CHAPTER - II

- Critical look of Trade Union Act, 1926

- Socio-economic objectives of Trade Unions in India,

- Future challenges to Indian Trade Unionism.
A CRITICAL LOOK OF TRADE UNIONS ACT, 1926

Trade Unions in India, as elsewhere, basically grew as reaction to modern industrialisation. In the early stages of the development of industries in India workers had to face serious hardship and privation including long hours of work, oppressive working conditions, subsistence wages and lack of any facilities whatsoever. There being no protective legislation of any type, no trade union organisations and an alien government believing in 'laissez faire', the workers' condition continued to be pathetic for almost three quarters of a century. "Individually the workers could not challenge these hardships inflicted on them and needed some support from other sources. Although some well-known social workers and philanthropists took the initiative and made representations to the Government for mitigating the hardship of workers, these attempts were ad hoc, isolated, localised and short-lived".

1. The Russian Revolution of 1917 and the establishment of International Labour Organisation in 1919 for the first time gave a new sense of confidence and importance to the working class all over the world. A realisation dawned upon the workers that organisation provided the only hope to their unlimited miseries. There was also the realisation that though individual workers were dispensable, workmen collectively were
indispensable to the capitalist. The real thrust to the
growth of trade unions and the enactment of the Trade-
Unions Act, 1926 was, however, given by the formation
in April, 1918 of Madras Labour Union by B.P.Wadia, a
political activist and Assistant Editor of Dr. Mrs.
Annie Basant's newspaper 'New India'.

2. Madras Labour Union, immediately after its
formation, took up with the management the question
of increase in the wages of the workers, increasing the
lunch recess, payment of compensation in the event of
break-down of machinery and improvement in the behaviour
of European officials towards the workers. Though the
management did not reply to the union, it increased the
lunch recess to 40 minutes from 30 minutes.

3. There was serious trouble in the Mill in
October, 1918 and the management declared a lockout, the
first of its kind, on the ground that the workers were
not reporting for duty by 6.00 A.M., the prescribed time.
Wadia was all consideration for observance of law and
admonished the workers to report for duty by the speci-
fied time. A second lockout was declared by the manage-
ment on 27th November, 1918 on the ground that the
workers assaulted some officers. The union condemned
the assault as also the lockout of the mills by the mana-
gement "causing intense suffering to the laboureres in
these hard times of economic distress". Mahatma Gandhi
deputed C.F. Andrews to resolve the dispute. As a result
of his intervention, the dispute was settled and the mills reopened on 17th December, 1918.

4. In October, 1920 again, there was trouble in the mills over promotion of a jobber. The management dismissed about 50 workers. The workers confined the weaving master in his room and snatched away his revolver. The management declared a lockout. The union held meetings every day and appointed a lockout committee with B.P. Wadia as the President. After sometime, the Company filed a suit against Wadia and the other members of lockout committee for "interfering with work-people and for disguading them from working and thereby causing serious loss to the Company" and claimed damages to the extent of Rs. 75,000/-. The Company also applied for an interim injunction against the defendants. The judgement of High Court was in favour of the Company.

5. The success of the suit against Wadia and his colleagues showed clearly that there was no legislative protection for active trade union leaders. This gave a shock to trade union leaders who discovered that their activities lacked legal basis and that they were liable to prosecution and damages. Soon an agitation for legalising trade union activities started, which ultimately led to the passing of Trade Unions-
Act, 1926. However, the claim for damages against Wadia and his colleagues was avoided by a settlement which required Wadia to leave the union.

6. The Trade Union law even today is substantially the same as enacted in 1926. The trade Unions Act is a permissive piece of legislation. Any seven or more members of a trade union may apply for registration. The object of the Act is to provide for registration of trade union and to define the law relating to registered trade unions in certain respects. In other words, the Act has nothing to do with unregistered trade unions.

7. A 'trade union' has been defined in the Act to mean any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen or between employers and employers or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more trade unions. The following implications are obvious:

(a) a combination of employers, formed for the purpose of regulating relations with workmen or between employers inter se or for imposing restrictive trade practices is also a trade union under the Act:
(b) Although Section 27 of the Indian Contract Act provides that every agreement by which any one is restrained from exercising a lawful profession, trade or business of any kind is, to that extent, void, the definition of trade union, as given in the Act, would override the above provisions of the Indian Contract Act in so far as the activities of trade unions are concerned.

8. Another important definition in the Act is that of 'Workman' which means "all persons employed in a trade or industry, whether or not in the employment of employer with whom the trade dispute arises ". There being no words of limitation in the above definition, supervisors and officers employed in any trade or industry are also workmen for the purposes of the Act and can have their unions registered under the Act. The inclusion of persons, not in the employment of the employer in the above definition has been made to ensure that action of persons, who may be members of union but not in the employment of particular employer, in helping that union in any way is not treated under the law as illegal.

