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The Dynamics of Trade Unions In India

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An Introductory Analysis of Trade Unions in India

“The human voice is the most perfect instrument of all” rightly stated by Arvo Pärt, and perhaps the most poignant, cogent and provoking apparatus when utilized in concert with varying voices in harmony of their objectives, demands and injustices. Through the lens of the Marxism school of thought, one may analyze the historical materialism theory, with a critical approach so as to be suggestive of the oppressive aspects of society influencing the proletariat by the bourgeoisie. However, in doing so, a solitary achievement of capitalism cannot be completely discredited or disregarded, ie. the movement from status to contract in labor relations and laws.

Despite such translations and the diversified ambitions of labor laws in the country, namely, liberty, equality and fraternity, the ideology propounded by Karl Marx perpetuates to hold reference even in today's time and age. The workers, laborers, breadwinners and employees continue in ascendancy of the superstructure, the laws (the class instrumentalist theory) and domination of the owners of the forces of production, otherwise known as employers in modern nomenclature. In all circadian elements, employees seemingly fall short of the financial gains, prestige, authority and conceivably, above all, the confidence carried by the employers. It is only a natural consequence thereof, that such employees without solidarity and camaraderie, would continue in climates of oppression and exploitation, unless accompanied by the force of trade unions.

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Organizations formulated by the workers in organizations, known as trade unions, may be defined as establishments representing individuals working in specified industries exercising bargaining in a unified/aggregate manner with employers for the protection of certain rights or for the purposes of meeting specified supplications or demands. Trade unions arm workers with a collective voice, loud enough to surpass the distinctions of social constructs, catering to the upheaval of systematic and structural changes. They provide tremendous aid in matters of common interests such as settlement of grievances, fair pay, working conditions, working hours, benefits and the list goes on². Ultimately, trade unions symbolize the bridge between the management and workers.

Section 2 of the Industrial Relations Code of 2020 in its definition clause, not only recognises the concept of such an arrangement but also attaches a meaning to it in a rather meticulous manner.

“Any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workers and employers or between workers and workers, 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.”

Section 2(h), on the other hand, the Trade Unions Act of 1926 defines a trade union as a union formulated with the purpose of regulating relations amongst a variety of parties. Specifically, workmen and their employers, workmen and fellow workmen, employers and fellow employers, or formulated with the objective of imposing certain conditions which may be restrictive in nature on the conduct of a particular business or trade organization.

The concept of Trade Unions however does not qualify as a novel one, it has been in existence and undergone innumerable changes in its movement and evolution in India. While the first trade union was formulated in 1875, today there exists a quantum of over 16,000 such trade unions. 1890 was a year marked with the formation of the first formal trade union of India under the leadership of M.N Lokhande. Initially, trade unions had not joined political affiliation prior to the year of 1935, wherein political affiliation resulted as a birth of many trade unions from the Indian National Congress.

² *What is 'Trade Union'*, THE ECONOMIC TIMES, <https://economictimes.indiatimes.com/definition/trade-union>

Since then, the position of India has remained relatively stagnant since 1946, a period flagged with labor activism. Throughout such evolution, it becomes imperative to analyze in meticulous detail, the rights, liabilities and immunities trade unions in India enjoy and/or are subjected to.

Rights Awarded to Trade Unions in India

As a natural consequence of representing the vulnerable sects of society before rather influential ones, the existence and subsequent success and resourceful nature of trade unions comes as a result of the various rights with which they have been equipped. The absence of such rights would render the functioning of such unions as unproductive and unsuccessful time and again. However, when backed by legislative authority, such unified amalgamations translate into dynamic and capable bodies in response to the legal prerogatives, dispensations, and authorizations.

In furtherance to the aforementioned, trade unions in India have been vested with various rights by virtue of three primary legislations, namely, the Constitution of India, 1950, The Trade Unions Act, 1926 and The Industrial Disputes Act of 1947.

