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Section . 6]

Provisions to be contained in the rules of a Trade Union (2001 amendment)

For registration of the Trade Union, provision or rules mentioned below should be followed by the member for registration of the Trade Union according to this act.

a) The name of the Trade Union.

b) The object of the Trade Union.

c) General funds of the Trade Union by its members should be properly used for Lawful purpose.

d) Maintenance of list of members in the Trade Union and their facilities to be provided.

e) Half of the members of the trade union must be the member who actually engaged in an industry with which trade union is connected.

(ee) the payment of a minimum subscription by members of the Trade Union which shall not be less than—

(i) one rupee per annum for rural workers;

(ii) three rupees per annum for workers in other unorganized sectors; and

(iii) twelve rupees per annum for workers in any other case;

f) Disciplinary action against member of the Trade Union and procedures in imposition of fines on members.

g) the manner in which the rules shall be amended, varied or rescinded;

h) the manner in which the members of the executive and the other of the Trade Union shall be elected and removed

(hh) executive members and other office bearers should be elected for the period of maximum 3 years..

i) Funds of the Trade Union should be safe guarded, annual audit is necessary, and account books should be maintained for the purpose of inspection if necessary.

j) Procedure how to wind up the Trade Union

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

[Section 7]

- If Registrar is not satisfy with information provided by the members of the Trade Union going to be registered, Registrar is having power to call its members for submitting the additional and required information for registering the Trade Union.
- If the Name of the Trade Union is already existed or similar to other Trade Unions names, registrar is having power to order for changing of the name.

Registration [Section 8]

All the documents submitted with details and information is correct by the members of the Trade Union going to be registered, the Registrar will register the Trade Union.

Certificate of Registration. [Section 9]

The Registrar registering a Trade Union under Section 8, shall issue a certificate of registration in the prescribed form which shall be conclusive that the Trade Union has been duly registered under this Act.

A Supreme Court judgment poses an old question to India's labour movement: how to unionise contract workers.

[Ambit of Sec 9A]

As per the Trade Unions Act, 1926, any workman who works in a factory can join a union of that factory. But trade unions typically have only permanent workers as members. The reason cited is that contract workers are not employees of the employer in question (the manufacturing unit), and so should not find representation in a union body formed for the purpose of negotiating with the said employer. Contract workers are hired by the labour contractor, who is empanelled with the employer as a supplier of contract

labour, and who pays their salaries.

But not being on the rolls of an employer does not disqualify a contract worker from being a member of a factory's union. Labour law experts point to section 2 (g) of the Trade Union Act, which defines "workmen", for the purposes of a trade union, as "all persons employed in trade or industry whether or not in the employment of the employer with whom the trade dispute arises".

This question of who can become a member of a trade union also came up recently **in the case of Chander Bhan, etc versus Sunbeam Autoworkers Union in the Gurgaon District Court. In a judgment that went largely unnoticed, the court ruled that any workman employed by a factory — irrespective of whether he was a permanent worker or not, fulfilled the Industrial Dispute (ID) Act's definition of workman or not — was eligible to participate in union activities.**

In the Gurgaon industrial belt, Sunbeam Autoworkers Union is probably the only union that gives membership to workers with less than 240 days' service, and it needed a court intervention to be able to do so. But even it does not offer membership to contract workers. In fact, no union anywhere gives membership and voting rights to contract workers. The reasons are many. First, in an industrial climate extremely hostile to any union activity, workers believe that forming a union that also includes contract workers is bound to provoke the management into even greater hostility. Second, managements refuse point blank to discuss with unionists any issues concerning contract workers. Third, contract workers are far more insecure compared to regular workers. In an era where companies frequently terminate even a permanent worker for engaging in union mobilisation, the stakes are too high for contract workers, who could be summarily dismissed, without any consequences, by the management.

Fourth, and this is an unpalatable truth for most trade unionists, permanent workers themselves don't want to extend union membership to contract workers. In a factory, say, that employs 300 permanent workers and 1,200 contract workers, any union that gives voting rights to contract workers would instantly marginalise permanent workers. Given that permanent workers' salaries are much higher, economic self-interest militates against the inclusion of contract workers in union membership.

As a result, India's contract workers, with the exception of some PSUs in select

sectors such as steel and coal, remain both heavily exploited and largely un-unionised, with the lack of unionisation and exploitation reinforcing each other.