9. Since the principle objective of the Act is to provide for registration of trade unions, the Act requires each of the State Governments to appoint a Registrar of trade unions. In addition, a State Government may also appoint Additional or Deputy Registrars
of the unions and define the local limits within which such Additional or Deputy Registrars shall exercise and discharge the powers and functions assigned to them. Any union seeking registration has to make an application in the prescribed form and also ensure that its executive is constituted in accordance with the provisions of Act and its rules cover the following matters:

a) the name of a Trade Union;

b) the whole of the objects for which the Trade Union has been established;

c) the whole of the purposes for which the general funds of a Trade Union shall be applicable, all of which purposes shall be purpose to which such funds are lawfully applicable under this Act:

d) the maintenance of a list of the members of the trade union and adequate facilities for the inspection there of by the (office-bearers) and members of the Trade Union.

e) the admission of ordinary members who shall be persons actually engaged or employed in an industry with which the Trade Union is connected, and also the admission of the number of honorary or temporary members as (office-bearers) required under Sec.22 to form the executive of the Trade union;
f) the payment of a subscription by members of the trade union which shall be not less than twenty-five naye paise per month per member;

g) the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on the members;

h) the manner in which the rules shall be amended, varied or rescinded;

i) the manner in which the members of the executive and the other (office-bearers) of the Trade Union shall be appointed and removed;

j) the safe custody of the funds of the trade-union, and annual audit, in such manner as may be prescribed, of the accounts thereof, and adequate facilities for the inspection of the account books by the (office-bearers) and members of the trade union; and

k) the manner in which the Trade Union may be dissolved.

10. No registration can be granted under the Act unless the above conditions are fulfilled. Although framing of rules in accordance with Section 6 is a condition precedent for registration of trade union,
these rules have only a contractual force and not any statutory force. The Registrar of trade unions may call for further information for the purpose of satisfying himself that any application received by him complies with the provisions of Sections 5 and 6 and he may refuse to grant registration to trade union until such information is supplied.

11. If the name under which the trade union is proposed to be registered is identical with that of another existing trade union or, in the opinion of the registrar, so nearly resembles the name of another existing registered trade union, the Registrar is required to call upon the applicant union to alter the name and refuse registration till this is done.

12. If all the terms and conditions of the Act are complied with, it is obligatory upon the Registrar to register such a union and he has no discretion in that matter. Every union which is registered has to be issued a certificate in the prescribed form which is conclusive evidence that the trade union has been registered. The Act also vests powers in the Registrar to cancel or withdraw registration of a trade union in the following circumstances:

a) On the application of the trade union;

b) if the Registrar is satisfied that the certificate has been obtained by fraud or mistake,
or that the trade union has ceased to exist or has wilfully and after notice from the Registrar contravened any of the provision of the Act or allowed any rule to continue in force which is in consistent with any such provision, or has rescinded any rule providing for any matter which is required under Section 6 of the Act. Such action can however be taken by the Registrar only after giving the concerned union a notice in writing specifying the grounds on which it is proposed to withdraw or cancel its registration except in the case of application for cancellation by the union concerned.

13. Any union aggrieved by the refusal of Registrar to register a trade union or for cancellation of registration by the Registrar may, within the prescribed period, appeal to the High Court if the head-office of the trade union is situated within the limits of presidency towns. But if the head office of a union is not situated within a presidency town, the appeal lies to a specified Civil Court which shall not be inferior to the Court of Additional or Asstt. Judge as the appropriate Government may appoint for this purpose. The appellate Court may dismiss the appeal or pass an order directing the Registrar
to register the union and to issue a certificate of registration or may set aside the order of withdrawal or cancellation of the certificate. In the later case, a union having its registered office outside the presidency towns has a further right of appeal to the High Court of the State concerned.

14. Every trade union registered under the Act is a body corporate, having perpetual succession and common seal with the power to acquire and hold property and to contract. Such a union can sue and be sued by its name (Section 13).

15. The Act also prescribes in Section 15 the objects on which the general funds of the union may be spent. Expenditure are general funds of a trade union on any object other than these specified in the above Section is illegal. This section covers expenses on the maintenance of office, payment to staff and office bearers, expenses incurred in defending members and office-bearers involved in legal proceedings for trade union work, prosecution and defence of Trade disputes, payment to workers of unemployment, old-age, sickness benefits, expenses incurred for publication of a periodical, etc.

16. In addition, a trade union may maintain a separate political fund, made of contribution separately levied, for promotion of the civic and political
interest of its members. No member of a union can be compelled to contribute to such a fund and a member who does not contribute to it can not be excluded from the benefits of the trade union either directly or indirectly or put under any disability of disadvantage compared to the other members. However, members not contributing to the political fund can have no say in the matter of control and management of the political fund of a union.

17. Members and office bearers of a registered trade union are not liable to punishment under section 120-B(2) of the Indian Penal Code on charge of criminal conspiracy in respect of any agreement made between them for the purpose of furthering any objective of trade union as is specified in Section 15 of the Act, unless such an agreement is an agreement to commit an offence. In addition, there is a complete immunity from civil liability in respect of any Act done in contemplation of furtherance of a trade dispute.

18. Every member and office bearer of registered trade union has a right to inspect the books and records of the trade union and the list of its membership provided he has given a notice for the same in the prescribed manner. A minor who has
attained the age of 15 years may become member of a registered trade union and enjoy all the rights of such membership. The Act debars a person from becoming the member of the executive or any other office-bearer of a registered trade union if:

i) he has not attained the age of 18 years;

ii) has been convicted by a Court in India of an offence involving moral turpitude and sentenced to imprisonment, unless a period of 5 years has expired since his release.