- The Constitution of India

The rudimentary and foundational rights for trade unions are symbolized in Part III of the Indian Constitution, representing the Fundamental Rights granted by the Indian polity. Such rights act as the bedrock of the varying subsequent legislations which may and have been laid down by the parliament or otherwise in catering to the rights trade unions are to be equipped with. Their importance is recognised in their very essence of acting in capacity of a periphery and baseline to which legislations must cater to whilst furnishing trade unions certain protections and licenses.

Amongst the vast majority of such legally enforceable rights, a quantum of them cater to labor laws in a rather generalized fashion, such as Articles 14, 21, 23 and 24³. Having said

³ INDIA CONST. art. 14.

that, when the matter pertains solely to Trade Unions, Article 19(1)⁴ establishes certain sanctuaries and a safe haven for the prospering of such confederations.

Article 19(1) meticulously lays down the substratum of bargaining and integration by virtue of Article 19(1)(a) and Article 19(1)(c). Article 19(1)(a) speaks on behalf of the freedom to free speech and expression, a right of pertinent importance so as to enable workers, and perhaps the less privileged stratas of society with the right to express their concerns, demands, and requests with utmost legal protection, as opposed to a constant state of fear, oppression and oblivion. In *RML Hospital v. Wellington Hospital Workers' Union*⁵, the Apex Court acknowledged the right entrusted with workers with respect to giving air to and discussing their many grievances.

On the other end, Article 19(1)(c) enunciates the freedom to form associations or unions, which resonates directly with the formation of trade unions in the country. Without such a crystal pronouncement, evidently trademarking such actions as just and within legal capacity, demands of workers would fall prey to the manipulation and manufactured usage of legal instruments in the opposing favor.

In the landmark judgment of *All India Bank Employees v. National Industrial Tribunal*⁶, the Apex Court of the country upheld the extended usage of the right to freedom to form associations or unions. The Supreme Court asserted the relevance of such a right so as to convey the inclusion of the right to members of such association and/or unions to conduct meetings, hold discussions and competently analyze their muddles and predicaments alongside putting forth their views upon the same.

- The Trade Unions Act, 1926

Even prior to the incorporation of the Indian Constitution, there existed the Trade Unions Act of 1926 which seeked at particularly regulate the constitution, creation and

INDIA CONST. art. 21.

INDIA CONST. art. 23.

INDIA CONST. art. 24.

⁴ INDIA CONST. art. 19, cl. 1.

⁵ *RML Hospital v. Wellington Hospital Workers' Union*, CASE MINE, <https://www.casemine.com/judgement/in/56090b35e4b0149711174158>.

⁶ *All India Bank Employees v. National Industrial Tribunal*, A.I.R. 1962 AIR 171.

governance of such associations in India. Apart from being a premier legislation in the country with respect to the regulation of trade unions, the act is additionally of pristine importance as it laid down important distinguishers amongst registered trade unions and unregistered trade unions.

The Act tacitly advocated for the mushrooming of registered trade unions as opposed to non registered ones, as the former allowed the stricter enforcement of rights, protections and bargaining abilities. In the landmark judgment of *B. Srinivasa Reddy v. Karnataka Urban Water Supply & Drainage Board Employees Association & Others*⁷ The Supreme Court of India laid down a quintessential principle highlighting that an unregistered trade union would fail to enjoy any rights provided under either the Trade Unions Act of 1926 or under the Industrial Disputes Act, 1947. In a more practical approach, while unregistered trade unions fail to enjoy any legitimate rights as may be the opposite for certain registered associations, they may nonetheless merely be competent to represent their workers. Particularly, where the organization concerned is having a large number of workmen industrial disputes may be raised and negotiations may be advanced as well, in such situation, though not legally implied, it would irrespectively be ideal for the employer/management to maintain decent relations with such a union as it would be enjoying the support of a majority of workers despite being unregistered.

Nevertheless, as per the Trade Unions Act of 1926, registered trade unions are capable of enjoying and exercising the following rights accredited to them by virtue of this legislation.

