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An Analytical Study on the Challenges Affecting the Effective Functioning of Trade Unions in India and Measures for Their Strengthening

ELAKKIAMEENA S.[*], IRUTHIYA RANI L.[**], AND SONIKA J.[***]

ABSTRACT

This paper examines the challenges affecting the effective functioning of trade unions in India and the measures that can strengthen them. It is a doctrinal study, set against the Constitution, the Trade Unions Act, 1926 and the Industrial Relations Code, 2020. It finds that trade unions still matter in Indian industrial relations: they represent workers, support bargaining and give people somewhere to take their grievances and welfare needs. Their effectiveness, however, is held back by three connected problems: membership that is falling or not growing, especially among informal, contract and platform workers; too many unions competing for recognition in the same workplace or industry; and leadership that often lacks training, transparent governance or negotiation support. The law has started to respond, through recognised negotiating unions, wider coverage for new kinds of workers and continued protection for the right to organise, but changes in the law alone will not rebuild union strength. The paper recommends a simpler and better publicised process for verifying negotiating unions, targeted organising support for informal and platform workers, regular leadership training, voluntary federation among unions, and stronger protection against victimisation for union activity.

Keywords: *collective bargaining, labour code, industrial dispute, industrial peace, trade unions*

I. INTRODUCTION

A. Background of the study

Trade unions have played an important role in the development of labour relations in India. A trade union is usually formed by workers to protect and promote their economic and social interests. During the early period of industrialisation, workers faced problems such as low wages, long working hours and poor working conditions.

[*] Author is a Student at Sathyabama School of Law, Sathyabama University, Chennai, Tamil Nadu, India.
[**] Author is a Student at Sathyabama School of Law, Sathyabama University, Chennai, Tamil Nadu, India.
[***] Author is a Student at Sathyabama School of Law, Sathyabama University, Chennai, Tamil Nadu, India.

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The study of trade unions is particularly relevant in the present context because of changes in the political, social and educational environment and the increasing awareness among workers of their rights. The International Labour Organization's (ILO) Declaration on Fundamental Principles and Rights at Work, adopted in 1998, recognises freedom of association and the effective recognition of the right to collective bargaining among the fundamental principles and rights at work.[1] In this context, awareness of rights, collective bargaining and growth in trade union membership are important areas for studying the effective functioning of trade unions in India.

B. Meaning and concept of trade unions

Trade unions are associations or organisations formed by workers or employees to achieve their demands and improve their working conditions. They are formed to protect and promote the interests of their members.

One of their main functions is to protect workers from discrimination and unfair labour practices.[2] A trade union protects the rights and interests of workers. It consists of a group of workers who negotiate with employers, on behalf of all the workers belonging to the union, on matters related to their employment. Trade unions also help to ensure that government legislation provides employees with proper rights. These rights help protect workers from exploitation and mistreatment by employers.

C. Evolution of trade unions in India

i. Early industrial period (1850–1918)

The Industrial Revolution led to the introduction and development of modern industries in India during the period of British rule. The establishment of modern industries resulted in the emergence of a large industrial working class. Although the protests and strikes of this period were not organised trade union movements in the modern sense, they demonstrated the growing awareness among workers of their common interests. These early labour protests laid the foundation for the subsequent development of organised trade unionism in India.[3]

ii. Post-World War I period (1918–1926)

The First World War had a considerable impact on the economic and social conditions of industrial workers in India. Workers experienced serious economic hardship, and the

[1] INT'L LABOUR ORG., ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK ¶ 2(a) (June 18, 1998, as amended June 10, 2022).
[2] S.C. SRIVASTAVA, INDUSTRIAL RELATIONS AND LABOUR LAWS (8th ed. 2021).
[3] V.V. GIRI, LABOUR PROBLEMS IN INDIAN INDUSTRY (3d ed. 1972).

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deterioration of living conditions led to an increase in labour unrest and industrial disputes. The period following the war witnessed a significant growth of organised trade unionism in India.

iii. The Buckingham and Carnatic Mills dispute (1920–21)

The Buckingham and Carnatic Mills were important textile mills in Madras. In 1918 B.P. Wadia founded the Madras Labour Union, the first union in India formed on modern lines, to voice the grievances of the mill workers. A labour dispute arose between the workers and the management, which led to industrial action. The employers took legal action against Wadia and the other union leaders, arguing that the strike-related activities were unlawful and amounted to an illegal conspiracy. At that time, India had no legislation protecting trade unions and their activities. The Madras High Court treated the union's activity as an illegal conspiracy and ruled in favour of the employer; Wadia was held liable in damages and, on the employer's undertaking not to press for payment, severed his connection with the union. The episode led to demands in the Central Legislature for protective legislation, which culminated in the Trade Unions Act, 1926.[4]

iv. Post-Independence period (1947–1970)

After India attained Independence in 1947, trade unionism entered a new phase. The Constitution and various labour laws provided a broader legal and constitutional framework for the protection of workers and the regulation of industrial relations.

