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(A) Introduction:

The labour problem and labour movement are the result of modern industrialization. Great Britain was the first country in the world to industrialize. It is very relevant to India to study British Industrialization process and its consequences due to long political association between two countries. The British labour movement served as model for Indian Trade Unions. In the words of Royal Commission on Labour (1968) Britain has two systems - the first one is formal system, embodies in official institutions. The other is the informal system created by the actual behaviour of Trade Unions and employers associations of Managers; shop stewards and workers. The formal and informal systems are in conflict. The formal system undermines the regulative effect of industry wide agreement.

Nevertheless, the assumption of the formal system still exerts a powerful influence over human minds and prevents the informal system from developing into an effective and orderly method of regulations. The Indian Trade Unions Act 1926, was passed "to provide for the registration of Trade Unions and in certain respects to define the law relating to Registered Trade Unions."

The Act defines a Trade Union as - "Any combinations whether temporary or permanent formed primarily for the purpose of
regulating the relations between workmen and employers or between 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."

(B) **Trade Union Functions:**

Trade Union according to Webs, "is a continuous association of wage earners for the purpose of improving conditions of employment." This definition of Trade Union is criticised on the ground that Trade Union is concerned about more than bread and butter issues.

The Trade Unions of today are more complex, have added to their responsibilities and have grown in stature.
1. **Basic Function:**

The essence of Trade Union is their organised strength. Hence, their first test is to build up their organisation so that their collective action may achieve results.

2. **Economic Function:**

The core Trade Union activities is the promotion of the economic interests of workers. With limited finance, trade unions in India are not able to make any provision on their own for the coverage of personal risks.

3. **Welfare Function:**

It forms broader social responsibilities. It includes wide range of provisions for entertainment, sports, canteen, education, libraries, general facilities and vocational training, etc.

Most of the trade unions in India are of the opinion that it is the responsibility of the state or of the employer to conduct welfare programmes and provide amenities for workers.

4. **Legal Function:**

Trade Unions are responsible for interpreting the laws on diverse labour subjects, pursuing the cases, related to their members, at the labour court and/tribunal level.

5. **Political Function:**
In democratic environment the close association between Trade Union and Political field is inevitable. Since the freedom of struggle linkage between two has a long history.

Trade Union Association with political party can be utilized to bring about changes through legal enactment which are favourable to labour.

To perform all these functions, Trade Union can employ the following methods:

A. Method of mutual insurance
B. Method of collective bargaining
C. Method of legal enactment
D. Method of direct action

(C) Trade Union Structure (Structural Position):

There is neither a common approach nor structure of Trade Union and nor any general basis on which unions are organised. It has been developed on different line depending upon social and economic education of industries; institutional frame work, political and historical factor of the respective societies. In the socialist countries unions are organised on an industry wise basis.

All persons employed in a factory and establishment belong to one union and at the higher level each industry union compares
union of one branch of the national economy. French, Italians and Belgian unions are divided not only on industry and plant basis but also have religious denomination. In the U.K. where the unions grow out of the guild system, the occupation and trade became the basis of worker getting together for collective action. Similar is the experience in Australia. In the U.S.A. workers are the members of local union, most of which are adhered to national union based on occupation or an industry. In Japan 'Enterprises' is the basis of union structure. In no country union structure remain static.

**Trade Union structure in India:**

The experience in India has not been different. About 50 cases reveal the fact that union and its office bearers had to suffer in dignities at the hands of employers and penalties through state action. The strike of workers of Buckingham and Camatic Mills in Madras which lasted for nearly three months is a placing example of such a case.

The Madras Textile Labour Union and its Secretary Mr. B.P. Wadia who organised this strike, was prosecuted for conspiring against the management and causing considerable loss by taking their woman on strike, claiming damages from him and the union. The case went to Madras High Court who held that to form a union amounted to being parties to an illegal conspiracy and awarded to the management damages amounting to Rs. 75000 which the union could not pay even in 25 years with income of the union and from membership subscription. The management was reported to agree
not to recover this damage if Mr. Wadia could leave Madras permanently and Trade Union activities were stopped. This case caused lot of resentment and agitation and is considered as one of the factors which expedited the management of Trade Union Act, 1926.

**Structural Frame work**

**Plant or Unit Level Unions and Local Unions:**

In India the broad pattern of Trade Union structure has been the small unit-wise or plant level unions locally federated at area or national level. However, there have been some variation in structure and pattern. The need for plant level unions was felt when the bulk of labour consisting of unskilled or manual workers needing protection and improvement in their working conditions also started joining unions. Later on these plant level unions welded together into larger industry area wise unions.