- As per Section 13 of the Trade Unions Act of 1926, a trade union has been recognised as a body corporate. The implied facets of such a pronouncement indicate the perpetual succession it enjoys, and the common seal it has a right to. Similar to the features granted to a registered company under the Company's Act of 2013, a trade union under the Trade Unions Act of 1926 caters to allowing unions to acquire property and/or hold property under its own name, be it movable or immovable. Additionally, contracts may be entered into in the name of the union, as opposed to any individual member of such association. The right of being a body corporate also

⁷ *B. Srinivasa Reddy v. Karnataka Urban Water Supply & Drainage Board Employees Association & Others*, (2006) 11 S.C.C 731 (India).

inculcates within itself, the right to sue or to be sued. That is to say, an individual member of such an association cannot be sued in individual capacity or held personally liable. Instead, the association or the union as a cohesive organisation would be sued instead. The union in question is also capable of exercising legal action in its own name.

- In the landmark judgment of *Workmen of Indian Bank v. Indian Bank*⁸, the Apex Court of the country pronounced every trade union as synonymous to a body corporate. Ancillary to such a ruling, it was also held that such trade unions will hence inherently enjoy all rights rested with body corporates. Additionally, office bearers and executives of trade unions concerned would be capable of enforcing the right to participate and stifle in the various activities of trade unions either during the office hours, or after. So as to allow such indulgence by the office bearers and/or the executives, the Supreme Court noted that employers must recognise such rights and enable their enjoyment without posing hurdles.
- This position has also been reiterated in Section 12 of the Industrial Relations Code of 2020.
- As has been reiterated above, trade unions had not initially commenced with political affiliation, however, soon did acquire such a status through the evolution and movement of such a concept at a national level. The Act through Section 16 permits a trade union concerned to constitute and configure a distinct fund altogether catering to political parties. While such an empowering provision has been enlisted in the Act, it has also been duly highlighted that no member of such a trade union may be forcefully mandated to contribute towards such a fund.
- Section 19 of the Trade Unions Act of 1926 acts as a rather exceptional scenario of the Indian Contract Act, 1872. By virtue of such a provision, the registered trade unions have been entrusted with the right of entering into agreements which provide for the restraint in trade. Such agreements are otherwise void as per Section 27 of the

⁸ *Workmen of Indian Bank v. Indian Bank*, 1985 1 LLJ 6 (Mad.).

Indian Contract Act of 1872. It is however keen to note that such a right has only been entrusted with the registered trade unions of the country.

- Such a position of rights has been reiterated by Section 18 of the Industrial Relations Code of 2020.
- Section 23 of the Trade Unions Act of 1926 further establishes a right in the favor of trade unions of the country. The section reads that a trade union shall have the right to change its name or amalgamate with another such trade union as per Sections 23 and 24.
 - Section 27 of the said act further entrusts the unions with the right to apply for dissolution of its existence altogether.

Interestingly enough, while the Trade Unions Act of 1926 had entrusted such trade unions with certain rights and legal protections in a rather explicit and expressive manner, the Industrial Disputes Act of 1947 seems to do so in an alternatively tacit or implied mannerism. The purpose of the act can be carved out to represent the resolution of industrial disputes at a primary level, and in the analysis of the same, the inherent rights which the Act grants to the trade unions of the country may be brought under the limelight.

- Section 36 of the Industrial Disputes Act of 1947 provides trade unions with the the right to representing the workers in the ‘works committee’ which is to be constituted under Section 3 of the same Act and additionally before the a variety of other dispute resolving forums such as Conciliation, Labor Courts, Industrial Dispute Tribunals, National Industrial Tribunal etc as well.
- Further, the Industrial Disputes Act of 1947 caters to individuals as equally as it does towards the association in a rather holistic and cohesive manner. The Act suggests the right the union is having in representing, not merely the association altogether but also an individual member of such an union before the grievance settlement authorities which are to be constituted under Section 9C of the Act.