Persons not actually employed in the industry can become special or honorary members of a trade union provided that the total number of such members shall not be more than 50% of the total number of office bearers of the union. This can be relaxed by the appropriate Government in favour of any particular trade union or class of trade unions.

19. Change in the name of a registered trade union can be made provided consent of not less than 2/3rd of the total membership is available. Similarly, two or more registered trade unions can amalgamate into a union provided votes of not less than one-half of the members of each of the trade unions are recorded and at least 60% of the votes so recorded are in favour of the proposal for amalgamation. Every change in the name
and amalgamation of two or more unions has to be notified to the registrar of trade unions. However, such a change in the name or amalgamation shall not affect any rights or obligations of the trade unions or render defective any legal proceedings by or against a trade union initiated before such change/amalgamation.

20. A registered trade union may dissolve itself in accordance with the rules and notice of dissolution is required to be sent to Registrar within 14 days thereof. Every registered trade union is also required to submit to the Registrar of trade-unions every year an annual return in the prescribed manner giving particulars of its receipts and expenditure, assets and liabilities alongwith a list showing the office-bearers and a copy of the rules corrected upto the date. Failure to submit the said return renders the office bearers of the trade union liable for punishment. Similarly, any person who wilfully makes any false entry in, or any omission from the said return, is also liable to be punished.

21. The National Commission on Labour (1969) recommended that registration of trade unions should be made compulsory and the minimum number required for registration of unions should be increased. The
Commission also suggested that Registrars should be time bound to take decisions to grant or refusal to grant registration and appeals against their decisions should go to Labour Courts rather than to Civil Courts.

22. A Trade Unions( Amendment ) Bill was introduced in Lok Sabha in 1982 in incorporating some of the suggestions made by the Commission. However, the Bill lapsed on the dissolution of the Lok Sabha in 1984. Fresh proposals for amendment of the Act are under consideration of the Government of India.
Socio-Economic Objectives of Trade Unions in India.

To achieve the national plan objectives of higher productivity the labour force has to play a vital and constructive role. It has to play a vital role in nation building as per the Gandhian thought of unionism. If it is well-organised as trade unions the prospects of its contribution in nation-building, planning and development is greater. In a wider forum, these trade unions are not only responsible to its unionised members, but also bear the moral, ethical, economic and social obligations to the industrial community, society and nation at a large in various themes and approaches. Despite the numerous problems facing them they are to improve the lot of the workers economically and generate socio-political-awakening to combat the evils of capitalism and the forces of disintegration, communalism, casti- esm and linguism. Its socio-economic objectives should be an unending agenda for shaping a better future for its workers-society and nation.

From the above perspective, getting a little more for this section or that section of the working class can only be one of many sided objectives of a progressive trade union movement. In a vast developing society, to quote Mr. K. Balan, "Where the working
class is an important segment of population it is only a mis-conception to think that the role of trade unions ends with multiplicity of unions, propagation of strikes and getting a little more to the white-collar and blue collar workers."2

The present trend of the trade union movement where a section of the working class gains when the nation suffers heavily from strikes, violence and stoppage of work has to change for the better future. It is the in-escapable responsibility of the trade union movement to keep in view of the over all interest of the nation, while looking after the needs of the working class for workers gain at nation's loss will do more harm then good to the country.

Strike is a sacred weapon of the working class to secure socio-economic benefits and security and such care has to be taken to see that the weapons are not misused to achieve narrow objectives. Using this weapon frequently will not serve the common interest of the working class and the nation but will only expose the selfishness, narrow objectives, disunity and other vested interests within the trade-union movement. There is, therefore, imperative need for a change of objectives, attitude, outlook and activities of trade unions in order to cover the
entire working class, stabilise workers unity and make more and more achievements through discussion negotiation and conciliation, to promote the interest of the working class and the nation. This chapter focuses its theme in detail.

A bird's eye view of history of industrial growth and trade union movement, which is of course written in blood-stained pages, will reveal numerous life and death struggles of the workers to attain better status and better industrial growth. Blood-stained pages of trade unions history would tell us a lot of painful stories about the sufferings and sacrifices of workers. When we enjoy welfare schemes, better salary and service conditions etc. We must remember that these were the results of an unceasing and untiring struggles and sacrifices of the working class of the past, which cast upon us a responsibility to extend it to other workers who are yet to get such benefits. It is significant that the strikes, struggles and sacrifices of those days were with one ness of purpose against unhealthy labour practices and against management, and were not aimed at selfish motives and prejudicial activities. The benefits they secured were shared by the working class with equality and justice. Today the work force has increased tremendously and trade union movement has widened, though
its widened activities are insufficient to cover the entire working class in our society.

In the olden days, political leaders only inspired, guided and gave courage to workers to fight against what is bad for them and to attain what is good for them and to society. But today the situation has undergone for a total sea change, changed not for better but for the worse. "In several places, a perusal of the news report of 1970's and early 80's reveal strikes and struggles though began against management, where in actual practice between workers them selves and between worker's unions. Instances where workers and workers fought themselves using deadly weapons and killing several of them and prolonged the strike and violence to satisfy the ego of a few outsiders were not uncommon".