Constitutional protection. Article 19(1)(c) of the Constitution of India guarantees citizens the fundamental right to form associations or unions. This guarantee provided an important basis for the formation and functioning of trade unions. The right is not absolute, however, and is subject to the reasonable restrictions permitted by Article 19(4). Thus, the Constitution provided an important foundation for the continued development of trade unionism in independent India.

Development of central trade unions. Several major central trade union organisations, some founded before Independence and others after it, became influential in the Indian labour movement. Important organisations include:[5]

1. All India Trade Union Congress (AITUC), founded in 1920;
2. Indian National Trade Union Congress (INTUC), founded in 1947;
3. Hind Mazdoor Sabha (HMS), founded in 1948; and

[4] SANJAY UPADHYAYA, V.V. GIRI NAT'L LABOUR INST., EVOLUTION OF TRADE UNIONS IN INDIA 7, 9 (2022), https://vvgnli.gov.in/sites/default/files/2024-01/Evolution%20of%20Trade%20Unions%20in%20India.pdf; *see generally* E.D. Murphy, *Class and Community in India: The Madras Labour Union, 1918–21*, 14 INDIAN ECON. & SOC. HIST. REV. 291 (1977), https://doi.org/10.1177/001946467701400301.

[5] Upadhyaya, *supra* note 4, at 9, 24–25.

4. Bharatiya Mazdoor Sangh (BMS), founded in 1955.

These organisations represented workers at the national level and participated in collective bargaining, industrial disputes and discussions relating to labour policy.

v. Trade unionism in the twenty-first century

Trade unionism in the twenty-first century has changed because of technology, globalisation and changes in the nature of employment. Today, trade unions represent workers not only in the organised sector but also try to address the problems of workers in the unorganised, informal and new employment sectors.

D. Importance of trade unions in industrial relations

Collective bargaining refers to the process of negotiation between employers and employees, generally represented by trade unions, to determine the terms and conditions of employment.[6] It enables employees to safeguard their rights collectively and to improve their working conditions. Trade unions work to improve working conditions through discussions and negotiations with employers. They focus on issues such as workplace safety, working hours and health benefits, which helps to create a safer and better working environment for workers.

E. Statement of the problem

The modern industrial sector is changing because of technological development, changes in labour laws and changing employer–employee relationships. These changes create challenges for trade unions in protecting workers' rights and representing their interests.

The declining influence of trade unions may leave workers vulnerable to unfair labour practices, inadequate wages and benefits, lack of social security and poor working conditions.[7] It may also reduce their collective bargaining power and their ability to raise grievances. It is therefore important to study the challenges faced by trade unions and to identify suitable measures to strengthen their effectiveness in India. The present research is mainly doctrinal in nature and is based on secondary sources of information.

[6] Convention Concerning the Promotion of Collective Bargaining (ILO No. 154) art. 2, June 19, 1981, 1331 U.N.T.S. 267.

[7] S.N. MISRA, LABOUR AND INDUSTRIAL LAWS (28th ed. 2023).

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II. Legal framework of trade unions in India

A. Constitutional provisions relating to trade unions

i. Fundamental rights

Article 19(1)(c): right to form associations and unions. Article 19(1)(c) guarantees the fundamental right to form associations or unions. This provision gives constitutional protection to trade unions, workers' organisations and the collective activities of employees.[8] It forms the constitutional basis for trade unionism, although the Supreme Court has held that the guarantee does not carry with it a fundamental right to effective collective bargaining or to strike.[9]

Article 23: prohibition of forced labour. Article 23 prohibits traffic in human beings, *begar* (forced unpaid labour) and other similar forms of forced labour. The provision protects workers from exploitation and secures the dignity of labour.[10]

Article 24: prohibition of child labour. Article 24 prohibits the employment of children below fourteen years of age in any factory or mine or in any other hazardous employment. It aims to protect children from exploitation and to secure their right to education and healthy development.[11]

In *M.C. Mehta v. State of Tamil Nadu* (1996), the Supreme Court directed measures for the abolition of child labour in hazardous industries and emphasised the rehabilitation of the children affected.[12]

ii. Directive Principles of State Policy

Article 39(d): equal pay for equal work. Article 39(d) directs the State to secure equal pay for equal work for both men and women. It promotes equality in employment and guards against wage discrimination.[13]