**Local Union:**

There are also local unions, which are not afflicted to any industry level or national level union or federation, they are independent unions centered round a particular plant or a multi plant organisation. They vary in number and strength from small to medium and large units. In times of crises they may seek assistance and guidance of large unions in related industries. Their source of funds is largely membership subscription but sometimes they make extra ordinary collection. Particularly at the time of bonus payment.
They are mostly concerned with their conditions of employment in a particular organisation, 

**Industrial Unions and Craft Unions:**

Such unions have been organised due to the need felt by workers in oral industry of a given centre to come together on a common platform. This development of industry-cum-centre unions was encourage by:-

(i) The concentration of certain industries in certain areas.

(ii) provisions in the industrial relations legislation in certain states permitting recognition of industry-wise unions in a given areas.

(iii) Promotion of employer's association

(iv) Setting up wage boards and tripartite industrial committee and with greater scope given by government for formal labour and informal consultation in the formulation of and implementation of labour policy matter.

Such unions have been formed by textile workers in Bombay, Ahemdabad, Kanpur and Indore; Plantation labour in Asam, West Bengal, Tamil Nadu and Kerala and Jute Mill workers in Bengal; Engineering workers in Calcutta, Bombay and other important centres, workers engaged in chemical and pharmaceutical industries in Bombay and Baroda. Transport workers in many states also get organised on this basis.
Federation and Confederation of Unions:

Unions have also been formed not only on industry-wise basis but also on the all India level. At present there are more than 70 such federation of workers engaged in Cotton Textile, cement, engineering, iron and steel, sugar, coal, plantation, chemicals, banks, insurance, railways, oil refinery and distribution, defence establishment, port and docks. Some industries have more than one union and affiliated to different federations. Some Unions have been sponsored by the central organisations themselves as they are specialized agencies for the industries concerned, such as National Federation of Railways. Major political parties such as the Congress, Communist and Socialist each has a federation at the apex or National level to which unions at the plant and state level are affiliated. Organisation pattern of a Trade Union Federation is usually three tier. Units exist at the plant or shop level, state level and national level. The federation can be registered under the Trade Union Act.

Liquor Confederation:

The leading players in the Indian alcoholic beverages industry, the U.B. group, Shaw Wallace group and Jagjit Industries Ltd have decided to form a Confederation of Indian Alcoholic Beverages Companies (CIABC). The confederation will interface with various public bodies and issues related to the beverage industry. The confederation is meant to give the liquor companies a platform to interact with various authorities, enabling the industry to present its
views, so that the same can be factored before any policies are framed and implemented.

**Craft Union:**

Although unions covering all workers without distinction on the plant and industry level are now the general pattern, but the craft unions have also come up in air transport, railways, ports and docks and industrial units based on modern technology. The formation of such unions have been encouraged by the apprehension on the part of skilled workers that their interest may not be protected adequately by the general purpose unions and because of the union rivalry. Formation of such unions has increased the multiplicity of unions and rivalry among them in the same unit. The National Commission on Labour has recommended discouragement of the federation of such unions.

**Central Trade Union Organisations:**

In India, there are eleven (11) central Trade Union Organisations against one such organisation each in the U.K.; U.S.A., West Germany, Norway Sweden and Denmark. These organisations are also known as centres of Trade Union or National level federations.

They are sponsored by different political organisations/ parties with varying philosophies and objectives. This shows that the whole Trade Union structure in India suffers from multiplicity politicalisation, inter union rivalries on only at the craft unit, industrial
and regional levels, but also at the national level. Even at the international level, some of these organisations are associated with different international organisation, known as World Federation of Trade Union (W.F.T.U.) established in 1946, largely under Soviet leadership (although the organisation has weakened in value due to separation of Soviet Union) and International Federation of Free Trade Union (ICFTU) established in 1949 under American leadership. The latter is running an Asian Trade Union College in India.

The minimum requirements for recognising for consultation tripartite for units like International and representation on a national and international tripartite for unit like International Labour Organisation. Indian National Conference and Industrial Committee as laid down by the government, are that the organisation should have a membership of five lakhs or more and it should be spread over five states and industries. Their requirements are at present being met only by the following four organisation:-

1. All India Trade Union Congress (AITUC)
2. Indian National Trade Union Congress (INTUC)
3. Hind Mazdoor Sabha (HIMS)
4. Centre of Indian Trade Union (CITU)

All India Trade Union Congress (AITUC):

The first Trade Union was the Madras Labour Union
established on April 27, 1918. After that seven new unions were started in 1918 and 7 more in 1919. The AITUC was brought into existence by 64 trade unions. It was established in 1921 by the Indian National Congress for electing labour delegates in International Conference at Geneva. Organised as a National Organisation it soon started showing signs of militant tendencies and revolutionary ideas. Now it is linked with the communist philosophy and therefore has more radical approach as compared to some other organisation. Its major objectives are:-

(i) To establish socialist state in Indian and nationalisation of the means of production, distribution and exchange as far as possible.