There are instances where the previledged working class of the premier public sectors of India and Orissa wanted to get more and more pay and perks by paralysing the main national establishments where the responsibility of running such vital national establishment having been entrusted to them. These happen in banking, coal, railway, power sector etc.

Freedom to strike and to get more and more benefits to match the cost of living condition is essential but when we carry out our struggle and strike as most civilised working class, we have to remember that
the majority workers who do not even get even pittance of what we get are behind us living in the bottom of the society at a large being victims of exploitation, malnutrition and suffering. And, if we want to call these struggles and strikes of those workers, who are in the forefront, as democratic and socialistic, the benefits we get should also go to the common good of the majority of the workers. Many of whom are not covered by the struggles or we should guide them in the proper direction to get such benefits, lest the achievement of trade unions become one-sided giving benefit to only a segment of workers. It is the social and moral responsibilities of those who are in the forefront, and of trade union movement to take care of the grievances of those majority workers at bottom of the society who are living hand to mouth life, mostly because of the rising prices resulting from the wage increase of well employed workers who constitute a small percentage of entire working class. In order to make the trade union movement more realistic, socialistic and democratic with broad based objectives, what is necessary is not a regular fight to get the necessary benefits, rights and privileges to those workers who stand ignored and a good majority of whom live outside the organised trade union movement. Unless and until better service conditions are secured to the majority of the workers in the
over all interest of the working class and the nation, that will have devastating effect on the national development. If the trade union movement does not look to the interest of workers who are caught in the cobweb of exploitation, unfair labour practices, unjustified pay and broken service conditions, then it will be improper to say that trade unions are aiming at achieving socialist and democratic goals.

Due to over influence of petty politics on unionism and the life of workers, working class are getting divided day by day through loss of bargaining power, erosion of workers unity. Management by this situation becomes victorious and gainer. This trend should be overted for the good of working class. So, there is need for a fearless will in the trade union movement to spread better understanding and unity among workers in order to make the objectives of the movement broad based with equality, justice and socialistic ends.

Let the trade unions follow political legacy of the trade unionism in the country. Let them take the political guidance and inspiration, but let us remember that involving politics increasingly in the trade union activities will only divide the working class more and more bringing down their ability to fight for better working environment and living condi-
tions and encouraging in fighting and violence among the workers themselves. Let the trade union movement inspire the workers to carry on the struggle for better socio-economic status but let us remember that if as a worker we have to do that obligation for our own benefit and welfare, as a citizen of a great country we have got enough responsibility to protect the national interests and to contribute more for the socio-economic development of the country which mainly depends on productive people rather than on any body else.

These unions should mainly focus on this area as below:-

1. Responsibilities in changing industrial environment.

2. Fighting down on healthy trends and unfair labour practices.

3. Protection of workers from accidents and health hazards.

4. A better family for the industrial workers.

5. Better look to industrial production and max power utilisation.

6. Solving unemployment and right to work through the Government.

7. To co-operate and propagate the national integration communal harmony etc.
Trade unions have to play more important and responsible role to give safety and social and economic security to the worker community as a whole. To achieve this end and in the enlarging and changing industrial environment, Trade unions have to change their directions and objectives in a determined way, in a dynamic way and in a scientific way so that they can function in a cultural and social environment of dedication and discipline to look after not only the interest and welfare of the worker community but also of the nation as a whole.

In order to meet the challenges and commitments ahead successfully, Trade union have to come together and work with following keys:

1. Uniting the working class as one community and fighting for better working conditions, better working environment, better industrial peace and better industrial productivity.

2. Uniting the working class as one and fighting un-to death against discrimination, malpractices, unhealthy labour practices and other injustice to secure social and economic security to workmen.

3. Uniting the working class as one and strive for national progress and prosperity.

4. Promoting and protecting workers interest.

5. Looking after the family planning, family
welfare, health problems and illiterate problems of the workers and his family.

UNHEALTHY TRENDS:

Trade unions have to be the watch dogs in the future industrial development of the country by acting swiftly and promptly to curb the unhealthy trends and anti-social acts in the area of industrial and trade unions activities. Dis-unit is a most dangerous things for workers welfare. It has to check the irrelevant performance of its leader and industrial managers to boost up production and productivity by which all will be benefited. Because production is life and productivity is prosperity.

PRICE CONTROL:

The demands of workers are always going up day by day in line with the price increase which calls for increase in their income to get minimum necessities of life. While this increase is justifiable considering the price increase, real growth of income is hampered to workers. Price-rising has a spiral effect in India. The salary rise does not match with the price rise. In that case trade unions should make efforts through various measures to make available food articles at a controlled price so that not only the working class as a whole will benefited but also the poor people in general will be gaining a lot through the action of the trade unions.
Certain unions are promoting regional feelings through narrow policies such as 'Sons of the Soil' employment policy which is detrimental to national unity and integrity. The chronic unemployment in the states has prompted local politicians to demand such a policy and several hundreds of people had victims of such narrow movement in the country.

