

TRADE UNION MOVEMENT IN INDIA AND UK – A COMPARATIVE STUDY*By***–P. SAILAJA**

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Introduction :

The slow development of industries in the country, production system of the factories and the capitalists were the main causes for development of trade unionism in India and other countries. Exploitation of illiteracy amongst the workers is also one of the root causes. Mr. *Webbs* defines trade union as “it is a continuous association of wage earners for the purpose of maintaining or improving the conditions of their working lives”.

In this article, an attempt is being made to make a comparative study of the present day trade unions’ role, environment, protection, *etc.*, with respect to the workforce in the industrial sector. The comparative study is with respect to the trade union scenario in U.K. their developments, workers’ welfare, protection and role of their trade unions in such other areas.

An attempt is also being made to assess the workers in the unorganized sector and role of trade unions, if any, in taking care of their lives, working conditions, welfare measures, social security measures *etc.*

History of trade union movement, their formation and development

The birth of the trade unionism was in Great Britain. The trade unionism crept in India along with industrialization. Some of the trade unions organizations came into existence after the establishment of the Factories Act in India in 1880. The labour movement in India passed through different stages of its development. In the pre-first war period the labour movement was compassionate in nature and intended to the enactment factory legislation.

In the post-war and pre-independence period (from 1919 to 1946) this movement took a political character and the labour movement played a vital role in the freedom movement. In the post-independence period, the labour movement changed and lead to

the formation of unions/organizations on political lines, and planning for rapid national development on the part of the unions and leadership about their roles/activities.

Stages of Trade Union Development in India (1875-1980) :

During this period some important legislative enactments were passed which projected the formation/development of trade union movement in India. After 1890, a large number of labour associations started in the country, *e.g.*, the amalgamated society of railway servants of India was started in 1897 the Printers Union, Calcutta in 1905. The significant feature of this period was near absence of strikes.

1918-1924 important developments during this period are formation of International Labour Organization (ILO) which lead to setting up of organization for the establishment of trade unions in India.

In 1920, All India Trade Union Congress (AITUC) was formed to send representatives to International Labour Congress which gave a platform to the labour movement and discussed labour problems.

The 1918-1924 period in the history of labour movement has been described as the early Indian trade union period. The period between 1924-1935 is called as left wing trade unionism in the country. During this period the communist captured labour movement. The period between 1935 to 1939 a new Constitution of India was adopted under which labour representatives could get themselves elected. In 1935 the Red Trade Congress merged with AITUC. In 1938 an agreement was arrived at, the NTUF affiliated with AITUC. During this period, unity amongst different trade union groups lead to the revival of trade union activity.

During the period between 1939 and 1946 trade unionism in India, at the commencement

of World War-II, had become a consolidated labour force in the country. The war gave growth and development of labour movement in the country. The attitude of the employer has undergone a complete change.

During the post-war and post-independence periods the deteriorating economic conditions of the workers, arising out of the rapid increase in the cost of living has given rise to the trade union movements. This has resulted in increase in the number of trade unions in the country.

Trade Unionism – Origin and development in U.K.

After prolonged social struggle for securing the very right of its existence the trade unionism in England, it has reached a position that the trade unions in the country can demand almost anything, and in great number of industries at any rate.

The trade unions in England are products of the industrial revolution. The present position of trade unionism in this country is a result of prolonged social struggle, to secure for working men and women the right in a corporate body and settling their relations with the employers and the State. During Industrial Revolution the work of people were exposed to great hardships and injustices. The French Revolution had shaped dangerous trends in England. A large part of the trade union movement in this country has taken by and large a fight to secure recognition from Government and employers.

After 1824-25, the number of unions and membership increased, 1834, the Grand National Consolidated Trade Union was formed with an ideal of economic reconstruction but collapsed. The Amalgamated Society of Engineers in 1850 its main policy is 'slow but sure'. The new trade unions were conservative in new methods. During First World War, union movement in Britain gained much status. After the war, the trade unions, protected by laws.

Comparative study of the present position Position in India

Trade unions in the country are governed and guided by the tenets contained in—

1. Indian Trade Unions Act, 1926 : this Act provides

Definition : Section 2(h) of the Trade Union Act defines as any combination whether temporary or permanent, formed primarily for the purpose of regulating the regulations between workmen and employers and for imposing restrictive conditions for any trade or business.

Registration of Trade Unions : Chapter II of the Trade Union Act 1926 explains about the procedure of registration of Trade Unions.

Section 3 Appointment of Registrars : The appropriate Government shall appoint a person to be the Registrar of Trade Union for each State.