- The Act also caters to a fundamental requirement of trade unions, ie. the right to strike has been granted, however as per the due procedure which finds mention under Sections 22 and 23 of the said Act.
 - In the *B.R. Singh v. Union of India*⁹ judgment, the Supreme Court recognised a strike as a well founded ground for availing redressal of disputes.
- Associated with labor are many such terms which are often found as rudimentary reasons behind disputes, such as retrenchment, layoffs, compensation and dismissals amongst many others. Trade Unions as per the act have been provided the right to negotiate on behalf of the workers before the management of the said organisation in relation to any matter which may be regarding the same.
- When the Industrial Disputes Act of 1947 is read with the Industrial Employment (Standing Orders) Act of 1946, certain ancillary rights provided to the Trade Unions of our country can also be brought under the limelight. Prior to certification of a standing order by a certifying officer as per Section 3, the order must be overlooked, reviewed, and approved by the trade union in question.
 - The order must be reviewed as well as approved by the trade union if the scenario is that of alteration or modification to the said standing order, as per the provisions to Section 10.
 - If the circumstance so persists, that there exists a provision within the standing orders by which the workers are aggrieved or in contradiction with, the trade union representing such workers have been equipped with the right to appeal provided such grievance is in relation to the

⁹ *B.R. Singh v. Union of India, A.I.R. 1990 SC 1.*

terms of employment and/or the working conditions so specified in the standing order.

Apart from being a registered trade union, it also becomes almost nearly as imperative to be a recognised trade union by the said organisation and/or industry which the union may focus towards. This becomes increasingly important in matters of bargaining, negotiations and settlements, through which, when unions become recognised by the industries or organizations concerned, the process cohesively becomes far more efficient in nature. In the case of *Balmer Lawrie Workers' Union, Bombay and Another v. Balmer Lawrie & Co. Ltd. and Others*¹⁰, the Supreme Court recognised the imperative nature of recognised trade unions as opposed to their unrecognized counterparts. It was held that, recognised trade unions significantly aid in collective and effective bargaining and thereby accomplish their rudimentary purpose constructively.

While there do exist certain laws catering to the registration of trade unions, the recognition granted to them is a matter more informal in nature, and thereby does not have much of a statutory or parliamentary legislative presence. On the other hand, many state laws have legislated on this topic such as Kerala through the Kerala Recognition of Trade Unions Act of 2010 or the West Bengal Trade Unions Rules, 1998, to name a few. These states tend to recognise the recognition granted to trade unions as a pertinent tool in effective bargaining and thereby provide a due process and procedure for its attainment.

Additionally, the Code of Discipline, which had been adopted by the 15th Indian Labor Congress also provides for the process of awarding recognition to Trade Unions. This distinction amongst recognised and unrecognized trade unions, is dramatically correlated with the discussion at hand of the rights enjoyed by certain trade unions. This is due to the reasoning that recognised trade unions tend to enjoy an additional set of incumbent rights as opposed to merely those which have been registered. Such as:

- The right which caters to raising certain issues before the employers and allowing collective agreements is strengthened through recognized trade unions

¹⁰ *Balmer Lawrie Workers' Union, Bombay and Another v. Balmer Lawrie & Co. Ltd. and Others*, A.I.R. 1964 728.

- Trade unions upon gaining a recognised status can begin collecting fees and subscriptions upon membership
- Without gaining recognition by the industry and/or organization concerned, it is impermissible for trade unions to make announcements or put up notices within the premises of the workplace concerned. However, the same is made feasible and within the reach of the trade union upon due recognition being granted by the industry/organization.
- In furtherance to the aforesaid, recognised trade unions are well within their scope to hold pertinent discussions with employees and employers both, either individually or simultaneously for preventing certain foreseen disputes or for the settlement of existing disputes altogether.

While the position with respect to the recognition of trade unions is rather flimsy at present, owing to a lack of central legislative authority, with the advent and implementation of the Industrial Relations Code of 2020, the position is expected to be strengthened. This is owing to the fact that the central government has proposed the Industrial Relations (Central) Recognition of Negotiating Union or Negotiating Council and Adjudication of Disputes of Trade Unions Rules, 2021. The aforementioned aims to provide a specified framework for the recognition of trade unions.