(ii) To safeguard and promote the workers right to free speech, freedom of association and assembly and right to strike.

(iii) To improve the economic and social conditions of the working class by securing better terms of conditions of employment.

For achieving the above objectives, approach adopted is to be legitimate, peaceful and democratic.

**Indian National Trade Union Congress (INTUC):**

It is considered as the labour wing of Congress Govt. It was organised in 1947. Its main aim is to bring about a peaceful and non violent solution to industrial peace.

**Hind Mazdoor Sabha (HMS):**
This national federation came into existence in 1948. It exposes social philosophy and has linkage with socialist parties. However, there has been division within the socialist ranks with the emergence of Hind Mazdoor Panchayat and other federations with socialist leaning.

**Centre of Indian Trade Union (CITU):**

Its emergence is the result of split in AITUC in 1971, which was a sequel to the split in the CPIM. It's main objective is to organise workers to further their interest in economic, social and political matters and attain the same by legislation, demonstration, agitation and intensification of class struggle.

**Other national trade unions:**

Apart from above four trade union organisations at the national level, there are seven others, these are --

1. Bhartiya Mazdoor Sangh (BMS)
2. Hind Mazdoor Panchayat (HMP)
3. National Labour Organisation (NLO)
4. United Trade Union Congers (UTUC)
5. National Front Indian Trade Union (NFITU)
6. Trade Union Coordination Committee (TUCC)
7. United Trade Union Congress (UTUC)
(D) **Registration of Trade Union**

Any seven or more members of a Trade Union can be subscribing their names to the rules of the Trade Union and otherwise complying with the provisions of this Act, apply for registration under the Act. The application has to be made to the registrar of Trade Unions appointed by the appropriate Govt for the state dissolution.

In case a trade union is dissolved, notice of such dissolution signed by seven members and the secretary must be sent to the registrar within fourteen days of such dissolution.

(E) **Recognition of Trade Union:**

The law relating to the recognition of Trade union in India was incorporated in chapter III A by an amendment of the Indian Trade Union Act 1926 in the year 1947. But these provisions have not been put into operations so far and have thus remained a dead letter on the statute book. Sect 28 C to 28-1 deal with the law relating to recognition of trade union.

**Sec 28 C - Recognition by Agreement:**

(i) A memorandum of agreement by the employer and the officer of the trade union or their authorised representatives may be presented to the registrar.

(ii) Such an agreement may be revoked by either party thereto on application made to the registrar.
(iii) With the enforcement of the agreement Trade Union have all the rights of recognised trade union under this Act and shall for all other purposes considered to be recognised trade union.

Sec 28 D Condition for recognition by order of a labour court.

(i) That all its ordinary members are workmen employed in the same industry or industries closely allied to or connected with on another.

(ii) That it is representative of all the workmen employed by the employer in that industry or those industries.

(iii) That its rules do not provide for the exclusion from membership of any claim of the workmen referred to in clause (b).

(iv) That its rules provides for procedure for declaring a strike.

(v) That its rules provide that a meeting of its executive shall be held at least once in every month.

(vi) That it is a registered Trade union and that it has complied with the provisions of this Act.

28E Application to and grant of recognition by labour court

(i) When a registered Trade union having applied for recognition to an employer has failed to obtain recognition within a period of 3 months from the date of making such application, it may apply in writing setting out such partialness as may be
prescribed to the labour court for recognition by that employer.

(ii) A single application may be made under sub sec-1 for recognition;

1. By more than one employer or

2. By one association of employers as well as one or more member thereof.

3. Labour court may call for further information if required.

4. The labour court shall after serving notice in the prescribed manner on the employer investigate whether the trade union fulfils the condition for recognition set out in sec 28D and class (b).

5. If labour court is satisfied that the trade union is fit to be recognised by the employer it shall make an order directing such recognition.

6. Every order made under such Sec 5 shall be forwarded to the appropriate Govt. Which shall notify it in official Gazette.

Sec 28-F Right of Recognised union.

(i) Executive of a recognised trade union shall be entitled to negotiate with employers in respect of matters connected with the employment / non employment of the terms of employment
conditions of labour.

(ii) Any dispute between the employer and the executive shall be referred to the registrar.

