Chapter - 1

Introduction to Labour Union

1.1 Introduction of Labour Union

Trade union is an outcome of the factory system, it is based on labour philosophy-"united we stand, divided we fall." Trade unions are now considered sub-system, which seeks to serve the specific work sub-group and also considers itself a part of organization, in terms of latter's viability and contribution to the growth of the community of which it is part. Trade unions came into being for a variety of purposes.

Employer also found it advantage to deal with a group, or a representative of group rather then go through the process of dealing with each individual over a length of time.

With changed political, social and educational environment in terms of awareness of rights, the right to organize, the right to bargain, and settle terms and condition of employment - labour or worker unions sprang up in order to protect and further worker interests. Additionally, the political parties interested in acquiring a foothold in the labour movement also provided the impetus for the impetus for the formation of labour unions.

Trade unions emerged as a reaction to the factory system and capitalist society. In the early stage of industrialization, working class in the absence of legal protection felt employed at the hands of employers. Worker joined hands to protect their interests through collective action. A trade union is, thus an organized expression of the needs, aspirations and attitudes of working class.

Trade union/labour union came into being as an agent of workers and working class at large. It performed and still perform two function; one to work for the redistribution of some of the nation's wealth by rising wages and earning of its member. This enables workers at their own to improve their living standard and
in the process become better equipped to deal with inferable economic condition.

1.2 Meaning of Trade Union

Until 1926, no legislative attempt was to delineate the contours of the expression "trade union" or any of its synonyms in 1926, Section 2 (h) of trade union act 1926 has defined a trade union as, "any combinations whether temporary or permanent formed primarily for the purpose of regulating the relation between workman and employees or between workman and workman or between employer and employees or imposing restricted conditions on the conduct of the any trade union or business and included any federations of two or more trade union."

Trade unions act through united action of members to protect and promote their economic and other interest. A union seeks to regulate relation between employer and workers.

According to S.D. Puncker, "A trade union is a monopolistic of wage-earners who as individual producers are complementary to one another but who stand to employers in a relation of dependence for the sale of their labour and production, and that the general purpose of association is in view of that dependence to strengthen, their power to bargain with the employers or bargain collectively."\(^1\)

According to British Minister of Labour, Trade unions are "all organization of employees including those of salaried and professional workers as well as those of manual wage earners which are known to include among their function negotiation with their employees with the object of regulation condition of employment."

According to Dale Yader, “A trade union is continuing long term association of

---

\(^1\) Puncker, S. D., Trade a in India, 1948, p.23
employees formed and maintain for the specific purpose advancing and protecting in the interest of member in their working relationship."\(^2\)

According to Sidney and Beatrice Webb, "Voluntary organization of worker formed to protect and promote their interest by the collective action."

According to R.A. Lester, "Trade union is an association of employees designed primarily to maintain or improvement the condition of employment of its members."

According to Giri, "Trade union is a voluntary organization of worker formed to protect and promote their interest by the collective action."\(^3\)

According to Edwin B. Flippo. "A labour union or trade union is an organization of worker to promote, protect and improve through collective action the social, economic and political interest of its member."

According to G.D.H. Cole. "In common parlance a trade union means an association of workers in one or more occupation carried on mainly for the purpose of protecting and advancing the member's economic interest in connection with their daily work."

The classic definition of trade union was given by Sidney and Beatrice Webb states that it is "a continuous association of wage earners for the purpose of maintain and improving conditions of their working lives."\(^4\)

It is apparent from the above definition that trade unions are voluntary organization of workers. The workers form an association in order to protect and safeguarding their economic interest and put a united resistance against exploitation by the industrialists. Trade unions merged as a reaction to the

---


\(^3\) Giri V.V., Labour Problems in Indian Industry. p. 1.

\(^4\) Webb, Sydney and Beatrice., Industrial Democracy, 1902, p. 821.
factory system and capitalistic society. Worker joined hands to protect their interest through the collective action.

1.3 Characteristics of Trade Unions

The characteristics that define a trade union includes;

(1) A statement that the organization is a trade union.

(2) A statement of its principal objectives, clearly specifying the fact that the organization so formed is for the betterment of its members.

(3) Registration with registrar of trade unions.

(4) Independence form of the employer, which may be evident from the certificate issued by the registrar of trade unions.

(5) Affiliation with the central trade union organization.

Hear a few general characteristics of trade unions are detailed out;

(1) The trade union is an association either of employer or employees or of independent workers; accordingly, in India such unions may consist of;

(A) The general labour unions;

(B) The friendly societies;

(C) Merchant’s or employers’ association like the all India Manufacturer Organization, the All India Organization of Industrial Employer, the Bombay Mill Owners Association, the Indian Paper Mills Association, the Tea Planters Association of North India, the United Planters Association of South India, the Jute Mills Association, and the Indian Sugar mills Association etc.

(D) Combination of intellectual labour like the National Federation of Post and Telegraphs workers, all India Mine Worker’s Federation, Nation Federation of
Indian Railway man's, all Indian Teacher Association, and the all Indian Medical Doctor's Association etc.

On the other hand, in China they refer to the trade union as an association of members of manual wage earners in enterprise, institution, school and working class engaged in irregular employments. In England the term "trade union" also refers to the associations of professional persons such as artists federation, musicians etc.

In America these organization are combinations of all persons in a given trade with purpose of demanding and securing of each and all of them a definite minimum standard of wages, hours and conditions of works.

(2) Labour unions are relatively permanent association of worker and are not temporary or casual; a trade union is continuing or permanent rather than a temporary or casual combination. It has long-term body as otherwise it cannot achieve its objectives. They do not expect to attain their objectives in a day because they anticipate and contemplate a continuing stream of additional objectives to be adopted from time to time.

(2) The origin and growth of trade unions have been influenced by number of ideologies; the social economic and even political movements have influenced unions in one or the other way. The Marx and Engle theory of class war influenced trade union in a number of ways. Their theory of class conflict and dialectical materialism created a class of trade unionists who regard labour organization as "absolutely essential for bringing about a revolutionary and fundamental change in the social order."

The socialist, followed by the Webbs, consider trade unionism to be an extension of the "principal of democracy" in the sphere of industry. The Webbs observed; "If democratic state is to attain its fullest and finest development, it is essential that the actual needs and desires of the human agents concerned should be the main consideration in determining the condition of employment.
"Here, then, we find the special function of trade union in the administration of industry." India too has accepted, "The creation of democracy as prerequisite for the establishment of a society." ⁵

(3) The character of trade unions has been constantly changing; the changing in technology and system of production create fresh problem. Trade unions change their methods and their working and their working to adjust them self to changing circumstances. They have gradually evolved and have now to come to occupy an important place in modern industrial order. "From criminal and illegal association, they have now become legality association, they have now become legalized and recognized institutions; from institutions which were only very small bodies, they have now become gigantic association; from institutions that were primary interested in the advancement of the cause of their own membership, they have now become institutions which are interest in the social, cultural and political development of the country." ⁶ The trade unions, thus, have made remarkable progress since their inception.

(4) A trade union is a association of workers who are engaged in securing economic benefits for its members; In other world it is essentially. "A cooperative labour marketing association." Its purpose is to secure control of the supply of labour in one or more market and to maintain that control as a means of fixing the price of labour as well as the condition under which it works. However, this does not mean that the advancement of economic interest of its members is the sole purpose of a trade union. As they also try to advance the social political and cultural interests of its members. In the context, Laski has rightly observed that the union problem is a complex of economic, legal, ethical and social problems, which can understood and met only knowing the facts and genesis of the viewpoint of organized labour in all its diversity, contradictions and shifting character and by considering this viewpoint in

⁵ Second five-year plan, 1961, p. 572.
⁶ Mathur, A.S. and Beatrice., Trade union movement in india,1957, p. 3.
relation to developing social contradictions and social traditions.\textsuperscript{7}

1.4 Objective of Trade Unions

The trade unions act 1926 prescribes the primary objectives of a trade union. The objectives under its constitution are one or more of the following;

(A) To regulate the relations (1) between employer, (2) between worker, (3) between employer and worker.

(B) It imposes restrictive condition on the conduct of any trade or business.

The objective for which the trade union is formed must comply with the aforesaid primary objective. In the other words, the primary objects of trade union determine whether the union is a trade union under the act. The statutory provision “for only primary objective in the act,” however, suggests that there may be some objective of trade union. These objectives may be broadly categorized as follows; (1) economic objective; (2) political objective; (3) social and welfare objectives. This view is fortified by the provision of section 15 of the Act. Trade unions help to secure, promote, and safeguarding the interest of the worker in various ways. Following are the chief objects of trade unions to the worker.

(1.4.1) Safeguarding the Interests of Workers. Under ordinary condition the employer, tend to exploit the workers to the maximum. They care nothing for the employees. They do not give them any paid leaves if a worker goes on leave the wages for the period of leave are deducted from the monthly wage bill of the worker. Besides, workers are denied all chance of promotion. In many industries worker are not permanent even after long period of service. They are remove

\textsuperscript{7} Cunison, J., labour organization, 1930, p. 13
from services summarily. The trade unions try to protect the workers from all such eventualities. They try to secure to the worker the benefits of leave, permanent and promotion. The trades unions see to it that the workers under their aegis are not shunted out summarily and that they receive all the benefits due to them.

1.4.2 Work for the Progress of Employees.

The urban life is much deferent from rural life. Most of the workers come from villages, but after finding job in cities, they have no residence in the cities. In the cities they need a good bit of money for establishment themselves. The trade unions try to improve the economic condition of worker and remove their hardships and handicaps. For increase in their wages, the unions represent their case before the employers and try to get adequate bonus for the workers. The unions also try to get overtime wages to the workers.

1.4.3 Provision for Labour Welfare.

In India the economic condition of industrial workers are not too good. The labour class is backward in every respect. The stander of leaving is very low. The majority of the workers are illiterate or semiliterate. Moreover, they have large families and their condition is therefore much worse. They live in slums and eat coarse only. It is the task of trade unions to improve social and economical welfare of workers. The trade unions try to get them hosing facilities and try to arrange for the education of the children of labors the trade unions also try to wean workers from evil habits.

1.4.4) Establishing Contact among Worker and Employers.

The industrial complexes today have grown into giants. A single unit may employ hundreds of workers. Under these circumstances, the link between
employer, high managerial cider and employees gets broken down. Many a time workers may not have seen even the face of their employer. Under these condition worker are not in position to express their grievances before the employer nor do the employer have any means to know the difficulties being face by their employees. The trade unions play the important role of bargaining to the notice of the employer grievances and difficulties of the employer. Thus the better relation is establish between employers and employees through the medium of trade unions.

1.4.5 Increase in the Cooperative Feeling.

In modern industrial complexes, thousands of workers in engaged simultaneously. However, the modern industrial system is so complex that all jobs are highly specialized. Because of extreme departmentalization and division of work, there is growth of individualism in modern industry. The trade unions provide a forum for the workers to come together and know each other. All common problems are discussed in one form. Besides discussing problems connected with jobs, the trade unions also provide opportunity for play, relaxation and entertainment to the workers. Thus trade unions promote intimacy of relations among workers, make them sweet, personal and informal.

