

Rights of Registered Trade Union in India

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A trade Union² is a voluntary organization of workers formed with the aim to protect workers from exploitation to develop the close working relationship with employer. The main principle purpose of trade union is to regulate relation between workers & employers and to provide a platform for resolution of dispute through negotiation and collective bargaining.

Definition of Trade Union

The Trade Union Act, 1926 under Section 2(h) defines trade union as *“any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and 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”*

Thus a trade union is combination of workers whether employed on temporary or permanent basis and formed to regulate or to maintain relation between,

- a) Workmen and employers or
- b) Workmen and workmen or
- c) Employers and employers or

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General fund

Sec 15 of the Trade Union Act, 1926 provides right to a registered can establish and spend from the general fund on the following,

- a) The payment of salaries, allowance and expenses of office bearers.
- b) The payment of expenses on the administration and audit.

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² Defined under Sec. 2(h) of the Trade Union Act, 1926

³ Chapter III of the Trade Union Act, 1926

- c) The prosecution and defense in a legal proceeding of trade union.
- d) In the conduct of trade dispute.
- e) To compensate loss arising out of trade dispute.
- f) For allowance in case old age, sickness, accident, accident or death.
- g) For insurance policies for members against sickness, accident and unemployment.
- h) For education, social, religious purpose.
- i) For expenses of journals or publication.

Political fund⁴

A registered trade union should form a separate fund called political fund for political purposes. The political fund is established to promote the civic and political interest of member,

- a) The payment for any kind of expenses made by a candidate for election or by a member of any legislative body under the constitution or a local authority.
- b) Expenses of meeting or the literature distributed for such candidate.
- c) Expenses for maintenance of a person member of legislative assembly.
- d) Registration of electors.
- e) Expenses for meeting or any kind of political literature distributed.

Privileges of registered trade union

No any member or office bearer of a registered of trade union shall be punishable under the offense of sec.120-B of the Indian Penal Code,⁵ i.e. criminal conspiracy for furthering the object given under sec.15 of the Trade Union Act, 1926.

⁴ Section 16 of the Trade Union Act, 1926

⁵ 120B. Punishment of criminal conspiracy—

(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

Immunity from civil suit

No legal action or suit is maintainable in any civil court against any registered trade union for the act done in the furtherance of the object of a trade union.⁶

Immunity from tortuous liability

A registered trade union is not liable for punishment in any suit or other action in any civil court in respect of tortuous act done in furtherance of a trade dispute.⁷

Conclusion

The Trade Union Act, 1926 is an important legislation as it provides for the registration a trade union in India. The Act under chapter III provides for rights⁸ of a registered trade union in India. These rights are available only to a trade union registered⁹ under the Trade Union Act, 1926 hence unregistered trade union does not enjoy privileges and immunities provided under the chapter III of the Act.

⁶ 18. Immunity from civil suit in certain cases

(1) No suit or other legal proceeding shall be maintainable in any civil court against any registered trade union or any office-bearer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute to which a member of the trade union is a party on the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labor as he wills.

(2) A registered trade union shall not be liable in any suit or other legal proceeding in any civil court in respect of any tortious act done in contemplation or furtherance of a trade dispute by an agent of the trade union if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the trade union.

⁷ Section 18(2) of the Trade Union Act, 1926

⁸ Including liabilities

⁹ Section 4 of the Trade Union Act, 1926 provides for the mode of registration of a trade union.