Industry distribution in India and in the states are not even that is why there will be migration of labour. When there is overseas opportunity for Indians, it will be pretty unfair to cease employments to other province people.

SAFETY:

Safety is a word inseparably and in extricably connected with the industrial world. Workers form a good percentage of the productive forces of the society and there is very need to see that that the accidents in the factories and attack of occupational health hazards are minimised in order to give safety and security to the worker and there by his family which will in turn help the worker to become efficient and productive. Trade unions is always to be watchful that safety provisions in the factory are implemented as per the factory Act. and the workers are motivated to be abided by the safety rules.
WORKERS EDUCATION:

Promotion of workers education to keep the workers away from the unhealthy labour practices and to save them from the injustices and insecurity, should receive top priority in the objectives of the trade union movement. It has to be realised that workers are educated on proper lines, that will not only make the workers aware of the rules and regulations governing him in the industry and but will make him productive and efficient. This will help them to play a pivotal role not only as a worker but also as a citizen. Others are as where the trade unions have to play a changed role in general welfare of workers, providing legal aid to workers and their family, revival of sick industrial units, recreational activities, industrial safety, cultural activities, occupational health problems and supply of essential food articles to workers etc. To perceive such broad activities of unions, workers education scheme can broaden the mental horizon of the workers.

In this context, it is also pertinent to give a light touch to the trade union education, which is always a much mis-understood subject. Trade union officials and trade unionist should be educated properly not only to equip themselves with necessary courage and confidence to lead and guide trade union movement, but
also to solve the complex problems in the modern industrial society. This can be done with the help of the Government, the management and other organisation.

UNEMPLOYMENT:

Considering the increasing unemployment problem which is likely to pose a threat to the welfare of even existing workers due to the socio-economic problems arising from unemployment, there is need for the trade union movement to extend its activitise in solving unemployment problem also, which in other words is fight against idleness, poverty, hunger and discrpition of economic emancipation and social progress is a necessity in the sense that it will help to utilise the existing manpower as far as practicable for increasing the productive capacity of the nation. Trade unions can help and solving unemployment problem through measures below.

1. Increasing productivity capacity of the industries through disciplined, efficient and healthy work force which in turn will make the economic viability of the unit strong facilitating 25% expansion in production capacity and intake of fresh personnel.

2. Avoiding necessary strikes, violence, and protracted stoppage of production which often erodes the existence of the industry itself.
3. Preventing closures of industries due to industrial sickness, strikes, lockouts and other problems which adds to the unemployment problem.

4. Providing help to the unemployed and underemployed persons in regard to the establishment of cottage and other self-employment schemes.

If the trade union movement tries to include in the agenda of their activities—unemployment problem and right to work, it will go long way in a speedy industrialisation and socio-economic development of the country.
FUTURE CHALLENGES TO INDIAN TRADE UNIONISM:

INTRODUCTION:

Historically speaking, the trade unionism in the country is an offshoot of freedom movement of twenties, thirties and forties for this country. The unions did play a significant role in achieving the independence. In post-independence period, the trade unions have become larger and stronger but unfortunately splintered as well. On the year 1947-48, the no. of registered unions were 2766, whereas as in 1980, the no. of registered union were 35,753. But critics and analysts are of opinion that Indian unions are fully engrossed with excess politicalisation. "Every political party worthy of its name has made deeper in-roads in the trade unions and as a consequence trade unions of different hues and stripes have come into being. Differing strategies and ideological stances have obviously infested the union work style and competitive trade unionism has grown in direct proportion to political vying and competitiveness. Another come of the intense politicalisation of the unions is that much meaningful dialogue between management and labour is bypassed and the bridges of understanding is burnt." The industrial relations, therefore, become confrontationalist rather than conciliatory and workers are misled and incited to stop work. The growth of internal leadership has been.
discouraged. Political bandhs, gheas, demonstration and agitations have thus become endemic. On the field the membership, collection is poor in many cases, the unions are unable to maintain its office and unable to send annual returns. There is growing trend of economism among trade unions, and they are bereft of socio-economic responsibilities. Their collection bargaining strength is so weak that the major disputes are adjudicated upon. This is the present state of unionism in India and Orissa too.

Indian trade unionism completed a century in September 1984. It has passed through many turmoils. To its credit, it has many sagas of victories and failures. In our quest to guarantee safe working condition reasonable wage, industrial democracy, retirement benefits, welfare schemes etc. a detailed network of labour legislation has been enacted perhaps our social security system is far ahead of that industrialised countries. It is equally true that our legislative coverages is not equalled by any other country, developed or developing. Where as labour class of western countries fought for 100 years to get such benefits, Indian counterparts availed those by the single stroke of the political leaders irrespective of its industrial development and potentiality.

In spite of it industrial strikes and unrest has grown, number of mandays lost multiplied,
intimidation, violence and coercion and gherao have been used to press their demands. There is a qualitative drift in the trade union activity while in 1975, there were four national trade unions, today there are as many as eleven after passing of ten years. Regarding the mandays lost, in 1974, 40 million mandays were lost 12 millions in 1976, 43.8 millions manday lost in 1979 and in eighties it been reduced little due to political stability and Governmental strong action on labour. That is why in 1980, we suffered mandays loss of 22 millions and in 1981, we lost 32 millions and in 1982 we lost 62 millions mandays due to Bombay textile mill strike. All these figures give us a gloomy picture on its future. For the above problems, the ready made answers are thrown to us. Multiplicity of unions, politicalisation of unions, inter and intra union rivalry, economism, tardy implementation of labour laws are cited as villain of piece.