1.4.6 Securing Facilities for the Workers.

The majorities of industrialists are indifferent to conform and needs of the workers. They pay no attention to making the working condition healthy and hygienic, to mental and physical relaxation of the workers. They are interested only in getting maximum work from the worker like toilet facility, canteen etc. Under these circumstances, trade unions agitate for the provision of various facilities and see to it that these are provided for.
1.5 History of the Trade Union Movement in India

Labour movement in India is about fourteen decade old, since it may be tracked from 1860. The growth and development of the labour movement, and for the part of the trade unions, in India, can be divided into following periods, each of them revealing different tendencies that mar it from other.  

(1) Social Welfare Period, from 1875 to 1918
(2) Early Trade Union Period, from 1918 to 1924
(3) Left-wing Trade Unionism from 1924 to 1934
(4) Trade Unions Unity Period from 1935 to 1938
(5) Second World War Period from 1939 to 1945
(6) Post-Independence Period from 1947 to date

(1.5.1) Social Welfare Period (1875 to 1918)

In India, the foundation of modern industry was laid between 1850 and 1870. This was also the period of emergency of the Indian working class. Indian enterprise started growing side by side with British ones in the all spheres of the national economy. During this period of the growth of Indian capitalist enterprises, the working and living condition of the labour were poor and their working hours were long.  

Some of the worst features of industrialism marked the history of early factory system in India. In certain respects, conditions of labour in India factories were worse than in the earl factories in england. Unfortunately, there was no

---

10 Buchanan, D.H., The Development of the Capitalistic Enterprise in India, 1934, p. 300.
effective public opinion, which could represent the suffering of the working class. Because of the prevailing poor working condition and long hours of work, many strikes took place in the two decades following 1880. "The workers who were for the most part villagers and eavouring to improve their position by a temporary alliance to industry were submissive and unorganized; and if condition become too distasteful, the natural remedy was not a strike but abandonment by individuals of the mill of industry generally" or they migrated to other industrial centers or went back to their village. There was no attempt at collective bargaining or at obtaining redress through concerted action."11

In 1875, Sorobji Shapuriya in Bombay made a protest against poor working condition of the workers at that time.12 The deplorable conditions of worker were brought to the notice of the secretary of state for India. In 1984 Mr. N.M. lokhande organized a conference of the Bombay factory workers and draw up a memorandum signed by 5300 workers demanding a complete day of rest in Sunday, half an hour rest working hours between 6.30 am to sunset, the payment of wages not latter than 15th of the month, and the compensation for injuries. In 1889 in Bombay worker of spinning and weaving mills demanded Sunday as holies day, regularity in the payment of wages and adequate compensation in case of accident.13 In spite of these agitations on material change could be brought and, therefore, another representation was made to the government in 1890. The stand of 1884 was also reiterated and the petition this time was signed by 17000 workers were the important events which nursed the infant labour movement.14

The memorial demanded; (1) a complete day of rest every Saturday; (2) half an hour’s rest at noon; (3) the payment of wages not later than fifteen day of the month in which they were earned; (4) payment of injured worker until they

---

14 Giri, V.V., Labour Problems in Indian industry, 1972. p. 2.
recovered together with suitable compensation, they are permanently disabled.\textsuperscript{15} The year 1884 can legitimately be regarded as the beginning of labour movement. In the same year the Bombay mill hand association, the first labour organization which organized by Mr. lokhande. Several labour association, were formed after 1890. For instance, the amalgamate society of railway servants in India and Burma was formed in April 1897 and registered under the Indian companies Act. In 1895, the Ahmadabad Mill Owners Association decided to substitute a fortnight wage system for weekly one, which was in force ever since 1896. This forced over 8000 weavers to leave work. However, the strike was unsuccessful.

In 1905 the worker of government of India Press Calcutta, launched a strike over the question (1) No payment for Sunday and gazette holiday; (2) Imposition of irregular fines; (3) Low rat of overtime pay; and (4) The refusal of authorities to grant leave on medical certificate.

Giri observes that "between 1904 and 1911, there was remarkable advance in the organization of the labour movement. A strike in Bombay Mills a series in railway, in the railway workshop, and in the government press in Calcutta occurred prominently. The climax in the labour movement was reached with the 6-day political mass strike in Bombay in 1908 against the sentence of 6 years imprisonment of Lokmanya Bal Gangadhar Tilak for offence of sedition.\textsuperscript{16}

Pnekar writes, "the labour movement could hardly tackle such problem as excessive hours of work, few holidays, irregular payment of wages, incompetency of mill managers,\textsuperscript{17} inadequate fencing of machinery and the ill-ventilated and filthy state of many work place."\textsuperscript{18}

(2) Another feature of this period was the absence of strike as a means of

\textsuperscript{15} Das, R.K., The Labour movement in India. 1923 p. 9.
\textsuperscript{16} Gurtu, Sachirani, Jagivan Ram on Labour Problems, 1951, p. 38.
\textsuperscript{17} Sharma, G.k., Trade Movement in India, 1963, P. 69.
\textsuperscript{18} Punekar, S.D., Trade Union Movement in India, Singh, and V.B., Industrial Labour in India, 1963, p. 444.
getting grievances redressed. The association of worker worked with the co-operation of management and government officials and some of them considered it their duty "to avoid strikes upon the part of its members by every possible and lawful means."^19

(3) The movement depended greatly on external philanthropy, "philanthropic agitation was the forerunner of labour movement in India and having originated in philanthropy its motive force was sympathy rather than justice. Broom of philanthropy, it was a movement for the worker rather than the workers."^20

(4) Strike during this period was considered to the problem of law and order. Instances are not lacking where police acted upon as strike-breakers by using force and framed false charges against strikers.^21

(5) The early leadership was provided by three types of persons. First, intellectual such as lawyers, reformers, editors, teachers and preachers, who readily came forward to organize and lead the workers? Second, the careerists, who saw in the needs of the workers opportunity for furthering their own ends, jumped in masquerading as labour leaders. The third group from which labour leader emerged consisted of politician and nationalists like B.P. Wadia, V.V. Giri, Annie Besant and B.G. Tilak.^22

(6) There was a little conception of permanent trade unions membership, The payment of dues or organized collective bargaining. About Bombay Millhand Association, Dutt observed. "The association has no existence as an organized body, having no roll or membership, no funds, no rule."

Thus main characteristic of these early efforts of forming labour association was their lack of continuous organization. These associations existed but they

---

^19 Punekar, S.D. op. cit. p. 14
^22 Crouch, Harold, Trade Unions and Polities in India, 1966, p. 58.
^23 Dutt, Rajni palm, India Today, 1949, p. 375.
were not an organic growth out of working class.

Workers supported their associations when it suited them such as during strikes or in order to get benefit from welfare activities. Otherwise, they ignored the associations. Hence, they were usually weak.\(^{24}\)

(1.5.2) Early Trade Union Period (1918-1924)

The year 1918 was an impotent one for the Indian trade union movement. "It marked the starter of a new era of growth and one in which the leadership of the trade unions was to pass from the hands of the social workers into the hands of politicians. The movement could take permanent tools in the Indian soil only after the close of world war first."\(^{25}\) This situation was due to;

(1) The industrial unrest that grew up because of grave economic difficulties created by war. The rising cost of living prompted the workers to demand reasonable wages for which purpose they united to take resort to the collective action.

(2) By 1920 a large class of genuine proletariat developed. Hence, these were new opportunities for the creation of trade unions.

(3) There was great demand of Indian goods. For these reasons, the prize of Indian commodities such as salt, cotton, cloth, kerosene, rose high. Naturally, the cost of living increased. The employer earned huge profit. The wages of workers increased but it could not keep pace with the soaring prices of commodities. This result in further in deterioration of conditions of the workers. Further, there was shortage of labour in the same of the industrial centre due to epidemic of influenza.

\(^{24}\) Das, R.K., The Labour movement in India. 1923 p. 90.
\(^{25}\) Giri, V.V., Labour Problems in Indian industry, 1972. p. 4.
(4) The Swaraj movement intensified the movement, widened the gulf between the employer and employees and brought about a mass awakening among the workers demanding racial equality with their British employer.

The new consciousness produced restlessness, discontent, a spirit of defense as well as a new ideal and aspirations.

The Madras Textile union was the first unions in the modern sense, which was formed in 1918 by B.P. Wadia. Three factors were responsible for its formation; first extremely short interval for mid-day meal. Second frequent assaults on worker by the European assistants; and last inadequate wages in the face rapidly increasing prices. This union adopted collective bargaining and used trade union as a weapon for class struggle. The union was successful in getting the mid-day interval extended to an hour. It also tried to bring about the upliftment of the worker by opening a cooperative society and liberty of its members. Altogether, 17 new unions were formed between the end of 1917 and the end of 1919.27 in 1920, a spinner's union, as well as weaver's union, was formed at Ahmadabad at the initiative of Mahatma Gandhi.

On October 30, 1920, representative of 64 unions with membership of 140,854, met in Bombay and establish the All Indian Trade Union Congress under the chairperson of Lala Lajpat Rai. It is representative unions of Indian labour at the ILO, but is also set before itself the task of coordinating the activities of several individual unions exiting in the country, promoting the interest of labour in economic, social and political matter and mobilizing the labour force in the services of Swraj movement.

The worker’s organization sprang up all over Indian chiefly in the jute and cotton textile, in the railways and among the transport workers in general. The subsequent inter war period saw the consolidation of the trade unions movement. The assertion of the right of workers, periodic industrial strike and first attempt in evolving machinery for the prevention and settlement of industrial disputes.
It is estimated that between 2.5 and 5.00 lakh workers were organized into unions at this time. The trade unionism, after 1919, spreads to centers other then Madras Ahmadabad and Bombay. Giri observed that " during the quinquennium ending 1925, the number of unions increased nearly fourfold and their membership increased much more. The labour movement was truly united and there was complete harmony and co-operation among all sections of the working class."

Royal commission on labour, "the world wide uprising of labour consciousness extended to India, where, for the first time the mass of industrial workers awoke to their disabilities particular in the matter of wages and hours and to possibilities of combination. The effect of this surge was enhanced by political turmoil, which added to the prevailing, feeling of unrest and assisted to provide a walling leader of trade union movement. The influence of nationalist politics on the labour movement had mixed results. It added intensity, but it also tended to increase bitterness and introduce in the minds of many employer a hostile bias against the movement. This, in true, tended to obscure the justice of many of the demands made through the movement was based on genuine and pressing needs."\(^{26}\)

A majority of the unions were loose with very little community, formed some temporary and imminent purpose such as getting enhanced wages and most of them were strike committee which liquidated as soon as their demands were met." Quite a good number of the unions that were formed during the period died in the subsequent period when trade unions activity was at a low ebb.\(^{27}\)

(1.5.3) left-Wing Trade Unionism Period from 1924 to 1934

This period witnessed a split in AITUC, namely leftist and rightist. Later in 1929

---

wing of AICTU, namely the All Indian Trade Union Federation was formed. The main cause of the communist influence was the economic hardship of workers. This period also shown remarkable decrease in the intensity of industrial conflict. At least two factor were reasonable for it first the trade dispute Act, 1929 prohibited strike and lockout. Second, the failure of strike and lockouts resulted in industrial strife. Another significant feature of this period was the passing of the trade unions Act, 1926 and the trade disputes Act, 1926. The former Act provides for registration of trade union and affords legal protection to intervene in trade disputes.

