees must typically be met in order to establish a union, although this threshold may vary by jurisdiction. Create a document outlining the goals, structure, and internal operations of the trade union. Eligibility for membership, decision-making processes, election procedures, and financial administration should all be included in this document.

As stipulated in the union's constitution or bylaws, elections must be held to choose union officials, including the president, secretary, and treasurer. The constitution, bylaws, list of union officers, and other supporting papers as needed by the relevant regulations should be prepared as part of the registration procedure. Send in the registration form: Submit the registration application to the appropriate governmental body in charge of labour or employment

issues. Depending on your nation, this can be a labour ministry, a labour board, or another comparable entity. Ensure that you satisfy all conditions set out by the registration authority, including submitting correct information, paying any fees due, and fulfilling any extra requirements as set forth by the relevant laws.

The application and supporting papers will be examined by the registration authority to make sure they comply with all applicable laws. The trade union will be registered if everything is in order, and you will be given a certificate of registration. Following registration, the trade union must continue to fulfil the continuing duties and responsibilities stipulated in the labour laws. These might include providing consistent reports, keeping track of finances, and adhering to election and activity reporting laws. Keep in mind that different nations may have different procedures and criteria for registering a union. It is essential to review the relevant laws and obtain legal counsel or support from labour organisations knowledgeable about the regulations in your area.

Mode of Registration

Any trade union with seven or more members may request to be registered under this Act by signing their names to the trade union's rules and otherwise abiding by the registration-related conditions of this Act: With the caveat that no workmen's union may be registered unless at least 10% or 100 workers, whichever is lower, engaged in the establishment or industry to which it is connected are members of that union on the date the registration application is made:

Furthermore, no trade union for workers may be registered unless it has at least seven members who are workers employed or involved in the business or industry with which it is affiliated on the date of the application. When a trade union registration application has been submitted pursuant to subsection (1), the application shall not be deemed to have become invalid simply because some of the applicants, but not more than half of the total number of persons who submitted the application, have ceased to be members of the trade union or have provided written notice to the trade union prior to the trade union's registration [7]–[10].

CONCLUSION

An important piece of legislation that establishes a legal foundation for trade union establishment and activity in India is the Trade Unions Act of 1926. It is crucial to remember that, despite the fact that I can provide a broad analysis, it is suggested to study the precise provisions of the Act and seek legal counsel for a thorough comprehension and implementation of the law. The Trade Unions Act of 1926 covers a variety of trade union-related topics, including their internal operations, rights, and obligations. In India, the Trade Unions Act, 1926, which governs the creation, rights, and obligations of trade unions, is an essential piece of law. It defines procedures for resolving disputes, offers registered unions specific rights, and creates a legal basis for their voluntary registration. To fully comprehend and apply the legislation in practise, it is crucial to refer to the precise provisions of the Act and obtain legal counsel.

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