



# IMPORTANCE OF TRADE UNION IN INDIA

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## INTRODUCTION

Earlier the slaves were brought from other countries to work in the countries USA, UK, European countries, so there is master- servant relationship exist. But in this type of relationship there is huge exploitation of this slaves like they have no rights of their own, they were treated like dogs, they have to work long hours without getting any payment. If they tried to raise their voices they are torture even more. In India also this system existed. So to solve this type of issues labour laws are established by the Government of India. These labour laws tried to regulate the relationship between the employer and employee in an labour organisation. It more focus on health, safety of workers, it regulated fixed working hours for labourers and it introduces the concept of collective bargaining in the labour system. It recognised labourers as human beings not as commodity. The word trade union was spell out in the Trade Union Act, 1926 as any merger between employer and employee or employee and employee or employer and employer, whether temporary or permanent formed for regulating the relationship between them or for imposition of any restriction on the terms and conditions for carrying any trade or business in which there is two or more than two trade union are involved. After World War I there are several labour law movement that came up. One of them is ILO (International Labour Organisation) which further lead to establishing trade unions. ILO set various labour standards and codes for regulation of labour laws in the whole world.

## HISTORICAL DEVELOPMENT OF TRADE UNION IN INDIA

The development and growth of trade union can be classified into following categories-

. Pre- 1918 era- This period of labour movement mainly focus on leadership that was necessary at that pint of time which are given by social reformers no the workers. This era speaks more about the welfare of the labourers rather than more about their rights which they should get. There is no powerful foundation for the base of labour laws at that time. The demand are mostly specific to concentrated on women and child labour. Though they are organized there is no presence of role of India government in it. In 1860 early phase of labour movement occurred, whereas the trouble related to labourers began

in Bombay, 1875 which was organized under the guide of S.S Bengalee. This problem more tried to focus on issues like women and child labour. This further lead to establishment of Factories Commissioner 1875 which further lead to formation of Factories Act, in the year 1881. In 1890, the first formal organized trade union was established in India named as Bombay Mill Hands Association uner the leadership of M.N. Lokhande.

. 1918-1924 era- First time in the industry world there was beginning of trade union movement in India. The worst condition that is caused to workers after the first world war-1 gave the path for the development labour movement during this period. This period is also called as prior phase of trade union period. Some very



significant union came up during this time like in 1920 AITUC (All India Trade Union Congress) was established, which was founded by Lala Lajpat Rai, who was the president, Joseph Baptista, N.M Joshi and Diwan Chaman Lall. WWI has lead the labourers to have a low standards of living and also to have a unhealthy working condition, so this period focus on collective bargaining power through these trade unions, There also growth of home rule principles and Gandhian leadership and improvement of social –political situations that take national interest in the labour problems, at a time when the labouers are looking for leadership and mentorship. In the same phase there was rise of ILO (International Labour Organisation) which further lead to motivate them.

.1925- 1934- this period saw increased in military power and have a revolutionary view point in regard to labour laws. Two very important trade union came up during this period one is Trade Union Act 1926 and Trade Union Disputes Act, 1929. This period was mainly dominated by left, so it was commonly called as left-wing trade union.

.1935-1938- This period saw unity among different trade union.

.1939-1946- This period saw active participation of various trade unions.

.1947- Post Independence trade union period- This period saw rise of trade unions. INTUC formed under the guidance of Sardar Vallabhbhai Patel. AITUC come under the control of Communist. Under the name of banner Praja Socialist Party the Hind Mazdoor Sabha was established. Under BJP party Bharatiya Mazdoor Sangh was established. So every trade union in post- independence era got itself associated with political party. Each party form their own trade union for their own benefit. India also saw coming up of different trade union for common issues goals. Bu this period also saw that when there is legislation for regulation of labour laws in formal sector, there

was no legislation for labour law implementation in informal sector.

### **TROUBLE FACED BY THE LABOUR MOVEMENT IN POST INDEPENDENCE PERIOD**

- . There was problem of uneven growth as they were only concentrated on large formal organised sector where as small sector was neglected.
- . There was development and growth of trade union membership but most Indian workers are not part of it which decrease their power for collective bargaining.
- . There was no strong financial position as the fees of membership was too low as a result they are disadvantage to corporate group that were flowing with cash.
- . There was problem of politician who do not give much importance to the problems of workers.
- . As there were different trade union so it was easy for employers to divert the trade union of employee.
- . There was also problem of support from public to thee trade unions.
- . There was also problem of recognition as employer do not give their workers any recognition.
- . There was also clash of interest and trade union politics within the trade union.

### **NECESSITY AND AIMS OF TRADE UNION**

- . Wages and salaries are significant matter in trade union as they were decided on the basis of collective bargaining, wage boards, conciliation and adjudication.
- . Trade Union another aim was to have a proper working conditions for workers where their safety, health related matter was given top most priority.
- . Trade Union looks into matter of various policy which are arbitrary in nature.
- . Overall welfare of workers was the matter of concern for trade union.



. Trade Union tried to achieve its objective of maintaining good industrial relationship between workers and employers.

. Trade Union gives the platform for employee to join others in achieving social goals.

. Trade Union also tried to protect employee from any arbitrary action that is taken by management against any workers.

. Trade Union tried to bring harmony and peace among employee and employers.

### IMPORTANCE OF TRADE UNION IN INDIA

#### Importance for Employee

. There was lot of chances to get higher wages if they are member of trade union.

. Trade Union help in representation of workers if there was any matter which was related to any legal suit.

. Worker cannot be unjustly removed from work as Trade Union protect their rights.

#### Importance for Employer

As the Trade Union protect individual rights of employee and act as a representative on their behalf, workers tend to be motivated so that it will lead to higher level of efficiency and resulted in improved productivity.

### SOME CASES WHERE THE TRADE UNION FREEDOM WAS ESTABLISHED

. Western India Automobile Association Vs Industrial Tribunal<sup>1</sup> where the Supreme Court held that social interest is considered prime for securing peace and harmony between employer and employee.

. State of Bihar Vs Kameshwar<sup>2</sup>, in this case Supreme Court very clearly advocated the new idea of social justice in the form of general interest of the community.

### COLLECTIVE BARGAINING

The process followed by representatives of management and trade union where they both

meet and have a discussion on negotiation about wages, no of hours to be fixed and terms and working conditions to be fixed in the employment procedure for good faith of both employer and employee. This process is beneficial for both the parties of employer and employee.

### CONCLUSION

When workers was exploited at the hands of management Trade Union came as a relief for them in achieving their goal and giving them their rights to be recognized. So we can conclude that trade union not only safeguards the safety and health of workers but also gives fair wages to them, fixed proper working hours for them and provide them a better environment for work. Trade Union also help them to obtain other benefits also.

### REFERENCES

- . Mishra, S.N, Labour and Industrial Laws
- . <https://blog.ipleaders.in>
- . <https://www.lawteacher.net>
- . <https://www.legalserviceindia.com>
- . <https://unacademy.com>

<sup>1</sup> (1949) 51 BOMLR 894

<sup>2</sup> 1952 1 SCR 889