The later Act provided for conciliation Board and Court of inquiry for the statement of trade disputes in public utility services and general strike affecting community as a whole.

Thus, the trade unions movement presented picture of disunity. There were three unions namely, (1) The AICTU led by the Royists and militant nationalist; (2) The AITUF, led by congress nationalist and moderates. Theatricals wanted to make it a mass organization and use it as a platform for voicing political demands; and (3) The RTUC, consisting of orthodox communist the objective of which was dictatorship of the proletariat. Besides there were some other independent organizations, which followed their own methods and polices notable among them being the All Indian Railway men’s Federation (AIRF) and the Textile Labour Association (TLA) of Ahmadabad. The AIRF originally started in 1921 and after dormancy, again revived in 1925, grew rapidly thereafter. Practically all the railway men unions were affiliated with it for the time being.

(1.5.4) Trade Union's Unity Period (1935-1938)

In mid thirties, the state of divided labour movement was natural through undesirable and soon after the first split; attempt at trade unity began to be made through the effort of the Roy group on the basic of plat form of unity.

During this period, unity was forced in the trade unions. This led to this revival
of trade unions actives. In 1935, the all-Indian red trade union congress merged itself with the AITUC. Again, in 1938, an agreement was arrived at between All Indian Trade Union Federation and AITUC and consequently NTUC affiliated itself with AITUC. The division of the trade unions movement was providing very costly for the Indian working class. In 1933 more than 50,000 workers in Bombay city were thrown out of employment. By 1934 almost every mill in Bombay brought down wages by a substantially reduction. In 1937, there were 379 strikes, which involved 6.47 lakh workers. The sympathies obtain by the workers from the congress minister in the assertion of their right to organize, employer toward trade unionism led to remarkable increase in the number and membership of the unions. The number of trade unions increased from 271 in 1936-1937 to 562 in 1938-39 and the membership rose from 2.61 lakh to 3.99 lakh. The path to unity was paved in The labour movement was "in the throes of sharp growing pains. Its sprite was shattered and its rank were racked by fractional strife." The large representation accord to organized labour in various provincial assemblies and the diminishing attitude hostility on the part of several 1938 in Nagpur when the AITUC finally decided to accept the condition of merger as laid down by the NTUF.

The year 1938 the most important state enactment the Bombay Industrial Dispute Act, 1938 the significant feature of the act were as follow (a) compulsory recognition of trade union by the employer, (b) giving the right to workers to get there case represented either through a representative unions or where is no representative unions in the industry/center/unit existed through elected representative of workers or through the government labour officer, (c) certification of standing orders which would define with sufficient precision the condition of employment and make them knows to workman, (d) the setting up an industrial court, with original as well as apple ate jurisdiction to which parties could go for arbitration in case their attempted to settle matter.

---

(e) Prohibition of strikes and lockouts under certain conditions. The scope of the Act was limited to certain industries province.

(1.5.5) Second World War Period (1939-1945)

World war second like the first world war brought chase in industrial relation several reason may be accounted for industrial unrest and trade unions activities first the rise in prices could not keep pace with the increase in wages. The Second World War is witnessed retrenchment and, therefore, faced the problem of unemployment. During this period, the membership of resister trade unions increased from 667 in 1939-40 to 1087 in 1945-46 further, the women workers in the resister trade unions increased from 18,612 in 1939-40 to 38,570 in 1945-46. Moreover the period was witness a large number of strikes.

In 1941 Radical left the AITUC with nearly 200 union with membership of 3,00,000 and formed a new central federation known as the Indian federation of labour. In 1942, the government as an organ representing Indian labour class recognized this federation. The IFL called; (1) For mobilization of Indian labour for conscious and purposeful in the industrial program geared to the needs of the war and (2) For securing for the workers bare minimum of wages and amenities of worker’s morale was an impossibility.29

In 1946 another enactment of great significant in labour relation, namely, the industrial employment (standing orders) Act 1946 was passed with view to bring unfortunately in the condition of employment workman in industrial establishment and thereby to minimize industrial conflicts. The act makes compulsory for employer engaging 100 or more workers "to define with sufficient precision the condition of employment” and to make that condition known to workman. The impact of the Second World War on the trade union

activity was tremendous. One great qualitative change that has taken place in Indian trade unions related to their ability to participate in negotiations with employers and the tripartite deliberation.

(1.5.6) The Post Independence Period (from 1947 to - date)

With the advent of independence, the trade unions movement in India got diversified on political consideration. The leaders associated with the nation trade union congress party formed the Indian nation trade union congress in 1947.

As pointed out earlier, when attempts to restructure the AITUC failed, those believing in the aims and ideals other than those of the AITUC separated from the organization and established the Indian National Trade Union Congress (INTUC) in May 1947. The reason for forming a new union was expressed in the communication of G.L. Nanda (the secretary of (H.M.S.S.) addressed to the all congress-minded trade unionists. It reads; "congressmen in general and particulars those working in field of labour, has found it very difficult to corporate and longer with the AITUC which has repeatedly been adopt

A course completely disregarding, or even in opposition to the declared policy and advice of the Indian national congress."

The creation of the INTUC was a confess on both of the failure to create favorable conditions in the AITUC, and of the government and congress party impatient with the leadership of the AITUC which had come completely under the domination of the communist.30

The INTUC was formed by Hindustan Mazdoor Sevak Sangh, a creation of the pro- Gandhi wing in the congress, who were associated with the Textile Labour Association of Ahmadabad. The ATLA become the guiding and driving force behind the INTUC. It also supplied 55,000 of the INTUC’s initial membership of 575,000. The long experience of the ATLA in trade union affairs also resulted in

30 Myres, C.A., Industrial relation in India, 1958, p. 112.
the large proportion of the INTUC leaders coming from Ahmadabad. "Ideologically as well as administrable, the bloodstream of the INTUC flows from Ahmadabad. Here the ATLA provides it with a strong membership nucleus, a rich treasury, and a cider with long experience in labour work."

The INTUC itself joined the international confrontation of free trade unions (ICFTU) as an affiliate. The INTUC had at the time of its inception 200 unions affiliated with it membership of 575,000. It grew rapidly in strength and it had the claim of being recognized as "the more representative center organization of organized labour of India."

The AITUC, which for nearly 30 year had been consider as the "Voice of Indian labour," thus lost its premier position. According to its sponsors, "the INTUC represented an attempt to go to the working class with a new and fresh approach to the solution of the problems."

1.6 National Federation

At present, there are thirteen central or national federation trade unions. Besides these, there are various resister federation trade unions in various industries and occupation. Various trade unions are not affiliated to any central body. Such federations are: The All -Indian Bank Employee Association, National Federation of Indian Railway men, All- India Port and Dock Worker’s Federation, National Federation of Post and Telegraph Workers, All- India Mine Workers etc.

(1.6.1) All Indian Trade Union Congress (AITUC)

Origin: It was establish in 1920 because of a resolution passed by the organized workers of Bombay and the delegates, which met in a conference on 31st October, 1920. Such first rank political leaders as Motilal Nehru, M.A. Jinnah,

---

32 Rastogi, T.N., Industrial Labour in India, 1949, p. 139.
Vallabhbhai Patel and Annie Besant on behalf of the British Trade Union Congress attended it. The first president was Lala Lajpat Rai.

**Objectives**: The basic objectives of the AITUC are:

To co-ordinate the activities of the labour unions affiliated to the AITUC. To establish a socialist state in India.

1. To ameliorate the economic and social conditions of the working class
2. To safeguard and promote the worker’s freedom of speech, freedom of association, right to strike, and right to work
3. To abolish political or economic advantage based on cast, creed, community, race or religion
4. To socialize and nationalize means of production, distribution and exchange
5. To improve the economic and social condition of working class, by securing better terms and conditions of employment
6. To establish a socialist state in India and the nationalization of the means of production, distribution and exchange as far as possible

(1.6.2) **The Indian National Trade Union Congress (INTUC)**

Origin: The INTUC came into existence on 4th May, 1948, as a result of the resolution passed on 17th November 1947, by the central board of Hindustan Mazdoor Sevak Sangh, which was a labour organization working under the direction of National Congress. It has a total membership of 2,388,451, which makes it the largest national federation.33

**Objectives**: The aims of the INTUC are:

1. To raise the worker’s standard of efficiency and discipline

33 Workers of India Unite”, India Today, June 16-30, 1979, p. 74.
2. To foster the spirit of solidarity, service, brotherhood, and mutual help among the workers

3. To establish just industrial relation

4. To develop in the worker is a sense of responsibility towards industry and the community.

5. To make necessary arrangement for the efficient conduct and satisfactory

6. To secure redressal of grievances, without stoppage of work, by means of negotiation, conciliation, and failing those, arbitration and adjudication

7. To secure increasing association of workers in the administration of industry and their full participation in that control

8. To promote social, civic and political interest of working class

9. To place industry under national ownership and control in a suitable form

10. To organize society in such a manner as to ensure full employment and the best utilization of its manpower and other resources

**1.6.3 Central of Indian Trade Union (CITU)**

Origin: This union was formed in 1970 when as result of thrift in the AITUC, some members of the communist party seceded. About the objectives of the CITU, it emerged owing to its allegiance to the CPI(M). It had 817,807 members.\(^\text{34}\) Its constitution says.

1. The fight against the repressive policy of the government towards the democratic and trade union movement. It fight against its economic policy of safeguarding the interest of capitalist and landlords and piling burdens of the common man and the working class through increasing taxation and inflation.

2. The CITU fight against all encroachments on the economic and social rights of the workers and the enlargement of their rights and liberties including the

---

\(^{34}\) India Today, op. cit.
right to strike, for winning, defending and extending the freedom of the
democratic trade union movement.

3. The CITU believes that the exploration of the working class cab be ended only
by socializing all means of production, distribution and exchange and
establishing a socialist state, that it stands for the complete emancipation of
the society from all exploration.

**1.6.4 United Trade Union Congress (UTUC)**

Origin: some trade union leaders of the socialist bent met together in December
1948 to form a new central organization of labour, called Hind Mazdoor Sabha.
Some of leaders did not agree with the principal and objectives of the Hind
Mazdoor Sabha and they, therefore, again met at Calcutta on December 27,
1948 and decided to call upon a conference of trade union leaders to from a
United Trade Union Committee. This committee called for the meeting of the
various leader at Calcutta on April 30, 1949, and formed a new union under the
name of United Trade Union Congress.