Section 4 Mode of Registration : In this a recognized Trade Union enjoys the benefits as unregistered Trade Union do not.

Section 5 Application of Registration : According to the provisions of the Act a Trade Union become a registered union when an application sent to the Registrar in which seven are more members subscribe their names.

Section 6 : Every registered Trade Union is required to have written rules with certain matters specified in Schedule II of the Central Trade Union Regulations 1938.

Section 7 : Power to call for further particulars and to require alteration of name.

Section 8 Registration : The Registrar will register the Trade Union has complied with all requirement of this Act in regard to registration.

Section 9 Certificate of Registration : The Registrar on registering a Trade Union shall issue a certificate of Registration in the prescribed form.

Section 10 Cancellation of Registration : Powers to withdraw or cancel of registration of Trade Union is given to the Registrar.

Section 11 Appeals : A limited right of appeal from the decision of the Registrar is granted by Section 11 of the Act.

Section 12 Registered Office : All communications and notices to registered

Trade Union may be addressed to its registered office.

Section 13 Incorporation of registered Trade Union : A Trade Union after recognition becomes a body by the name under which it is registered.

Section 15 Objects on which general funds may be spent : The general funds of a registered Trade Union shall not be spent on any other objects.

Section 16 Constitution of a separate fund for political purposes : This section provides that a registered Trade Union may constitute a separate fund from contributions separately levied.

Section 17 Criminal Conspiracy in Trade Disputes : This Act confers immunity from liability in case of criminal conspiracy under Section 120-B of the Indian Penal Code committed by an office bearers or member of a registered Trade Union.

Section 18 Immunity from civil suits in certain cases : Section 18 of the Trade Unions Act deals with the immunity from civil proceedings afforded to registered Trade Union, and to its members.

2. Industrial Disputes Act 1947 : this Act provides

(a) Trade Disputes Section 2(g) of the Trade Unions Act, 1926 is similar with the definition of Industrial dispute given in Section 2(k) of the Industrial Disputes Act 1947. The difference between them lies on the phrases “whether or not in the employment of the employer with whom the trade disputes arises.” This phrase is included in the definition of Section 2(g) Trade dispute of the Indian Trade Unions Act, 1926.

(b) Legal Strike : In industrial jurisprudence, strike means to quit work together. Whenever dispute arises the trade union or representatives of workers their demands before the management for the settlement.

(c) Unfair labour practices : The Fifth Schedule annexed to the Industrial Disputes Act, 1947, a detailed list of the unfair labour practices on the part of the employer, which are prohibited. Our Constitution in Article

19(c) right to form association or unions. The object of the trade union is to have collective bargaining power of workers with the management.

(d) Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act 1971.

M.R. Patil and another v. Member, Industrial Court and another

Brief Facts : The Maharashtra State Road Corporation is owned by the State Government there are several unions were recognized under Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. A complaint was filed by a Trade Union, which was not recognized, before the Labour Court. The union did not produce any documents showing its recognition. The Labour Court dismissed the complaint. The trade union appealed.

Judgment : The Supreme Court upheld the decision of the Labour Court.

Principle : (i) Their Lordships opined that as per the mandatory instructions of the Act enacted in Maharashtra, the complaint should be filed by the aggrieved worker or by the recognized trade union. In this case, the complaint was filed by the unrecognized trade union. Hence the complaint was dismissed.

(ii) the rule laid down in this case is applicable only in Maharashtra, as that State Government enacted the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 and made necessary provisions for the ‘recognition’ and issue of ‘Certificate of Recognition Act’ to trade unions in that State.

Indian trade union/objectives

Trade Unions are essential organization for the protection and promotion of interest of their members and workers.

- * The trade union is a voluntary association
- * The leader of the trade union is to protect the economic and other interests of the workers for their welfare

- * The union leader has to participate with the management through discussions to present the demands before the management
- * To maintain harmonious relationship between workers and management.

Position in U.K.

In U.K. the trade unions/labour organizations are governed

1. Trade Union Act 1871 : according to this Act no trade union movement can be rendered liable to criminal prosecution for conspiracy and no union agreement can be rendered void or invalid because of the purpose of the union.

2. The Trade Disputes Act 1906 : offered relief by prohibiting the Courts to entertain against trade unions in respect of legalized peaceful picketing.

3. The Trade Union Act 1913 : permitted the political activities of the trade union provided that they were paid for by separate political fund.

4. The Trade Union Act 1927 : under this Act the procedure was altered and unions were allowed to collect the political levy only from members, the new Act also made any strike or lockout.