Having analyzed the several rights granted by virtue of the Constitution of India, The Trade Unions Act of 1926 and the Industrial Disputes Act of 1947, it is nonetheless, chief to examine a novel proposition of rights as well. As the labor legislations in India stand at a climacteric turning point before the aforementioned laws are replaced by the Industrial Relations Code of 2020, it is cardinal to also analyze the prominent legal rights provided via the newborn Code.

The Industrial Relations Code of 2020 aims to equip trade unions by a multitude of distinct rights through Section 12 to 18 of the Code. It is pertinent to note that such rights have only been recognised for registered trade unions.

- Section 12 garners trade unions with the status of a legal person/body corporate. This has been discussed above with reference to Section 13 of the Trade Unions Act of 1926.
- Section 15 of the Code reads with respect to managing the funds of a trade union. It essentially furnishes trade unions with the right to manage their own funds, as it is integral for the ideal functioning of the union. Section 15(1) crystally specifies that the objective behind such generalized funds, so collected, would be their utilization on the objectives mentioned in the rules of the trade union.
- Section 18, on the other hand, accourets trade unions with the privilege to make agreements which are by virtue of their inherent nature, restrictive of trade. This has been discussed previously with respect to Section 19 of the Trade Unions Act of 1926.
- Section 19 of the Industrial Relations Code caters towards the right to inspect the books of the trade union. It specifies that the office bearers and/or members of the trade union in question, may and at any time, inspect the books of accounts and the list of members of the unions.
- Section 20 of the Code specifies that a minor is also equipped with the right to become a member of a trade union. Any minor above the age of 14, employed in a non-hazardous industry has been declared competent enough to become a member of a registered trade union.

Liabilities of Trade Unions in India

Apart from having been stocked with a multitude and incumbent set of rights under the existing and soon to be implemented legislations in the country, trade unions also come with many liabilities imposed upon them so as to prevent the misuse of power granted to them through certain legislations in the country. A majority of such liabilities can be seen under the Trade Unions Act of 1926 through sundry provisions. Namely, Sections 15 through 28.

Section 15 of the Trade Unions Act of 1926 specifies that financial fundings of a trade union can not be utilized for any voluntary reasons. Instead, the money may only be used for the purposes of certain specified activities which have been enunciated under the said Section. This correlates directly to the Industrial Relations Code of 2020, under which under the same numeric Section ie. Section 15, funds of the union may only be utilized for the obtainment of the objectives of the organisation and not otherwise.

In the case of *Mario Raposo v. H.M Bhandarkar and Others*¹¹ 1994, the office bearers of the concerned union had invested the funds of the union into the purchasing of a share of UTI. The court recognised such an activity as a speculative investment, and on such grounds held the investment invalid.

Interestingly enough, if the trade union wishes to promote, in any manner, its civil and/or political activities, it must under Section 16 of the Trade Unions Act of 1926, devote a distinct political fund towards it. It is pertinent to note, that while such formulation of a political funding has been deemed as a legal and valid activity, no union can forcefully impose the contribution towards such funds as a mandate.

Section 20 of the same Act, prescribes a limitation on the trade union to showcase all available records, books of accounts, lists of members, for the purposes of examination and inspection upon the request of any of the members of such a union.

Additionally, while Section 20 of the Industrial Relations Code, allows minors to hold membership of a trade union under specified circumstances, Section 21 of the Trade Unions Act, 1926 does not allow such minors to hold any office under the association apart from mere membership.

Similar restrictions have been placed under Section 21-A of the Trade Unions Act of 1926, wherein, trade unions have been prohibited from appointing persons convicted with a crime of moral indignity. The liability also extends to a person who has been imprisoned for a period of 6 months or longer within the preceding past 5 years.

¹¹ *Mario Raposo v. H.M Bhandarkar and Others*, (1994) IILLJ 680 Bom.

Following the aforementioned, Section 22 requires a minimum of half the office bearers of the trade union to be employed and/or engaged in an industry to which the union may be connected.