The objectives of the UTUC are:

1. To bring about unity in the trade union movement.

2. To safeguard and promote the interest, rights, and privileges of the workers in
all matters, social, cultural, economical and political.

3. To establish a worker and peasants state in India.

4. To establish a socialist society in India.

5. To nationalize and socialize the means of production, distribution and
exchange.

**1.6.5 Bhartiya Mazdoor Sangh (BMS)**

Origin: This union has been the outcome of the decision taken by the Jana
Sangh in its convention at Bhopal on 23 July 1954. Its General Secretary is the veteran labour leader D.P. Thengadi.

**Objectives:** Its objectives are:

1. To assist workers in organizing themselves in trade unions as a medium of service to the motherland irrespective of faiths and political affiliations;
2. The right to strike
3. To establish the Bhartiya order of classless society in which there shall be secured full employment; replacement of profit motive by service and establishment of economic democracy
4. To inculcate in the minds of the workers the spirit of service, co-operation and dutifulness and develop in them a sense of responsibility towards the nation in general and the industry in particular

**1.7 Functions of Trade Unions**

The functions of trade unions are wide and more comprehensive than those of their forerunners. Those have been termed as (1) Militant or protection functions, and (2) Fraternal, ministrant or positive function.

According to Samuel Gompers, "trade unions were born of the necessity of workers to protect and defend themselves from encroachment, injustice, and protect the workers in their inalienable right to higher and better life; to protect them, not only as equal before the law, but also in their rights to the product of labour, to protect their lives, their limbs health, their homes, their firesides, their liberties as men, workers, as citizen, to overcome and conquer prejudice and antagonism, to secure them the right to life, and the opportunity to maintain that result of their brain and brawn, and the civilization of which they are the founders and the mainstay."
1.7.1 Function of Trade Unions Republic of China

In China, the functions of trade unions have been enumerated thus;

1. To equal pay for equal work

2. To protect child and women from exploration

3. To provide material and cultural standards of workers lives to supervise the management with view to implement the various targets of the plan

4. To participate in various activities which are directed towards the improvement of living conditions?

5. To organize political, educational and technical studies as well cultural and sports activities.

6. To enter into collective agreement with management for mutually fulfilling the largest in respect of production, wages, labour norms labour safety, welfare, social security, workers participation in management, material obligations etc.35

1.7.2 Functions of Trade Unions in USA

According to the first president of A.F.L. trade unions in the USA perform the following function36

Protecting the wages of worker against capitalist exploitation; increasing wages, reducing hours of work, securing just and human working conditions, improving the safety and sanitary condition of workshop; increasing the worker's share in the national income; introducing working rules and democratic labour management; achieving equality of opportunity for all supporting

legislation which aids workers and opposing harmful legislation; protecting and strengthening democratic institution; aiding and promoting the cause of peace; safeguarding labour movement from communist, participation in various community activities and in local government organization, such as school board and city councils.

1.7.3 Function of Trade Union in the UK

The British TUC Report Post War Reconstruction distinguished three main sets of objectives, namely;

1. Extending the influence of the working class over the policy and purpose of industry, and arranging for their participation in management.

2. Providing and improving opportunity for their advancement of workers to obtain "full employment" is an aim, which trade unions have always pursued.

3. Maintaining and improving wages, house and condition of work, and also what wages can buy and increasing the size of the real nation income and the share of it which should accrue to the working people.

Flandes and Cleggre have laid down the main objective of a trade union as under:

1. Defining or improving the wages and condition of work.

2. Raising the status of the workers as a citizen of industry and of society.

3. Extending the area of social control of the nation's economic life and participating in that control.

1.7.4 Function of Trade Unions in India
As per the India Trade Unions Act, 1926, the primary function of trade unions is to protect the interest of the workers and the conditions of their employment. They can also have other objectives, which are not inconsistent with this primary purpose or purpose or opposed to any law. In India trade unions, trade unions generally undertake that following functions:

1. To take up welfare measurer for improving the moral of the workers
2. To acquire control over industry by workers
3. To generate self-confidence among the workers
4. To achieve higher wages and better working and livening condition for the member
5. To encourage sincerity and discipline among workers

The National Commission on labour had underscored certain basic function to which trade unions have to pay greater attention such as 19

1. To secure fair wages for workers.
2. To safeguarding the security of tenure and improve condition of services.
3. To enlarge opportunities for promotion and training
4. To improving working and living condition
5. To provide educational, cultural and recreational facilities
6. To cooperate and facilitates technological advancement by broadening the understanding of workers in the issues involved in their jobs.
7. To promote identity of interest of the workers with their industry
8. To offer responsive cooperation in improving level of production and productivity, discipline and high stander of quality
9. To promote individual and collective welfare

1.8 Classification of Trade Unions India

The unions have also been classified according to variations in the composition of their members, on this basis, four types of unions have been recognized, namely, craft unions, staff unions, industrial unions, and general unions.

1.8.1 Craft union

It is an organization of workers employed in particular craft or trade or in the single or two or three related/craft/occupation. Such organization link to gather those workers who have similar skills, craft and specification. The craft union are mostly found amongst non-manual employees and professional workers. A craft unions has strong beginning power because its workers possess a specialized skill which can not easily replaced in the strike. But a craft union lacks a clear perspective of work. In India, there are very few craft unions of industrial workers.

1.8.2 Staff Union: The term "staff unions" is popularly used to refer both craft and industrial unions. Rather a form of organisation based on other sense of 72 common statues and common need for help an organization. The staff union seeks to recruit members from non-manual sectors including clerks, supervisors, operator managers etc. These unions tend to adopt more sophisticated bargaining then other types of unions.

1.8.3 Industrial Unions: It is organization of workers, which links all craftsmen,
and skilled workers in any one industry regardless of differences in craft, skills, great. Position or sex. The membership is large; and it makes worker class conscious and increases the feeling of solidarity among them. The textile Association of Ahmadabad, the Labour Mazdoor Sangh, Udaipur, the Rastriya Mill Mazdoor sangh is impotent examples.

1.8.4 General Union: It is that organization which covers various industries and laborers having different types of skills, the objective of these unions are all embarrassing in character. They have numerical superiory, for they are open to all classes of workers; and this is source of their strength. From the point of view of solidarity, this type is ideal. The Jamshedpur Labour Union, Jamshedpur, the National Union of Municipal and General Workers, the Transport and General workers Union in the UK are examples of this type of unions.

1.9 Trade union Approach

There is no unanimity among industrial experts with respect of the evolutionary aspect of trade unions, so accordable, a wide verity of ideologies have been proposed, each projecting a distinct point of view. In fact, the purpose of the ideologies, approaches, theory or philosophies is to highlight the basic factor that led to growth of trade unions. In view of John T. Dunlop, any ideology partitioning to the evolution of trade unionism should seek to answer Study of such theories becomes imminent. Here a few such ideologies have been detailed out:

1.9.1 Socio-Psychological Approach: It was propounded by Robert Hoxie in 1920. According to this theory, worker join trade unions to meet their
socio-psychological needs like physiological security, companionship, group of likely persons with similar needs and mind sets "pluralistic casual interpretation of trade unionism." He said, if we are to study unionism, we should study not a narrow slice of reality, but society as a whole from one particular view."^{37}

He observes: workers who also economically, socially, and not too divergent in temperament and training, will tend to develop a common interpretation of social situation and common solution of the problem of living. This may come about gradually and spontaneously or it may be an apparently sudden outcome of some crisis in the lives men concerned."^{38}

Differences in-group of psychology cause different types of unions to appeal and there can be following categories of unions.

**Business Unionism**: It is also known as Bread and Butter unionism. it protects the economic interest and working conditions of the workers. It is likely "to limit its membership by means of the apprenticeship system and high initiation fees and dues, to the more skilled workers in the craft or industry."

**Uplift or Friendly Unionism**: It protects the intellectual, moral and social levels of the workers. Its advocates idealistic plans for social regeneration and is law-abiding. Although using collective bargaining, these unions prefers to rely on the weapons of political action, mutual insurance programmes, cooperative enterprises, and profit sharing.

**Revolutionary Unions**: It believes in direct action and replacing of existing social order and installing new socialistic system. It is extremely radical, both in viewpoint and in action. It is distinctly "class-conscious rather than trade-conscious."

**Predatory Unionism**

37 Hoxie, R.H., Trade unionism in the united States, 1923, pp. 3-4.

38 Ibid.,p. 58.
It believes in ruthless pursuit if its objective by book or crock without conscious or class-conscious. Its distinguishing characteristic is the ruthless pursuit of the thing in hand by whatever means seems most appropriate at the time, regardless of ethical and legal codes of effect upon these outside its own membership."

1.9.2 Sociological Approach of Frank Tannenbaum

According to this approach, the emergence of unionism is spontaneous and premeditated. Due to industrial employer has started reliving more on machine rather than man. The Industrial Revolution destroyed the older way of life and left the individual workers to the mercy of the employer "who became the catalytic agent that crystallized them into a self conscious group." The worker become completely depended on other for his livelihood, and "equality came to mean equality for competitive strife. to secure a job and to hold it proved to be the test of all else and the very means of survival." But man, being a social animal, cannot live alone. "man has to belong to something real, purposeful, creative; he must belong to his job and belong to his job and to his industry or it must belong to him." Thus according to him, "the initial organizer of the trade union movement is the shop, the factory, the mine and the industry. The agitator or the labour leader merely announces the already existing fact."\(^{39}\)

1.9.3 Scarcity Consciousness Approach of Selig Perlman

It was propounded in 1928. According to Perlman unionism developed because of the workers tendency to accomplish control and ownership of the jobs on account of scarcity consciousness.

---

\(^{40}\) Ibid., p. 60. 40 Ibid., p. 60
Perlman, on the basis of his analysis of the labour movement in Russia, Germany, Great Britain and the United States, conclude: "there factors are basic in any labour situation; first, the resistance power of capitalist, determined by its own historical development, second the degree of dominance over the labour movement by the intellectuals mentality which regularly underestimates it; and third the degree of maturity of a trade union mentality."

Perlman is of the opinion that American unionism is motivated by scarcity consciousness and is expressed by sharing the job opportunity through the "common rule"- a communism of the job opportunity rather than the communism of production and distribution. "Since the union expects its members to sacrifice for the group on a scale almost commensurate with the sacrifices which patriotism involves, it cannot be with its own respectable ideology."41

This kind of unionism exercises control over the opportunity by establishing certain job right and then by rationing the same among its members through regulation. Job security is the major motive behind the labour movement and the workers are motivated more by such pragmatic goals rather than by political action as they more concerned about their financial economical position.