Also they certainly are in this section. We will focus certain issues, not all issues which will pose an challenges to our unionism in ninties. Let us visualise it through our intellectual third-eye or clairvoyancy on future challenges and responsibilities on major issues.
POLITICALISATION OF UNIONS:

In a planned economy most of 'objective' factors are in fact an outcome of the consciously chosen policies and plans. It is, therefore, possible for to change the context to a very great extent by influencing the policy decisions themselves. The political action, therefore, has become essential for the unions otherwise their economic pursuits themselves may face serious threats in future. So far their political action has been confined either to serving the parties or using unions as a spring board for one's own political career.

What is needed now is building up of a political pressure at the policy level. This requires a long-range orientation on the part of the trade unions themselves and a systematic educational/communication programme within unions to enhance such thinking among their members.

The need for proper political action at the policy level may become a pressure in the near future if the new Government's proposal "to acquire additional power to regulate wages wherever necessary in the private sector" gets accepted and implemented. The proposal has been mooted for two basic reasons:

a) to reduce the wage disparities between the unorganized sectors, small and large sectors;
b) to eliminate the major bone of contention between managements and unions. Whatever the merits or demerits of the rationale, the proposal, if implemented, would pressurize the plant-level and the independent unions to wield enough political power to get themselves represented at the national level. The isolationism, therefore, will have to be given up and the political action strengthened.  

AUTOMATION AND UNEMPLOYMENT:  

Another factor which is likely to affect our unions very strongly in near future is the growing unemployment thrust on automation. Protection of employment is no longer a key variable in the industrial policy at the national level or company policy at the plant level. If a unit is not viable economically, it is expected to be closed as is happening in the case of the sick NTC (National Textile Corporation) mills. This emphasis on efficiency and not on employment protection can be expected to create a situation similar to that we witnessed in case of the British Coal mines. The unions opposition to the closure of 20 money losing mines (which would have taken about 20,000 jobs) on the ground that mines should be closed only when coal reserves are exhausted or pits are unsafe was fought
by the Coal Board with determination because
"THE NUM (National Union of Mine Workers) has a policy
that no pits shall close on grounds of economics and
we want that changed". After a fight for eleven months,
the National Coal Board emerged victorious. Similar
situation may occur in India and therefore, unless
unions come out of their shell and try to orient them­selves towards wider society, they may face similar
kind of offence and problems. The reaction of some unions
in India to the prospects of closing down of the sick
textile mills, namely, that they should be run by worker
co-operatives is a healthy approach to the problem, but
its effectiveness will depend upon how much organizational
competence the workers have and in case they don't have
how much effort and service union is willing to provide.
Union's capacity to mobilise public support will also
play a crucial— role in making the co-operative venture
possible and viable. In a nutshell, isolationism and
economism will once again have to be abandoned and new
approaches and skills will have to be developed.

PRODUCTIVITY ISSUES:

At the work place level too attempts will have
to be directed towards greater job regulation for the
simple reason that companies are increasingly pressuri­sed to become more productive— a demand which is bound
to get transferred to the workers. However, productivity
can be increased by 'working harder' as well as by 'working smarter'. Unions can not agree to improve productivity by increasing work-intensity; their members will oppose it. The only congenial way of increasing productivity, therefore, is by working smarter and that requires restructuring of the work-organization. Consequently, unless unions direct themselves towards gaining greater control over work organization, the future demands for greater control over work organization, the future demands for increased productivity which will be difficult to avoid, can be expected to weaken the unions internally. However, if unions aspire for greater job-regulation they will have to build up technical expertise within unions and also develop sensitivity and competence to articulate and tackle on-the-job problems of their members. The latter may necessitate greater participation by the rank and file the persons on the job-within the union itself.

The general hostility towards unions is another challenge our unions will have to face. As the economic conditions deteriorate, hostility towards militant behaviour would increase as is happening across the world. There will be pressures on unions from all sides to work 'responsibly' which means giving-up of the confrontation approach and becoming more
constructive and co-operative with the management and the Government. They are expected to be more sensitive to the societal issues and not to concentrate only on the sectional interests. Whatever be the merits or demerits of these demands, that their pressure is going to increase in the next decade, no one can deny. However, the talk of co-operation and commitment can be taken positively only if the powers co-operating are balanced. Loyalty and co-operation from a powerless party is nothing but one form of 'slavery'. Only among equals it is a sign of good relationship. Consequently, our unions in the wake of growing pressures for responsible behaviour will have to build enough internal strength so that they can equalise the powers to some extent a prerequisite for their constructive behaviour without slavery.