Furthermore, while a trade union has been equipped with the ability of name modification and/or amalgamation, it must promptly send notice to the registrar concerned with respect to such alterations, any changes in the address of the head office, dissolution, or changes in the rules of the trade union with a copy of such alterations as conferred by Sections 25 and 28 of the Act.

Immunities of Trade Unions in India

After a thorough understanding of the definition of trade unions and their various components, it can be safe to connote that the trade unions assemble in large numbers of workers, so as to raise the various concerns of the more vulnerable sections of society. It is a commonly observed practice by the legislature in our country to provide vulnerable sections of society, be it of any nature and/or kind, with certain immunities, freedoms, and dispensations. This aids such stratas of the society to maneuver freely with limited hurdles and obstacles which may arise owing to their nature of vulnerability. A similar proposition has been laid down by the various legislations in our country with respect to the immunities of trade unions.

The Trade Unions Act of 1926, an act designated towards the catering of such associations in India, by virtue of Sections 17, 18 and 19 provides certain cartes blanches to the registered trade unions in India with respect to the criminal, civil and contractual proceedings.

Section 17 bestows the trade unions with an immunity with respect to criminal conspiracy under Section 120-B of the Indian Penal Code, 1860. However such an immunity is not absolute in nature, and is subject to certain conditions. Primarily, such an immunity is only to be awarded in relation to the legal agreements created by the members of the union, again subject to the condition that such agreements must be in furtherance to the objectives of the union as specified under Section 15 of the act.

In a correlated case of *West India Steel Company Ltd. v. Azeez*¹² (1990), the court held that a leader of a trade union, does not in any capacity, have an immunity to disobey the orders of the employers associated with such a union, when the terms and conditions have already been accepted.

This legal position has been upheld by virtue of Section 17 of the Industrial Relations Code of 2020 as well. In the case of *S.B. Shinde v. The State of Maharashtra*¹³, there had existed wide scale violence and property destruction, by the members of a registered trade union in Pune. Such actions had resulted in severe injuries to the public. Ultimately, it was held that such actions could not be granted protection under Section 17 of the Trade Unions Act of 1926.

Another Section of primal importance with respect to the immunities of trade unions in India, is of Section 18. Section 18 grants immunities to registered trade unions in India with respect to civil proceedings in certain prescribed scenarios involving the office bearers or the members. In other words, no legal and civil action may be undertaken against either the trade union itself and/or its officer bearers or its members in consequence to an action done in contemplation of or in furtherance of a trade dispute. That being said, such an immunity does not extend towards sheer violence, threats or other such illegal means.

Such an integral protection granted to trade unions, protects them from the many activities which may be undertaken by such unions in furtherance of their unmet demands or grievances in order to put their voices across in a collective manner. Section 16 of the Industrial Relations Code, 2020 caters towards such protection of the trade unions as well. By conducting a linguistic analysis of the language utilized in such a section indicates that until and unless the actions of the association are unlawful, tortious, or violent in nature the immunity granted to the union would hold ground. It has additionally been specified under the novel code that any tortious activity which is done in furtherance of an industrial dispute by an agent of the said trade union would not lead to liability provided such an act had been conducted without the knowledge of the trade union, thereby providing an additional protection to the union.

¹² *West India Steel Company Ltd. v. Azeez*, 1990 LLR 142 (Ker).

¹³ *S.B. Shinde v. The State of Maharashtra*, 2002 104 (BOMLR).

In the case of *P. Mukundan and others v. Mohan Kandy Pavithran*¹⁴ 1992, the court established a reciprocity between the action of strikes and Section 18 of the Act. It was held that strikes per se, are not actionable wrong/offense. Thereby, upholding the fact that trade unions, its members and office bearers are immunized against legal proceedings linked with strikes as per the connotations of Section 18.