1.9.4 General/Protest Approach: It was propound by Kerr, Dunlop and Myre. According this theory workers protest is inherent in industrialization. The people involved in industrialization play an important role in the hind of labour organization formed. These thinker noted that the universal response of the labour force to industrialization is a

Protest against it, "for industrialization makes a universal demand: it requires a basic change in relationship between man and his work and inevitable also

between man and his cultural setting." and the new recruit to the industrial labour force "resents the discipline, which circumscribes his freedom. He toils at tasks that he often finds distasteful: imposed and commensurate with his contribution; he desires, but seldom attains, full security within a system which remains dynamic, entailing constant change." In fact Kerr is of the opinion that, "the type of labour organization that develops in a country is related to the type of industrializing elite; that there are certain universals and diversities can be explained in terms of the strategies of the industrializing elites and cultures and environments. Labour protest is now on the decline and can be controlled."

1.9.5 Industrial Democracy Approach

It was put forth by Sidney and Beatrice Webb. This approach suggests democracy in industry as in government. Through unions, the worker protect themselves from the power and influence of workers. This emphasis on the observation that "so long as there were opportunities for hired labour to become a master himself, so long as there were prospects of economic advancement, no strong organization would always be losing its oldest and most capable members, would of necessity be confined to the young people or to a race at ones youthful and unstable from whose inexperienced banks it would be hard to draw supply of good trade unions leaders." According to the Webbs, the pressure put upon the workers by the "haggling of market" caused them to organize into union to protect their economic interests. The condition of employment were determined by the by the "chain of bargains linking together the manual workers, the capitalist employer, the wholesale trader, the shopkeeper and the customer."

According to the Webbs, "not merely an incident at the present phase of the

capitalist industry but has permanent function to fulfill in the democratic state. They observed that the notion of the govern class, exacting implicit obedience from inferiors and imposing upon them their own terms of service is the goal, never to hence forward, employer and their workman must work as equals.

1.9.6 Classless Society Approach: It was propound by Marx and Hegels. According to this approach, instrument of production must belong to workers trade unions must resort to direct action and indulge in strike, bandhs, and even violence, if needed.

According to Marx, "competition, because of large of scale concentration of industry in one place, divides the interest of workers. However, of the maintenance of wages unites them in a common through of resistance-combination, this combination always has a double aim- that of stopping competition among the workers, so that they can carry on general competition with the capitalist."

In the words of Marx, the union should not adopt the conservation motto. "A fair day's wages for a fair day's works." They ought to inscribe on their banner the revolutionary watchword. "Abolition of the wage system." Thus Marx sees in trade unionism the inherent conflict between the oppressor and the finds the origin of unionism in the capitalist order.

1.9.7 Gandhiji's Approach

This approach based upon the principles of trust, truth and non-violence's. This

46 Ibid., p.841.
47 Marx, K., Proverty or Philosophy, p. 172.
approach considered to be a reformist organization not anti-capitalist. The main function of this approach is to raise the moral and intellectual standards of labour and teach them supplementary occupations, which prove to be helpful at the time of emergency.

According Mahatma Gandhi, the aims, objectives and policy of unionism are: "It is not anti-capitalist. The idea is to take from capital labour's due share and no more, and this, not by paralyzing capital but by reform among labours from within and by their own self consciousness; not again through the cleverness of non labour leader but by educating labour to evolve its own leadership and its self existing organization. It direct aim is not in the least degree political. Its aim is internal reform and evolution of internal strength. The indirect result of this evolution when, and if, ever become complete, will naturally be tremendously political."

1.10 The Role of labour Unions in Industrial Relation in Manufacturing Sector in M.P. Region

1.10.1 Object of the Code of Discipline

The code has been aimed at establishing cordial relation between managements and worker on voluntary basis harmony and to put an end industrial unrest the objectives, as stated in the code are.

1. To ensure that employer and employees recognize each other right and obligations.

2. To promote constructive co-operation between the parties concerned at levels.

3. To ensure statement of disputes and grievances by negotiation and conciliation and voluntary arbitration
4. To eliminate all forms coercion, intimidation and violence in industrial relation.

5. To avoid worker stoppages

6. To facilitate the free growth of trade unions

7. To maintain discipline in industry.

According to the three five year plan "the code lays down specific obligations for management and worker with object of promoting constructive corporation between their representatives at all levels, avoiding stoppage as well as litigation securing settlement of grievances by mutual negotiation, conciliation and voluntary arbitration facilitating the growth of trade unions and elimination all forms of coercion and violence in industrial relation."

1.10.2 Principles of the Code

Pursuance of this suggestion the fifteenth Indian labour conference, held July 1957, discussed the question of discipline in industry and laid down following general principles.

1. There should not lock out or strike with notice.

2. No unilateral action should be taken in connection with any industrial matter.

3. There should be no recourse to go slow tactics.

4. No deliberate damage should be caused to plant or property.

5. Acts of violence, intimidation or instigation should not be resorted.

6. The existing machinery for settlement of disputes should be utilized.

7. Award and settlement should be speedily implemented.
8. Any agreement which disturb cordial industrial relation should be avoided.

These principles were later consideration by a subcommittee and certain modifications therein. Code of discipline was evolved. It come into force from June 1958. it was accepted by fore centre nation labour organizations (INTUC, AITUC, HMS, and UTUC) on behalf of worker and by employers’ federation of India, the all Indian organization of industrial employers and all India manufacturers.

1.10.3 ANNEXURE A (Criteria for Recognition of Union)

1. Where there is more than one union, a union claiming recognition should have been functioning for last one year after registration. Where is one union, this condition would not apply.

2. The membership of union should cover at least 15% of workers in the establishment. Member would be counted only of those who have paid their subscriptions for at least three month during the of six month immediately preceding the rocking.

3. Union may claim to be recognized as a repersentive union. for an industry in a local area if it has a membership of at least 25% of the workers of that industry in that area.

4. When a union has been recognized, there should no change in its position for a period of two years.

5. Where are several unions in the industry or establishment, the one with the largest membership be recognized.

6. A representative union for an industry in area should have the right to represent the worker in all establishment in the industry; but a union of
workers in a particular establishment has a member of 50% or more of the worker of the establishment, it should have the right to deal with matter of purely local entrust for instance the handling of grievances pertaining to its own member. All other workers who are not members of that union might either operate through the representative union for the industry or seek redress directly.

7. In the case of trade union federation which is not affiliated to any of the fore central organizations of labour, the question of recognition would have to be dealt with separately.

8. Only unions which observe the code of discipline would be entitled to recognition.

1.10.4 ANNEXURE B (Right of Recognized Union Under the Code of Discipline)

Unions granted recognition under the code of discipline should enjoy the following right;

1. To raise issue and enter into collective agreement with general questions concerning the terms of employment and condition of service of workers in all establishment or in the case of a representative union, in an industry in all local area.

2. To collect membership fees/subscription payable by members to the union within the premise of the undertaking

3. To put up or cause to be put up, a notice board on the premises of the undertaking in which its member are employed and affix or cause to be affixed there on notice relating to meetings, statement of accounts of its income and expenditure, and other announcements which are not abusive, indecent, inflammatory or subversive of discipline or otherwise contrary to the code.
4. For the purpose of prevention or settlement of industrial dispute;

A. To hold discussion with employees who are member of union at a suitable place or places within premise of office/factory/establishment as mutually agreed upon.

B. To meet and discuss with an employer or any person appointed by him for the purpose, the grievances of its member employed in the undertaking.

C. To inspect, by prior arrangement in the undertaking, any place where member union employed.

5. To nominate its representatives on the grievance committee constituted under the grievance procedure in an establishment.

6. To nominate its representatives on joint management councils.

7. To nominate its representative on non-statutory bipartite committees for example production committees, welfare committees, house allotment committees, canteen committees, etc set up by management.

The rights referred to above would be without prejudice to the privileges enjoyed by recognized unions at present either by agreement or by usage.

1.10.2 Industrial Employment (Standing Order) Act, 1946

1.10.2.1 Object of the Act

The preamble of the act clearly say that the "standing order shall deal with condition of employment of worker in the industrial establishment. It is obligatory upon all employer/covered by this act to define precisely the condition of employment under them which will govern relation between the employer and employees and to make said condition known to workman
employed by them" the act provides uniformity of terms of employment in respect of all employees belonging to same category and discharging the same and similar in the industrial establishment. 49

The standing order bring home to the employer and the employees as to on what terms and conditions the workman are offering to work and the employer is offering to engage them. This act requires the employer to define the condition of service in their establishment and reduce them to writing and to get them words, standing order are intended to be nature of 'shop rules" promulgated by employer under statutory obligation. they may be described as the written "Code of Conduct" for employee, for any act subversive of discipline is described as an act of misconduct. In actual practice, they also represent a form of compulsory collective bargaining agreement with a built in device for compulsory arbitration, if any disputes related to fairness and reasonableness of the rules, as their application and interpretation arises.

The aims of the act have been

To define, sufficient precision, the principal conditions of employment in industrial development establishment under them and to make the said condition known to workman employed by them.

1. To regulate stander of conduct of the employer and employees so that labour management relation could be improved.

2. To maintain proper discipline, harmonious working condition and achieve higher productivity by providing satisfactory employment and working condition.

3. To providing for redressal of grievances arise out of employment and relating unfair treatment of wrongful exaction on the part of the employer against employees.

---

4. To specify the duties and responsibilities of the employer and employees

5. To provide statutory sanctity and importance to standing order

In sum, the purpose of standing orders is to create an attitude of mind among both the parties so that industrial harmony is achieved in an industrial establishment. The orders from part of the contract between management and every one of its employees. These are reduced in writing and they are to be compulsory certified with a views once sanding orders come into force, they bind all those presently in employment of the concerned establishment as well as those who are appointed thereafter; and also those who were employed previously.

1.10.2.2 Main Features of the Act

The substance of the act may be stated thus;

1. Standing orders cover all matter specified in schedule of the act.

2. These are approved by the proper authority and published in such way that the worker can be familiar with them.

3. All the principal terms and condition of employment, except matter pertaining to wages and other form of remuneration, are settled clearly under standing orders.

4. Most of mutual rights and duties of worker and management are clearly define.

5. The procedure to be followed whenever there is any disputes or disagreement over these mutual rights and duties are also specified. The procedure which is to follow to management in the discipline the worker, and procedure which the worker has to follow when he has a grievance are both given in clear language.
1.10.3 The Industrial Disputes Act 1947

According to notification in the official gazette of India, 1946, the Act was enact to achieve the following object. "Experience of working of trade disputes act 1929, has revealed that its main defect is that while restrain have been imposed on he right of strike and lockout in public utility services, no provision has been made to render the proceeding inscrutable under Act for establishment of industrial dispute, eighter by reference to board of conciliation or to a court of inquiry conclusive and binding on eighter parties to dispute. " The defect was over come during the war by empowering under rule 18-A of defense of Indian rule, the central government to refer industrial dispute adjudication and to in force the award. Rule 81-A is being kept in force by the emergency power ordinance, 1946. For a further period of six months, as industrial unrest in checking, which this rule has proved useful, is gaining momentum due to stress of post war industrial readjustments, the need of permanent legislation in replacement of this rule is self evident. This bill embodies essential principle of rule 81-A which has proved generally acceptable to both employer and workman retaining impact for the most part, the provision of trade dispute act, 1929.