(iii) The executive of a recognised Trade union shall be entitled to display notice of the Trade union in any premises where its members are employed.

Sec 28-G Withdrawal of recognition.

Registrar or employer may apply in writing to the labour court for withdrawal of the recognition on any of the following grounds.

(i) That the executive of the member of the Trade Union have committed any unfair Practice within 3 months prior to the date of the application.

(ii) That the trade union has failed to submit any return.

(iii) That the trade union has ceased to be representative of the workman.

(iv) If after giving reasonable opportunity to the trade union to show cause the labour court is satisfied that a trade union is no longer fit to be recognised it shall make an order declaring that recognition of trade union has been withdrawn and order copy is forwarded to the appropriate Govt.

A trade union whose recognition has been withdrawal can apply again after 6 months following the process as mentioned in
Sec 28C to 281.

F. Union Security:

Although most unions see safety in numbers and hence propose expansions they also recognize the necessity to strengthen their own organisation’s union, intended to develop and maintain a fight secure organisation that can speak with assurance for their members and enforce the agreement they conclude.

Union Security refer to guarantee of union status during the process of collective bargaining agreement types of union security include the closed shop, union shop, agency shop and dues check off system.

Closed shop:

It is the powerful form of union security. Unions keep control of labour supplies in closed shop system, this arrangement allows only the union members to be employed in the organisation. Management agrees to keep men on his pay roll and in which non union men may be hired on the condition they can join the union within a specified period to time.

The closed shop system is mostly banned in most private and public employment.

Open shop:

In this system, management is free to employ any person, he
may or may not be the union member: Trade Union has nothing to do with recruitment of employees in the organization. Management favours this method.

**Verification of Trade Union Membership (Check off System):**

Generally employers follow "Code of Discipline" to verify the union membership. But management faces problems when there is more than one union.

Presently, labour department on the request of management does the verification work and certify which is the majority union. The verification is done on the basis of records of membership with the trade union which they submit to substantiate their claim about the membership. But this is time consuming process because trade unions do not maintain their membership records properly and inspite of several request from labour department, union do not produce the member as well as receipts.

Another method for verification was proposed by non-congress unions. The proposed method. "Secret Ballot system," which is being followed in U.S.A. and U.K. was approved by INTUC.

**Check off System:**

Under this system union membership is collected through the pay roll at the time of payment of wages. This is on the rights of the unions recognised under the code of discipline. This method is favoured by employer and to some extent by INTUC also.
Under this system, the employer will deduct from the wages of worker union membership fees and so deducted amount will be transferred directly to the union concern such deduction is made with the written consent of worker under the Payment of Wages Act, 1936.

The subscription so collected on behalf of each union shall provide reliable evidence of its membership and the same can be used for determining its representative character or otherwise.

(G) Trade Union Rivalry (Adversely affecting the union relationship and industrial peace):

The division of the central union organisations of the organisational level and the emergence problem of multiplicity of unions at both the plant and industry level have led to the disintegration of the movement at the lower levels and this added to the proliferation of unions at different levels along with threat to industrial peace and harmony in India. The impact of multiple unionism has far reaching consequences on the relation system as a whole. It has adversely affected the union relationship. The outcome of all these variables is dominating the features of the Trade Union scene in India today resulting in Inter-Union rivalry and intra union rivalry.

Inter-Union Rivalries:

It is expressed to various factors like multiplicity, outside leadership, absence of statutory bargaining agent, competitive
Causes of Rivalries:

1. **Competition:** The nature of competition sooner or later, tends to convert itself into unfair rivalry.

2. **Counter act:** During the wage negotiation or collective bargaining, each union tries to counter-act against each other and thus resist the implementation of any agreement made by opposite union.

3. **Government Policy:** The leverage of multiple union is provided by law itself which instead of eliminating this evil allows various unions to emerge, thereby resulting rivalry.

4. Rivalry is often manifested in speeches or hand bills and evidences of personal rift or physical injury of rival leaders.

   Even the triangular approach by management, government, and Trade Unions themselves, to prevent rivalry is positive step though strict statutory provisions are still to be declared and implemented to smooth out the problem.

**Intra Union Rivalry:**

Intra-union rivalry can be defined as discontent, dissatisfaction difference of views, selfishness, prejudices, power demonstration etc. among the trade union office bearers and members.

Inter-Union rivalry weakens the union's competitive strength in
front of management and among the other Trade Union while intra-union rivalry strikes at internal strength of the Trade Union.

Rivalry is always the curse and creates barrier in industrial production, industrial peace, industrial relations and harmony in many industrial organisations.