UK Trade Union/objectives

* Improving in the conditions and wages of labour and for promoting and social welfare

* They take up grievances regarding the conditions in factories workshop and proposals for bringing about improvements

* Trade unions were formed as trade clubs for the benefits of societies

A comparative Study of trade unionism in India and UK

India is a country with about 1.2 billion population. Most of the population is illiterate, dependent on day-to-day work and wage earners. These workmen are mostly concentrated in unorganized sector. Trade Union movement in this unorganized sector is not vigorous and

forceful. These workers in the country are facing serious difficulties in their lives as well as working conditions. Even in the organized sector, trade unions are not so much effective. Easy availability of workers, illiteracy, backwardness, lack of organized and effective unionism are the main reasons for ineffectiveness of the Trade Union Laws/Acts in the country. Frequent migration and attrition are also the reasons for lack of stability amongst workforce in the country.

The workers in England are more literate and enlightened. There is a strong and organized labour force in U.K. In England labour force is stable and committed to industry. A stabilized and committed labour force is essential for healthy growth of trade union movement in any country. Trade unionism in England has now become a vigorous force that can present its difficulties, realize its demands and play vital role for a favourable change of country's industrial/worker policies. Though there is some progress, the progress achieved by the trade unions in India cannot be regarded to be satisfactory.

A stabilized and committed labour force is essential for healthy growth of trade unionism in the country. In India stable and proper commitment towards industry is lacking where England built a strong and organized labour force. Trade Unions in India prejudiced by political parties and in UK political party played vital role and trade union movement in that country presents a common platform.

Trade unions in India have made some progress during last few decades in the post-independence era. Despite the progress of the movement, trade union in country suffers from lacunae, union structure pathetic and lack of proper co-ordination of activities between local units and federations. Trade Unions in India are adopting only the traditional role for the industrial/ economic development of the country.

Observations and Recommendations

In future unions should make social well-being of the workers in some important areas communication, education, counselling, training and welfare. In my view there are some barriers in future growth of trade unions

- * Outside leadership – leadership of trade unions, in number of industries, going into the hands of outsiders, political leaders. This is leading to trade unions getting dependent on outsiders/political leaders effective functioning.
- * Uneven growth of trade unions – in number of cases the unions effectiveness depends upon the standing and development of the industry. A sick/poor industry cannot promote a strong union.
- * Weak financial position – if the industry/unit is sick/financially weak, naturally it cannot take care of workers interests promptly.
- * Multiplicity of trade unions – in several industries more than one union exists. These unions get affiliated to different political parties with different ideologies. This position is leading to conflict of interests amongst the workers resulting in poor performance of unions.
- * A significant fall of membership and the coverage of collective bargaining.
- * The coming decade promises to be equally challenging for the trade union movement
- requirements *viz.*, human resource, economic, industrial, marketing *etc.*
- * Enlightening workers with Industrial needs and objectives – the needs and requirements of any industry/unit/sector shall change according to times. The worker must know how to adjust and perform according to changed circumstances and needs of the industry. This comes with complete awareness amongst the workforce.
- * Strengthening the trade union movement passing effective Laws – the country must back-up the trade union movement passing effective, time dependent laws/Acts suitable to the changing needs/times of the workers.
- * Improving the commitments among the workers – innovative welfare measures, performance incentives enhance the commitment amongst the workers. Managements of the industry must bestow utmost attention for enhanced commitment amongst the workers.
- * Bringing several areas in the unorganized sector into organized fold to enhance the strength of the unions – workers in several areas like, construction, weaving, shops/establishments, plantation, beedi rolling *etc.*, are still lagging in unorganized sectors. They are most ill-informed, uneducated and hail from highly remote backward areas. Government must devote its undivided attention for improving the lot of these workers.

Recommendations

- * Eradication of illiteracy amongst the workers in the country – illiteracy is the root cause of poor involvement of workers. Illiterate worker gets ill-informed. He can be misled very easily. Industries have to take up effective educational programmes for their workers.
- * Training programmers – from time to time, several changes, technological developments, new methods, new techniques are coming in, in any form of Industrial activity. The worker must be kept abreast of all these developments in the sector. This will lead to efficiency/performance enhancement resulting in better results for the entire organization.
- * Increasing the awareness of the workers in respect of country's needs/

Conclusions

Only inclusive growth will result in development of workers in the country. Sporadic, individual performances are not standardized results. Efforts on the part of Governments, Industries and Unions, are still much to be desired. Participation by unions with the management may lead to healthy atmosphere and solve workers grievances. Individual worker cannot achieve his target, by way of performance, increased production in industries, good relation between employer and unions will ensure reaching his goal.