The preamble of the act reads, "An Act to Make provision for the investigation and settlement of industrial disputes. "

On the basis of the judgments given time to time, by the Supreme Court.

1.10.3.1 Objects of the Act

1. To promote measure for securing and preserving amity and good relations between employer and employees to minimize to differences and to get the disputes settle through adjudicatory authorities.

2. To provide a suitable machinery for investigation and settlement of
industrial dispute between employer and employees, between employer and worker, or between workman and workman with right representation by resister trade unions or by an association of employers.

3. To prevent illegal strike and lockout.

4. To provide relief to worker in mater of layoff, retrenchment, wrongful dismissal and victimization.

5. To give the worker the right of collective bargaining and promote conciliation.

1.10.3.2 New Principal Under the Act

The industrial dispute Act can be described as the milestone in the historical development of industrial law in India. With the passage of this act, a number of new principal related to industrial relation had been introduced in country, such as

Firstly, a permanent machinery (conciliation) has been set up for the speedy and amicable settlement of industrial disputes. To expedite conciliation proceedings, maximum time limit has been prescribed with in which the machinery must be set in motion. the deadline is fixed from the date of notice of strike.

Secondly, compulsory arbitration inn public utility services including the enforcement of arbitration award, has been recognized.

Thirdly, strike and lockouts during the pendency of conciliation and arbitration proceedings and the arbitration award, enforce by the government order, are prohibited.

Fourthly, an obligation on employer to recognize and deal with representative trade unions, has been imposed.
Fifthly, specific time limits for various stages of conciliation and arbitration, to eliminate delays, are prescribed.

Sixthly, worker committee to provide machinery for mutual consultation between employer and employees has been set up.

Seventhly, the industrial disputes may be referred to an industrial tribunal where both parties to and industry disputes, apply for such reference or where the appropriate government consider it expedient to do so. in case a dispute actually exists or is apprehended, it can be referred to a tribunal by the appropriate government.

1.10.3.3 Unfair Labour Practices

On the Part of Employers and Unions of Employer

(1) To interfere with restrain from or coerce in exercise of their right to organize from join or assist a trade union or to engage in concerted activities for the purpose of collective bargaining or mutual aid or protection that is to say;

(A) Threatening workman with discharge and dismissal, if they join a trade unions.

(B) Threatening a lockout or closure, if trade union organized.

(C) Granting wage increase to workman at crucial periods of trade union organization, with view to undermining the effort of tread union at organization.

(2) To dominate interfere with or contribute support or otherwise to any trade union that is to say;

(A) An employer taking an active interest in organization a tread unions his workman.

(B) Employer showing partiality or granting favour to one of several trade union
attempting to organize his workman or to its members, where such a trade union is not a recognized trade union.

(3) To establish employer sponsored trade union of workman.

(4) To encourage or discourage membership in any trade union by discrimination against any workman that is, to say

(A) Discharging and punishing a workman because he urged other workman to join or organize a trade union.

(B) Discharging and dismissing a workman because he took part in a lawful strike.

(C) Changing seniority rating of workman because of trade unions activities.

(D) Refusing to promote workman to higher post on account of their trade unions activities.

(E) Giving unmerited promotion to any workman with a view to creating discord among other workman or to undermine strength of their trade union.

(F) Discharge office bearers or active member of trade union on account of their trade union activities.

(5) To discharge or dismiss workman.

(A) By way of victimization.

(B) Not in good faith, but in closeable exercises of the employer right.

(C) By falsely implicating a workman in criminal case on false evidence or on connected evidence.

(D) For patently false reason.

(E) On untrue or trumped up allegations of absence without leave.
(F) In utter disregard of the principal of natural justice in the conduct of domestic inquiry or with under haste.

(6) To abolish the work of regular nature being done by workman and to give such work to contractors as measure of breaking a strike.

(7) To transfer a worker place to another under the guise of following management policy.

(8) To insist upon individual worker, who are on a legal strike to sign a good conduct bond as a precondition to resume work.

(9) To show favoritism on partiality to one set or workman regardless of merit.

(10) To recruit worker during a strike which is not an illegal strike?

(11) Failure to implement award, settlement or agreement.

(12) To indulge in act of force or violence.

(13) To refuse to bargain collectively in good faith with recognized trade unions.

(14) Proposing or continuing a lockout deemed to be illegal under the act.

**On the Part of Workman and Trade Unions of Workman**

1. To advise or actively support or investigate any strike deemed to be illegal under the act.

2. To coerce worker in the exercise of their right to self-organization or to join a trade union or refrain from joining any trade union, that is to say.

(A) For a trade union or its members to picketing in such a manner that non-striking workers are physically debarred from entering work place.

(B) To indulge in acts in force or violence or to hold out threats of intimidation in connection with a strike against non-strike worker or against managerial staff.
3. For a recognized union to refuse to bargain collectively in good faith with employer.

4. To indulge in coercive activities against certification of a bargaining collectively in good faith with employer.

5. To stage encourage or instigate such forms of coercive action as willful "go slow" squatting in the work premises after working house or "gherao" of any of the members of managerial or other staff.

6. To stage demonstration at residence of employer or the managerial.

7. To incite or indulge in willful damage to employer's property connected with industry.

1.11 Role of Labour Unions in Workers Education in Manufacturing Sector in M.P. Region

The workers of country are most significant component of the community and they need to be socially and psychologically satisfied by providing for them opportunities for worker education and training. According to the 1971 census, 71% of the total population is illiterate. As far back as 1930, the Royal commission on labour remarked, in its report, it is report, that the illiteracy rate of industrial labour is unduly high, and that with the introduction of technologically advanced product in industries, it is perilous to have illiterate workers handling the new machines. After India gained independence, it took up task to rebuilding its economy. It was considered necessary, at this stage, for educating the workers, and the constitution of India laid emphasis on the need for an effective programme of education for all individuals, especially for a large percentage of the labour force, which is drawn from the rural areas and is

---

50 Report of the Royal Commission on labour, London, Her majesty's Stationery Office. 1931
mostly illiterate.\textsuperscript{51} 

1.11.1 Objective of Worker Education.

The basic object of worker education is to make the worker an efficient individual disciplined trade union member and an intelligent corporate citizen, so that he play a vital role in social economic development of the country. Traditionally worker education program can be viewed as one, which intends to strive for objectives like;

1. To foster worker's loyalty toward unions and imparting the necessary training to them for intelligent and efficient participation in union activities. Besides teaching them trade union dynamics history etc. which they need to know as trade union member.

2. To develop the worker for good and respectable civic life. 3.To promote among worker a greater understanding of the problem of the country's economic environment and their right and obligation as union member and citizen.

3. To development trade union leadership from among the rank and file thereby keeping the union away from the clutches of politicians, leading to demonstration of trade union administration.

4. To familiarity the worker with the capitalist culture and philosophy which is the soul of modern industrial system.

5. To inculcate among workers with the better understanding of their duties and responsibilities of work so that they can effectively carry out their job.

6. To enable to worker to realize the purpose of human life and raise him to

\textsuperscript{51} Kakkar, Worker's Education in India, New Delhi, Sterling, 1973.
the height of achievement.

7. To equip organized labour to take its place in a democratic society so that it plays a dominant role in the process of economic development and fulfils effectively its social and economic function and responsibilities.

1.11.2 The Scheme for Worker Education in India

The worker education in India was launched in 1958 by central board of worker education. The board is a tripartite body registered union the societies registration act 1860, which consists of a chairman, representatives of central and state government representative of central trade unions and the employer organization, representative of university grant commission, Indian adult education association and one independence trade unionist nominated by the ministry of labour and employment. The total number of members does not exceed 20. At present, the board consists of one chairperson, one ex-officer secretary and 14 members. The CBWE set up a review committee in 1964, which recommended making the scheme a mass movement involving trade unions, universities, state government as well as a periodic assessment of the worker education scheme. Through there is room for improvement of the CBWE, Its achievements should not be overlooked. It had set up 40 regional centers by the year ending 1978. It had trained 456 education officers, 46487 worker teachers at the regional levels and (33.55 lakh) from 15.64% of the total working population (214.53 lakh).52

The board aims at;

1. Inculcating among all sections of workers a sense of patriotism, national integrate, secularism and pride in being an Indian.

2. Equipping them for their intelligent participation in social and economic development.

3. Developing among them the "national first" approach.

4. Instilling in them greater understanding of the problem of their social and economic environment, their rights and obligations as citizens, as workers in industry and responsibly toward family member. The board also aims at developing among worker a sense of responsibility so that they can shoulder responsibly of trade union leadership.

1.11.3 Three Level of Worker's Education

1.11.3.1 The National Level Education

It is most important level of the worker education program, as it aims at the education of members of central trade union organization and federation, pre-employment training of educational officers and refresher courses for board officials. The prospective education officers are directly selected from the open market. Generally, person with the master’s degree in economics, commerce or education with three years of work experience in the field of human resources management, are chosen for the task. They are given six months intensive training before being placed on the job in different regional center. The training staff includes unions’ leader, employer's representative, educationists, administrators and the like.

The first training course for education officers was held in Bombay on March 1958. Since then courses have been conducted at Calcutta, Bombay, Bangalore, Chandigarh, Varanasi Ranchi and Hyderabad. The syllabus cover a wide range of topics relating to new economic policy, total quality management, problem of woman and child workers, trade unionism, industrial relation, an in depth study of various labour law related to wages, social security labour welfare trade
union, industrial relation, employment and working condition etc.

1.11.3.2 The Regional Level Education

The board through a network of 48 regional center and sub-regional centers conduct this program. At regional level worker at the unit/village level. the regional level activities are monitored by the fore zonal offices located at Delhi, Calcutta, Madras and Bombay. For each regional center, there is a advisory committee which reviews its progress of the scheme and recommend measure for its effective working. The worker teachers form a very strong link between the education officers and worker at the unit level. The education officers, completion of their training of prospective teachers from among the workers in a full time teaching course of three months duration in batches of about 25-30 persons. These selected workers are known as "worker teacher." They are selected by local comities and by the director of regional centers from various industrial unit and workshops in the region and are sponsored by their representative employer and unions. These selected worker deputed for training by the employer are consider to be on duty and are paid their usual wages and allowance.

The first worker teacher-training course was started on 16th February 1959 at Indore. Subsequently, training courses were started Hyderabad, Dhanbad, Bangalore, Bombay Nagpur, Kanpur, Calcutta, and Delhi in same year. In resent year, new centers have been established at Muzaffarpur in 1973. Vijayawada, Faridabad, Ahmadabad in 1974 Siliguri in 1975 and Bareilly in 1973. Since inception of the scheme up to 1991-92 as many as 79,455 worker-teachers have been trained from such industries as textile, transport, mining, plantation, jute, sugar, chemical, paper printing cement port and docks, local governments and electricity and power.
1.11.3.3 The Unit Level Education

The third level in programme of worker education scheme relates to the training of worker by special trained worker teachers at the unit level. The worker so trained at regional level revert to their place of employment and conduct programme at unit level, largely after working hours. The regional centers closely supervise the work at different unit, assist, and guide worker teachers in conducting their classes efficiently and smoothly.