ECONOMISM ISSUES:

The economism will have to be reduced, if not abandoned, for another significant reason as well. The concentration on the work place and specially wages has brought the unions into direct confrontations with the managements and more often than not, the membership of the unions itself largely depends upon carrying out of the 'successful battles' against the managements concerned. The successful battles are, however, on a decline and the trade union leaders are
themselves realising this. In a recent interview some important trade union leaders openly accepted that no major strike since 1980 has been successful. Michael Fernandes commented,

"Government is talking a very firm stand and is becoming more and more repressive. Most struggles have to bring the Government picture in some from or the other. The Government uses this power to suppress the workers. There is also growing pressure from the external agencies, like the world bank in regard to the formulation of the economic policy of the country and the Government's readiness to create an internal climate that would meet the demands of the external agencies for advancing the loan etc! *6


Shankar Guho Niyogi, analysing the causes of failures remarked, "No major strike has succeeded of late mainly because of reversion. Production in industry is aimless. The management never questions why there is given type of production. The type of investment is not questioned either... Given that the management does not have to respond to local demand, they do not have to worry about strikes and loss of production, when they do not make profits any more they are treated like holy cows that are not killed or allowed to die but are protected in a home for aged cows and
scarce resources and wasted on them " -Niyog, 1984, P-56.

A.K. Roy referred to the power-balance and commented:

"The employers are harvesting state power while the employees are failing to mobilise the power of society. Hence they are bound to fail." *8

STRIKES:

Strikes are failing not only in India but all over the world and it has, therefore, become an imperative for the unions to change their orientation and strategy. The trade union leaders in India are realising the need to move out of the work-place and reach the total life of the workers. In the same interview mentioned above, all the leaders unanimously agreed that unions will have to reach the residence of the workers and build a richer and wider relationship with them instead of just working as instruments for their economic gains from the company. Some unions have already been following such policies for a long time, for example, the Textile Labour Association of Ahmedabad and many have started social and welfare schemes now. For instance, a number of unions have started educational and recreational programmes though on a very limited basis. Some unions like Tamil Nadu State Construction Workers' Union Madras is not at all work site based. It is area based and organizes workers at their residential area. In a recent survey of 102 unions from all over India, it was found
that about 63% of the unions provided some educational facilities like scholarships to the needy; 50% unions organized some recreational activities though very occasionally; 61% unions held social welfare related meetings as, for example, on dowry, family planning etc.; 58% provided some assistance to the sick and the old or the unemployed and about 39% gave medical assistance. None of them, however, engaged itself into the housing or water or other civic schemes.

All these are essentially moves to build continuous contact with their member workers and establish a bond which will automatically knit the members with the union and will hopefully, to some extent, extricate the survival of the unions from the success of the confrontations. This bond by itself may not increase the chances of their success against the managements and the Government but it will definitely add to the internal strength of the unions.

**MEMBERSHIP PROBLEMS:**

Unlike the question of growth in union membership the retention of union membership pertains more to the internal functioning of the unions than to the external factors. The problem of retaining membership has two aspects to it; to contain the members from leaving the union and, second, checking the apathy of the members. A large membership by itself is of little use for a union if the members have no involvement in
the union activities and do not identify themselves with the union.

There are several reasons why the members' involvement is critical for the union's survival and growth. Generally, unions in India face serious difficulties in collecting the membership dues because of such apathy. Consequently, many unions support a check-off system wherein the management is given the authority to deduct the contributions of the union members directly from the salary. Inadvertently, this further distances the unions from their members, as contribution collection provides an occasion for office-bearers to reach out to the members, apart from making the unions dependent on the managements for a very critical matter.

Several times union members believe that "Unions are for the leaders and not for the workers". Such convictions that result in mistrust towards the union can not but be dangerous for an institution whose foundation needs to rest in solidarity. Such a disenchantment when directed not only towards a particular union but against the whole institution of unions can have serious repercussions for industrial relations in general and for trade unions in particular. One important function of trade unions is to channelise workers' frustration and protest. Workers who are alienated from their unions in all probability will have to either solve
their problems individually or through the legal machinery. This only undermines the union strength on the one hand and on the other leaves most of the frustrations unresolved given the in-effectiveness of the legal system and the indifference of most managements towards workers and their problems. This may be one of the contributing factors for increased militancy at the individual level which is directed not only against the managers and supervisors but against the union leaders themselves. Those managements, who have taken notice of this gap between the unions and the workers and have visualised its implications for industrial relations have either attempted to widen the gap or have attempted to build direct contact with their work force a move which alienated workers can not but welcome. The adverse consequences of such moves for unionism can easily be envisaged.

The apathy of workers, thus, is one of the basic problems that a union has to keep in mind. Retention of membership is not just retention of members; it is more importantly the retention of energies of the members in union affairs. This can be done only by maintaining a continuous contact with the members and by guarding the unions against the danger of "turning membership into the object rather than the prime beneficiary of job regulation". In other words, it is a matter that demands internal democracy within unions. As C.P. Magarth observes:
"A natural source of union vitality is the members' realisation that they do indeed have a reason for being i.e. for coming to meetings for making decisions, and in fact, for making the union their union." 9

This realisation is to great extent dependent upon the degree of participation the union allows to its members in the activities which are important for the rank-and-file.