Similarly, in the case of *Rohtas Industries Staff Union v. State of Bihar*¹⁵, it was held in furtherance of an implied understanding to Section 18 that employers cannot claim, in any manner whatsoever, damages against the participation of their employees in illegal strikes which may cause a loss of production and/or business. Tacitly, such a judgment upheld Section 18 so as to immunize the employees from being subjected to civil liability of providing liquidated/unliquidated damages as the case may have been. However, it is pertinent to note that such a case had been decided on the grounds of Section 18 of the Trade Union Act of 1926. Had the act been viewed with a view of Section 16 of the Industrial Relations Code, the position of the courts of law can be expected to differ as such an act had been violent in nature.

However, such immunity was given scope and legal proximity in the case of *Simpson & Group Companies Workers and Staff Union v. Amco Batteries Ltd.*¹⁶ In this case, it was held that any physical obstruction in the movement of the management personnel, contractors, goods or vehicles or otherwise in the carrying of raw material would not be indicative of an immunity for the trade unions concerned. Section 18 would not apply to such cases.

Finally, as has been previously reiterated, Section 19 of the Trade Unions Act, 1926, immunizes trade unions from the perils of Section 25 of the Indian Contract Act, 1872 with respect to a restraint of trade. Such an agreement, in restraint of trade, if carried out by a trade union, would not be rendered void nor voidable as per Section 19. This is correlative to Section 18 of the Industrial Relations Code, 2020, under which too, such actions of the union have been protected.

¹⁴ *P. Mukundan and others v. Mohan Kandy Pavithran*, 1992 ILLJ 160 (Ker).

¹⁵ *Rohtas Industries Staff Union v. State of Bihar*, A.I.R. 1976 425.

¹⁶ *Simpson & Group Companies Workers and Staff Union v. Amco Batteries Ltd.*, 1991 (61) FLR 708.

A Conclusive Summarization

In the fullness of time, as imperative as economic growth is for the country holistically and cohesively, it cannot be segregated or subjected to severability from the concept of workers and employees. The growth of an economy is directly correlated to the growth, development and prosperity of corporations, which is deeply rooted with the productivity and content of such workers and employees. The corporations can be said to act as middlemen, in this chain of nationwide growth.

However, such productivity and prosperity of the workers cannot be derived easily through the mere provisions of bare minimum pay, and sole requisite working conditions. Instead, a platform must be granted to such workers so as to enable them to voice their disputes, concerns, and grievances which are often subjected to ignorance by large portions of society. In the final analysis, the chief objective of labor laws therefore, seeks to assemble an environment of balance amongst the requirements of the workers, employers and government in a tripartite approach.

Attiring trade unions with certain rights, enables them to fight a battle with armor as opposed to mere sacrificial actions. It allows workers to gain confidence in their opinions, and proposed endeavors, in contrast to their submissive, and exploited past. However, the provisions of labor laws in the country, be it the Industrial Relations Code of 2020, a rather novel approach towards such regulation or the Industrial Disputes Act of 1947 or Trade Unions Act of 1926, do not aim to cater merely towards one sect of three.

That is, the nation wide interests of productivity, and profit aimed interests of the employers must be taken into due regards whilst facilitating certain rights and awarding protections to the workers. On that note, such trade unions must have their powers defined to them within a prescribed periphery through limitations and liabilities of such associations. As at the end of the day, the arbitrary nature of such trade unions would result far from their projected outcome. Nonetheless, it is ideal for the legislative bodies to cognize the understanding that bulleting such unions with limitations and liabilities should not act as a hindrance towards achieving their ultimate purpose. We should not create unnecessary obstacles in the paths of trade unions, yet merely provide a legal path for them to undertake. This is where and more paramountly, why immunities take birth.

Despite the various political propagandas, multiplicity of unions, lack of unity within such unions and their low membership amongst many other drawbacks trade unions pan India have experienced, their success, by and large, cannot be ignored even through a blind eye. With the soon anticipated advent of the Industrial Relations Code of 2020, the legal position is expected to translate into a far more comprehensible and concise juridical status. While many aspects continue to remain ambiguous and uncertain, the significance and role of trade unions is most certainly to continue and grow.