Since no hard and fast rule have been framed for the selection of workers for classes at The unit level, worker teacher have to exercise their discretion while selecting workers. As most of workers are illiterate, there is no hard and fast rule for their selection for the course. Generally, preference is to given to workers having some educational background. Further, the workers in age group of 24-45 year of age are given priority. The selection of workers for the course is exclusively prerogative of worker-teachers as they have close association with unit of workers. The worker-teachers conduct three months part time course for worker at unit level, besides three weeks full time course in unit those unit which deputes workers for the course. The syllabus for the course is trade union oriented and covers subjects; worker and trade unions, worker and industry, worker, his family and his country etc. The honorarium for the worker-teacher re decided and revised by the board. At unit level, the management usually provide facilities of accommodations, furniture etc. Some of the organization also gives 45 minutes time off to workers to enable them to attend classes. Every trainee at unit level who puts in more than 90% attendance and takes keen interest in training is awarded a certificate by the regional center after the successful completion of training. The first unit level class was started on 1st July 1959 in the textile mill at Indore. Since then, the scheme has made rapid progress. More than 3.65 lakh worker has been trained in unit level classes. In addition, the centerboard for worker education conducts special short term training program for member of workers committees and joint management council.
1.12 The Role of Labour Union in Healthy, Safety and Wages Protection of Labour in Manufacturing Sector in M.P. Region

1.12.1 The Factory Act, 1948

The factory Act came into force on 1 April 1949. It was enacted with view to removing a number of defects, revealed in the working of the act of 1934. The act of 1948 not only consolidates but also amends the law regulating labour in factories. It extends to the whole of India. Section 116 provides that, unless otherwise provided, this Act also applies to factories belonging to the central or any State Government.

1.12.1.1 Object of the Act

The object of this Act is, to secure healthy, safety welfare, proper working hours, leave and other benefits for workers employed in factories. In other words, the Act is enacted primarily with the object to regulate the condition of work in manufacturing establishments coming within the definition of the term 'factory' as used in the Act.

1.12.1.2 Obligation and right of employer under the Act

Under the act, every employer or occupier of the factory is under an obligation to;

1. Obtain approval of the government for the location, plan and construction of the factory, license and registration certificate for the operating factory.

2. Implement all provision of the act, and undertake the health, safety and
welfare measure.

3. Observe all restriction regarding working hours, spread over, overtime, double employment, over lapping shifts and employment of worker and children.

4. Provide all benefits and facilities to the workers regarding annual leave, weekly holidays, extra wages for over time washing, first aid, canteens, crèches, rest and lunch rooms.

5. Display notices, maintain registers and records and submit to the government returns for the proper enforcement of the Act.

Under the act, the employers have some following rights;

1. To make the workers observe health and safety provision.

2. To refuse employment of child and other young persons who fail to produce fitness certificate from a certify surgeon.

3. To go ahead with their plans to start construction a new factory, and extend the existing ones, if they do not hear from the government within three months of their submission of necessary papers and information.

4. To apple against the decision of the government in this and other respects.

1.12.1.3 Obligation and Right of Employees Under the Act

Under the this act, no workman in factory is entitled to;

1. Inter fare willfully or the misuse any appliance, convention or other things provided in factory for purpose of securing the health safety and welfare of the factory workers.
2. Do willfully and without any reasonable cause anytime likely to endanger himself or others.

3. Neglect willfully to make use of any appliance or other things provided in the factory workers.

The workers enjoy the following rights under the Act.

1. They can claim for minimum health and safety welfare facilities, annual leave, and observance of working hours for adults, worker and children.

2. They can refuse to work in contravention of provision of the act and observe the statutory working hours, rest intervals, weekly holiday and over time restrictions.

3. They can claim wages for the propionate annual leave even before he puts in qualifying service, if he is discharge and dismissed.

4. They can clam overtime payment at double the ordinary rates of wages, and other advance payment for annual leave if the period of leave is not less than fore day.

1.12.2 The Payment of Wages Act, 1936

1.12.2.1 Object of the Payment Wages Act, 1936

Prior enactment to the enactment of this Act, the employees/worker suffered many evils at the hands of the employers, Such as (1) The employer determined the mode and manner of wage payment as they licked; (2) Even when paid in cash, wages were paid in illegal tender and in the form depreciated currency; (3) A large number of arbitrary deduction were made of the wages paid to the workers; (4) The payment wage usually irregular and sometimes there were no payment altogether, these grave evils attracted of the royal commission on labour which recommended for a stable legislation to check these evils.
Consequently the payment of wages Act passed on 23th April, 1936. It came into force from 28th March, 1937. It was amended many times. The act seeks to remedy the evils in wage payment; (1) Ensuring regularity of payment; (2) Ensuring payment in legal tender; (3) Preventing arbitrary deduction; (4) Restricting employer right to impose fines; (5) Providing remedy to the worker.

1.12.2.1 Obligation and Right of Employer under the Act

Under the payment of wages Act, Employer has to following obligation.

1. To see that all his workers are paid their wages regular and in time as required under the Act.

2. Not to make any un-theorized deductions, and to impose fines only for permissible acts and omission, and after the workers have been given adequate opportunity to show cause against the fines and deduction.

3. To maintain a register with personnel responsibly for payment of wages, showing particular about person employed, the work performed by them, the wages paid to them, and fines imposed and realization made (section 13A).

4. To display an abstract of the Act and the rule made there under at a prominent place in the establishment (section26).

5. To maintain every register and record for a period of three year after the date of the lst entry made therein (Section 13A).

1.12.2.2 Right of the Employer

Under the act the employer has right to;

(1) Deduct from the wages of the worker an amount not exceeding his wages
for eight days as may be due to employee in lieu of due notice, if the worker together with 10 or more worker absents himself from duty to go on strike or resort to stay-in-strike (section 4(2)).

(2) Appeal against the direction made by a court for payment of wages and compensation, if the amount of these sums exceeds three hundred rupees, (section 17).

1.12.2.3 Right of Employees under the Act

Every workman has the right to

(1) Receive his wages in the prescribed wage period in cash.

(2) Refuse to agree to any deductions and fines other than those authorities under the Act.

(3) Approach within six month the authority appointed under the Act to realize unpaid or delayed wages, un-authority deductions and fines along with some compensation that may be awarded by the authority (under section 15). The time limit of six months for filing claims may be relaxed for a reasonable cause (section 15 & 10).

1.12.3 The Payment of Bonus Act.1965

The 'bonus' implies something paid as a gesture of goodwill. Bonus is "an award in cash or its equivalent by an employer to an employee, for accomplishment other than that paid for by regular wages, such accomplishment being considered desirable and perhaps implied, through not required by the contract of employment. It is usually intend as a stimulus but
may also express enterprise" thus the bonus is payment made to the employees, out of the profits earned by the employers, over and above the remuneration that they get. It is not an ex-gratia payment but the statutory right of employee. Labour appellate tribunal known as full beach formula has revolutionized the concept of bonus in the country gives the formula.

1.12.3.1 Object of the Act

(1) To impose statutory obligation on the employer of every establishment defined in Act to pay bonus to all eligible employees working in the establishment.

(2) To outline the principal of payment of bonus according to prescribed formula.

(3) To provide for payment of minimum and maximum bonus and linking the payment of bonus with the scheme of "set off" and "set on."

(4) To provide machinery for enforcement of bonus.

1.12.3.2 Payment of Minimum and Maximum Bonus

The act require that where an employer has any allocable surplus in any accounting year, then he shall be bound to pay to every employee in respect of that accounting year, a minimum bonus which shall be not less than 8.33% of the wages and salary earned by the employee during the accounting year or rupees one hundred which is higher. However in case where the allocable during the accounting year shall be a maximum of 20% of such salary or wages earned by the employees during year. For the purpose of the bonus the allocable surplus shall be computed taking into accounting the amount "set on" or "set off" in three immediately preceding accounting years and in the
accounting year in respect of which bonus is payable in the matter illustrated in the fourth schedule. The statuary bonus is required to be paid to all eligible employees as per provisions of laws.53 However, employees are entitled to festival bonus only if here is an implied agreement in this regard or it is paid as customary bonus.54 In fact right to receive bonus is statuary right of the employee.

The denial of this right the employer does not render it an industrial dispute requiring any adjudication by way of reference under section 10 of industrial dispute Act. A claim within the meaning of section 2 of the payment of bonus Act. However for the enforcement of this right an employee can file a suit under section 33C (2) of industrial dispute Act.55

The bonus Act lay down the amount of bonus payable by an employer to every employee from allocable surplus in respect of accounting years. The Act is confined to the "profit based bonus" and not to other categories of bonus which employees may be entitled to claim from an employer. The payment of bonus Act thus creates a statutory obligation on the employer to pay a minimum bonus.

1.12.3.3 Reference of Dispute under the Act

Where any dispute crops up between the employer and employees, with respect to bonus to payable under this act with respect to the application of this act to an establishment in public sector then such a dispute shall be deemed industrial dispute act. In case of reference of dispute under section, 22 of the act the machinery under the payment of wages act can not intervene. However, in case if there is no dispute the authority can proceed under section 15 of the

55 Anand Oil Industries V. Labour Court, Hyderabad, A.I.R. 1979, Andhra Pradesh, 182
payment of wages act.  56

In this context one leading case of Sanghvi Jivraj Ghewar Chand and other V. Secretary. Madras Chillied Grain and kirana Merchants worker union.11 has laid down the two test which are required to be considered while dealing with the case under section 22. The two types of disputes covered under section 22 are as under;

(1) Dispute with respect to the bonus payable under the act.

(2) With respect to application of the bonus act.

A dispute raised by an individual worker with regard to payment of bonus cannot be considered as industrial dispute within purview of bonus Act. However the aggrieved employee can get the dispute redressed by referring it to the labour court under section 33C(2) of the industrial Act. India has largest number of trade unions of a single country; but they have developing very slowly. In the beginning, Indian employer like the British capitalists in Indian, dislike unionism. Mahatma Gandhi’s struggle at Ahmadabad and B.P. Wadia’s at Madras produce some results. The trade unions in India could not develop into effectiveness.

1.13 The Obstacles of Labour Unions in Manufacturing Sector in M.P. Region

Voluntary organization for certain reasons. Some of these are;

1.13.1 Financial Position of Labour Union

The average yearly income of labour union is very low and inadequate. The subscription rates are very low and many member do not pay the subscription in time. In order to increase the number of member union keep subscription

56 Labour Inspector v. Authority Payment of Wages Act, (1976), I. LLJ, 511, M.P.
rates law. Due to their financial weakness, most of unions are not in position to undertake welfare program for workers.

