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RECOGNITION OF TRADE UNION IN INDIA- MYTH AND REALITY

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Introduction

In the early 19th century, unions were formed amongst workers in India so as to improve their bargaining power with respect to their service conditions and wages, Printers' Union formed in Calcutta in 1905 and the Bombay Postal Union formed in 1907 are the important development at that time. In history, the formation Madras Labour union in 1918 at Madras as the first step. After this formation of trade union, we got vigor in trade union movement, further formation of national level trade union AITUC in 1920 was milestone in this direction. In March 1921, Shri N. M. Joshi, the then General Secretary of the AITUC, recommended through a resolution that the Government should introduce legislation for the registration and protection of trade unions in India. Eventually, the Trade Unions Act, 1926 was enacted for the purpose of ensuring governance and protection of trade unions. Later in 1932 after the Royal commission's recommendation we have started to focus on the importance of recognition of Trade union. This paper is on the Recognition of trade union

Recognition

Recognition is the process through which the employer accepts a particular trade union as having a representative character and will be willing to engage in discussions with the union with respect to the interests of the workers. This process is important so as to ensure smooth collective bargaining and stability of industrial relations. Generally, registration of trade unions under the Trade union Act, 1926 does not automatically imply that a particular trade union has gained recognition status granted by the employer. In 1932 Royal commission of labour gave

recommendation to take steps to Statutory approval for recognition of trade union under Trade union Act. Steps to include the provision related to Recognition of Trade union in 1943 was made and the bill was presented, initial effort even though it failed, again it was represented in the year 1946 and the last Governor General of India signed the bill and it became Trade union (amendment) Act, 1947. In the amended Act provisions related to Recognition of Trade Union was provided under Sec 28., but this Central Act was not given force till date. It is pertinent to note at present that there is no law at the national level for recognition of trade unions in India.

Recognition of Trade Union under State Laws

As per the Trade Union Act, 1926, a trade union must obtain legitimacy through registration under the Trade Union Act and then seek recognition as a sole bargaining agent either under the appropriate law or an employer-employee agreement. In such a situation certain states have formulated provisions setting forth rules and principles for the recognition of trade unions. However, each state has its own set of criteria, including minimum requisite membership. For instance, in the State of Maharashtra, the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labor Practices Act, 1971, governs the aspects related to the recognition of trade unions that have not been specifically covered by the Trade union Act. Similar laws have been enacted in the states of West Bengal, Rajasthan, Andhra Pradesh and Madhya Pradesh. The states of Bihar and Orissa have specific non statutory provisions setting forth rules and principles for the recognition of trade unions. Generally, these rules provide that a union shall be recognized by the employer as the sole bargaining agent of a group of workers usually majority, if it receives a specified minimum percentage of those workers' votes via secret ballot, organized by the Registrar of Trade union.

Code of Discipline

Other than the states stated above for recognition of Trade union follows the code of Discipline. At present, recognition of trade unions functioning in industrial establishments is regulated under the provisions of the voluntary 'Code of Discipline' ("Code") and the 'Criteria for Recognition of Unions' appended to the Code adopted by the Standing Labour Committee in its 16th Session in 1957 and subsequently ratified by the representatives of Employers and CTUOs at the 16th Session of the Indian Labour Conference, held in 1958. The Code is a set of

Guidelines mutually and voluntarily accepted by all Parties to maintain discipline in Industry, both in public and private sectors.

Conclusion

Recognition of Trade union is the back bone for the collective bargaining. Central statue for recognition of trade union is the need of the hour. In the era of globalization competition is growing in all industries. In such a situation resolving the dispute which arises among the Employer and Employee relationship, is to be carried out in time bound manner. If a global company having industry in various states, they have to follow different regulations, Hence we have to take steps to enforce the provisions related to Recognition of Trade union under Trade union Amendment Act, 1947 , if necessary suitable changes incorporating to suit the present situation can be made.

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