The problem of internal democracy is closely related to the issue of goal-displacement which is inevitable for any organization. Quoting AM Ross again:

As an institution expands in strength and status, it outgrows its formal purpose. It experiences its own needs, develops its own ambitions, and faces its own problems. These become differentiated from the needs, ambitions, and problems of its rank and file. The trade union is no exception, it is the beginning of wisdom in the study of industrial relations to understand that the union as an organization is not identical with its members, as individuals. However, if a union over emphasizes institutional goals which are in conflict with those of its members and ignores the motivational factors which brought its membership in the first place, the union's survival becomes suspect. One major task before unions, thus, is to balance the two types of interests and pressures so as to attain some degree of stability. On the part of the union this means evolving system and processes through which
constant contact with the members can be obtained and their opinions and aspirations can be gathered, sorted out and assimilated.

**PARTICIPATIVE MANAGEMENT:**

There are various ways of building such participative systems. Two of these pertain to what Hyman calls the passive and the active variety of democracy. Active democracy, he explains, emphasizes the 'direct participative' decision-making by all citizens, whereas the passive democracy only demands 'People's consent to the policies and actions of their governors.' Consequently, while in case of the former active popular involvement in policy making is recommended, the latter asks only for "periodic opportunity for the citizens to pass judgement to their rulers". The idea of parliamentary democracy is grounded in the latter whereas the early craft unions in Britain followed the former. With the growing size of organizations, active democracy faces numerous problems and it is due to this realisation that people have been practicing a more passive variety of democracy where in the members assert themselves periodically in electing representatives and responding to a referendum. On the whole, however, they remain passive between election. To check apathy though the passive kind of democracy is not sufficient unless referendums are fairly frequent and an effective system of accountability is developed in the union. Most unions lack any mechanism
which allows for active participation or, in its absence, at least an articulation of dissent and a right to an explanation. Hyman brings out the situation of most unions when he writes that the growing economism in the unions has encouraged the union leaders to model their relationship with the workers on the same basis on which the relationship of the enterprise with the workers is fashioned, that is, on pure business terms. They tend to view workers as 'commodities' to be sold by them and thereby shun all human-dignity related issues including freedom. The "power of initiative, this sense of responsibility, this self-respect which comes from expressed manhood, is taken from the men, and consolidated in the leader. The sum of their initiative, their responsibility, their self-respect becomes his".

The above fact has often been taken as an evidence for Michael's Iron Law of Oligarchy. The reasons cited in favour of this law refer usually to heterogeneity in the membership because of which the general inclination of the members to participate in each and every policy matters declines; and to the complexity and the technical nature of the issues which leads to the concentration of decision making into the hands of few specialists. In India, the ignorance and lack of initiative among workers is another factor which is frequently given as a justification for autocratic and centralised decision making within unions.
All these factors, though descriptive of the Union's development, fail to provide a convincing argument supporting "the iron law". Heterogeneity among members, while it may lead to greater conflicts, is not antithetical to democracy. Unions can always differentiate the groups based on commonalities and seek their active participation in the policies directly related to them. Participatory skills can be developed through training and, if necessary, hired from the outside. In the latter case, the need for proper information and clarification becomes even more crucial to avoid the suspicion and resistance of the members. Similarly, economism among unions is on an increase but it is not an imperative. In fact, unions are likely to feel pressures for changing their orientation and build themselves on more secure grounds for the reasons already discussed.

At present, however, it is a well accepted fact that Indian trade unions are more often than not undemocratic both in the active and the passive sense. Many unions are, consequently, facing the problem of apathy. The lack of internal democracy within Indian unions is surprising because the unions are becoming smaller or restricted to the plant level, and the workforce is educated and more skilled than before. These unions can adopt the active form of democracy. Perhaps
the decline of democracy is not so much a result of union structure as of the union leaders' attitudes and the level of awareness among workers. Where the leader's attitude is commercial and statuscentred and the workers awareness is low, proliferation of centralised and dictatorial leadership can not but flourish. However, the work force in most unionised sectors is gradually becoming more conscious and articulate and, therefore, some change in leadership can be expected in the next decade although a significant change is perhaps unlikely due to the passivity which has become more or less habitual among the workers. The tendency still is to 'quit' rather than 'voice' and the legal and social environment provides ample opportunities for safe and easy exit.

CONCLUSION

To draw here is conclusion. Our country is passing through first wave of new technology. The onslaught of the modern-technology has rocked the foundation on which we had painstakingly built our values, certainties, habits and behaviour. It is encouraging to note, however, that some realisation has come for bringing about a change in attitude for a better industrial climates.

The trade unions have come to realise that the alternative to co-operation is chaos, It is
from this point of view that the workers education scheme which was once started to make the workers basically aware of their rights, have now started to bring awareness among the workers about their obligations also. A new culture of labour management relation was enuniated by Sri Ramanuja, President, I.N.T.U.C in 1983 on the foundation day of central Board for workers (both rural and urban) to re-dedicate themselves to uphold the following values:

1. Move from conflict of interest to community of interest.
2. Move from confrontation to co-operation.
3. Change from sectional thinking to integrated thinking.
4. Work from prosperity at the cost of others to prosperity along with others.
5. Move from partition approach to partnership working.
7. Work for excellence in work and better quality in life.
8. Lastly, the nation first and all else next approach.