(1) The worker are apathetic toward trade unions and do not want to contribute a part of their hard-earned money. The national commission on labour observe; "union organization generally do not claim anything higher nor do worker feel lick contribution more because the services rendered by the union do not deserve a higher fee." 57

(2) Members, instead of making regular payments to union, make inadequate payment if dispute arises, which shows "a lack of communication to the union." A subscription rate unduly low and does not collect even that subscription regularly.

1.13.2 Intra Union Rivalry

Multiple unions create rivalry. Union tries to play down each other to gain greater influence among workers. Inter union rivalry cuts at the very root of trade unions movement, weak collective bargaining and reduce the effectiveness of worker in securing their legitimate right. "Most trade union split off a dissident section of a union to form a new organization. This is one of the deadly sins against trade unionism." 58 "It now has all the dignity and grace of monument erected in honors of Gandhian philosophy of trade union behaviour, a monument which is already crumbling." In the connection, the N.C.L. has observed;"

The signatories to the code themselves had no faith in its effectiveness. the causes of inter union rivalries were more deep rooted and could not removed by a code which had only moral sanctions." 59

59 Report of the National Commission on Labour, p.293
1.13.3 Multiplicity of Unions

The multiple unions are mainly the result of political outsider wanting to establish unions of their own with a view to increasing their political influence, albeit in urban areas. "No less than 5000 tribal worker from role showing them as resigned showing that they have voluntary abandoned their job." For example:

(1) The multiplication of trade unions at the plant level, each union commands only a negligible proportion of workers of an establishment and does not enjoy the confidence of most of the employees.

(2) These splinter unions have assumed only limited range of function. Instead of diverting member' energies into constructive and co-operating channels, they have encouraged strife, disloyalty and non-cooperation.

(3) Most trade unions have failed to realize to the impotence of multiple help and welfare activities, Catlin rightly observes; "The greater number of phases of the worker's life which union serves, the more secure, presumably, will be its hold on his allegiance and the more effective its hold on his allegiance and the more effective its control of the trade."60

1.13.4 The Problem of Recognition of Trade Union

"One of the particular feature of our industrial relation system s that employer is that the employer are not obliged to recognize any union. So in the initial stage of the country's industrialization, the attitude of employers toward trade unions

---

60 Flanders, Alan, Trade Unions, pp. 46-47.
was hostile as observed by M. Joshi."^61

The Royal commission on labour pointed out; "The recognition of trade Union may mean much or nothing;" Prior to 1946, no provision existed in any state regarding the grant of recognition of trade unions. It was the Bombay industrial relation act, 1946, which The Royal commission on labour pointed out; "The recognition of trade Union may mean much or nothing;" Prior to 1946, no provision existed in any state regarding the grant of recognition of trade unions. It was the Bombay industrial relation act, 1946, which provided for the recognition of representative union in local areas. This act also applied to Gujarat and in a modified from to Madhya Pradesh and Rajasthan. In the state of Maharashtra, the state government enacted legislation. Recognition is given on basis of the criteria accepted at the fifteenth tripartite labour conference at Nainital in 1958.

1.13.5 Politicalisation of Unions

"One the biggest problems which the country's trade union movement faces are the influence of political parties."^62

The clay of unionism is possibly effervescent industrial labourers, but the sculptors chiseling it into shape have certainly been members of political parties." Harold Couch observes; "Even to the most casual observer of the Indian trade union scene, it must be clear that much of the behaviour, can be explained in political terms." Raman's observations are; "Trade union multiplicity in India is directly traceable to the domination and control of the trade union movement by In one study, Pandey concluded; "The unions are closely aligned with political parties, and political leader continues to dominant unions. The supreme consequence of the political involvement of unions in

---

^61 Joshi N.M., Trade Union Movement in India, 1927, p. 17
India general and Kanpur in particular has been the sample fact that trade unions, formed to safeguarding and promote the social and economic interest of workers, have tended to become tools of party politics.

"The Nagpur section of the AICTU was the prelude fore-shadowing things to come; the creation of HMSS and the Indian federation of labour was the interlude, the year 1947 was the climax and the resulting alliance of the Indian working class with different political parties sounded the epilogue of this drama cast in their social background of Indian's struggle for freedom." The excessive politicalisation of trade unions has affected the union such an extent that the federation are found behaving "differently in different state, depending on the party in power and there have been many violent conflicts."

1.13.6 Leadership Issue

Indian trade union movement form its very inception was closely associated with the freedom. Struggle of country and as such was dominated national leaders Leader of trade union are persons who are professional leaders such politicians, lawyers, social worker, doctors and the like. These political leaders are inevitably concerned with "maximizing their individual standing as political leader rather than with maximizing the average or aggregate wage of their members." The national commission labour own estimate was that outsider leader in union's executive bodies would be about much less then the number legally permitted. It makes recommendations to deal with the problem of outsider leader.

Although section 22 of trade unions Act 1926 required, that "not less than one half of the totals number office bearing of every resister unions shall be person actually employed or engaged in an industry with which the trade union concerned, "in practice," outsider in union executives are estimated to be about 10%,much less then the number legally permitted."
The Ramanujam committee, too, has rightly point out that multiplicity of trade unions and the dominance of outsider (non worker) as the major factor which needs reform.

1.14 Attitude of Employers and Labors toward Labour Unions in Manufacturing Sector in M.P. Region

1.14.1 Employer Attitude toward Trade Union

Industrial management should develop constructive attitude toward trade unions. If the management does not except the union and if the unions do not except and appreciate he business system. Harmonious relation cannot be established. Management should accept worker as equal partner of the joint venture. It must recognize there union as spokesman of their grievances and difficulties and as custodian of their interest.

Management should encourage right type of union leadership. “Management gets the union it deserves,” is not just an empty phrase. It should create condition, which would stimulate growth of competent and constructive leadership.

To deal with the human element of the organization and to ensure that organizational policies and procedure are properly implemented and carried out by the industrial staff, all jobbers, and supervisor should be trained in the tool and techniques of human relation as these are people who come in direct touch of the employees. Their attitude and dealing will largely determine nature of industrial relation. Hence, they should be trained in leadership and communication practices.

In field of administration, it is the relation between authority and labour union, which are important. A labour is not a machine, nor cog in a wheel. Misunderstanding and difference of opinion between worker and authority are
nothing to cause much worry, as they are part of life, all of them being human and capable of harboring various kind of emotion regarding each other.

Actually, the attitude and nature of every worker differs from to each other, but efforts must be made to maintain cardinal relations between them.

### 1.14.2 Attitude of Labour toward Union

Workers join unions to communication with management. Union serves as platform through which a worker can make his voice heard by the employer. An individual worker is not in position to secure good pay and proper working condition from the employer. He joins because union has great bargaining power to get these economic benefits for worker. Workers can gain recognition as equal partners with employer by join unions. They can participate in management of industry. They can influence decision, affecting their interest, through collective bargaining.

Some workers join trade unions to fulfill their political ambitions. They use a union as an outlet to become leaders. They may rise in their political career by obtaining an office of the union. Another reason for workers to join a union is the need for an adequate machinery through collective auction. The industrial complex is very high. A single unit may employ hundreds of worker of workers. Many times of workers may not have seen even the face of their employer.

Under these condition worker are not in position to express their grievance before their employer nor do the employers have no means to know the difficulties face by employees. The trade unions play the important role of bringing to the notice of employers the grievances and difficulties of employees. The trade unions also try to arrange face-to-face meeting between employer and employees. Thus, the batter relations are established between employer and employees through the medium of trade unions.

In India, the economic condition of industrial labour is not too good. The labour
class backward in every respect. The stander of living is too much low. The majority of worker illiterate or semi-literate. Moreover, they have large families and their condition is therefore much worse. They live in slums and eat coarse food only. It is task of trade union to promote the social and economic welfare of labors. The trade unions try to get the housing and facilities and try to arrange for the education of the children of workers.

An ordinary worker has little sense of belonging in modern industry. By joining a union he can associate with fellow workers and gain social respect. He can also discuss his problem with leader of trade union. Trade unions generate a spirit of self-reliance and self respect among of worker. Union protects there member from various economic hazard such as illness accident injury, unemployment. They contract employer to pay compensation and retirement benefits. Union also has funds to provide financial support to distressed member. The urban life is much different from the rural life. Most of the workers come from villages, but after finding jobs in cities, they have no residences in the cities. In cities they need a good bit of money for establishing themselves. The trade unions try to improve the economic condition of workers and remove their hardships and handicaps. For increase in their wages the unions represent their case before the employers and try to get adequate bonus for the workers. The unions also try to get over time wages to the workers. If the worker are not united, an employer may adopt arbitrary polices and procedure to exploit them. Workers from unions to ensure rational and uniform personnel policies and their unbiased implementation on the part of management.

1.15 Conclusion
In the first chapter, Introduction of labour unions has defined. Meaning and characteristic of trade unions has mention. Safeguarding the interest of workers, work for the progress of the employees, provision for labour welfare, establishing contact among workers and employer, increasing cooperative
feeling and securing facilities for the Workers etc are main object of labour
unions. Overall, this chapter provides a theoretical knowledge about the labour
unions and is whole process, concept, and different types of labour unions.
A brief description of history of labour union movement in India has explained,
social welfare period (1875-1918), early trade union period(1918-1924),
left-wind trade unionism period (1924 to 1934), trade union unity period
(1935-1938), second world War period (1939-194), post independence period
(from 1947 to -date). There are some national level federations in India. Such
federations are All Indian Trade Union Congress Indian, National Trade Union
Congress, Centre of Indian Trade Union, United Trade Union Congress and
Bhartiya Mazdoor Sang. Further Functions of Trade Union has mention country
wise such as functions of trade unions in the Republic of China, USA, UK and
India. There are various types of unions. These union classifications are craft
union, staff union, industrial union and general union in India. There are many
approaches, which is used to make union. These approaches are
social-psychological approach, sociological approach, scarcity consciousness
approach, general approach, non-revolutionary or industrial democracy
approach, classless society approach and gandhiji’s approach. Some
lagistmatic play a major role in Industrial Relation. These lagistmatic are the
code of discipline, Industrial Employment (Standing Orders) Act, 1946 etc. To
find out role of labour unions in workers education in manufacturing sector in
M.P. Region. There is scheme for workers education under central board worker
education in India. Three levels of workers education is the national level
education, regional level education and unit level education. To find out the role
of labour union in healthy, safety, welfare, wages and bonus protection under
respectively the factory Act 1948, payment of wages Act, 1936 and payment of
bonus Act, 1965. This chapter focused on obstacles of labour unions. These
obstacles are financial position of labour unions, Inter union rivalry, multiplicity
of unions, problem of recognition, politicalisation of unions and leadership
issue. This chapter explained attitude of employers and labors toward labour
unions, attitude of employers toward labour union and attitude of labors toward
labour unions. So in this chapter some major point has highlighted in introduction.