Article 39(e): protection of workers' health and strength. Article 39(e) directs the State to ensure that the health and strength of workers are not abused, that the tender age of children is not abused, and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.[14]

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[8] India Const. art. 19(1)(c).
[9] *All India Bank Employees' Ass'n v. Nat'l Indus. Tribunal*, AIR 1962 SC 171 (India).
[10] India Const. art. 23.
[11] India Const. art. 24.
[12] *M.C. Mehta v. State of Tamil Nadu*, (1996) 6 SCC 756 (India).
[13] India Const. art. 39(d).
[14] India Const. art. 39(e).

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Article 41: right to work and public assistance. Article 41 directs the State, within the limits of its economic capacity and development, to make effective provision for securing the right to work, the right to education and public assistance in cases of unemployment, old age, sickness and disablement. This provision promotes social security and welfare measures for workers.[15]

Article 43: living wage for workers. Article 43 directs the State to endeavour to secure to workers a living wage, conditions of work ensuring a decent standard of life, and social and cultural opportunities.[16]

B. Trade Unions Act, 1926

The Trade Unions Act, 1926 was enacted to provide a legal framework for the registration of trade unions and to confer certain legal protections on registered trade unions. The Act marked an important stage in the development of trade union law in India because it gave statutory recognition to registered trade unions and regulated several aspects of their functioning.

Registration of trade unions. Any seven or more members could apply for the registration of a trade union by submitting the required details, including the name, objects and rules of the union. After its amendment in 2001, a union of workmen also needed at least ten per cent of the workmen, or one hundred workmen, whichever was less, as members.

Immunity from civil liability. Registered trade unions and their members were protected from certain civil suits for acts done in contemplation or furtherance of a trade dispute. This protection helped unions take part in lawful activities such as organising strikes.

Immunity from criminal conspiracy. The Act also protected office-bearers and members of registered trade unions from certain criminal conspiracy charges in respect of agreements made to further the legitimate objects of the union.[17]

The Act was repealed with effect from 21 November 2025, when the Industrial Relations Code, 2020 came into force, and the Code carries these provisions forward.[18] Today, the role of trade unions must also be considered in relation to changes in employment, such as contract work, gig work and remote work. These changes create new challenges for trade unions in representing workers and protecting their interests.

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[15] INDIA CONST. art. 41.

[16] INDIA CONST. art. 43.

[17] The Trade Unions Act, No. 16 of 1926, INDIA CODE (1926), §§ 4, 17, 18 (repealed 2025); *see also* The Trade Unions (Amendment) Act, No. 31 of 2001, INDIA CODE (2001).

[18] The Industrial Relations Code, No. 35 of 2020, INDIA CODE (2020), §§ 6, 16, 17, 104 [hereinafter IR Code]; The Industrial Relations Code (Amendment) Act, No. 1 of 2026, INDIA CODE (2026), §§ 1(2), 2 (substituting § 104(1) with effect from Nov. 21, 2025); Ministry of Labour & Emp., Notification S.O. 5320(E) (Nov. 21, 2025), https://egazette.gov.in/WriteReadData/2025/267883.pdf.

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C. Industrial Relations Code, 2020

The Industrial Relations Code, 2020, one of the four Labour Codes, is a labour law that brings important rules relating to workers and employers under one law. It consolidates three laws: the Industrial Disputes Act, 1947, the Trade Unions Act, 1926 and the Industrial Employment (Standing Orders) Act, 1946. The Code deals with trade unions, collective bargaining, strikes, lock-outs, lay-offs, retrenchment, closure of establishments and the settlement of industrial disputes. It also provides rules on standing orders governing conditions of service. The main aim of the Code is to maintain good relations between employers and workers and to provide a proper system for dealing with industrial disputes.[19]

D. Rights and responsibilities of trade unions

Right to registration. A trade union has the right to apply for registration when it fulfils the requirements laid down by law. Registration gives the union official recognition and legal status. A registered trade union can represent its members and carry out the activities allowed by law. It also has certain responsibilities, such as maintaining records, managing its finances and following legal requirements. Registration helps the union to work in an organised and stable manner.

Right to elect representatives. The members of a trade union have the right to choose their representatives according to the rules of the union and the law. Through elections, workers can select leaders who represent their interests before the management and other authorities. This makes the union more democratic and accountable, and regular and fair elections also help to build trust among the members.

Responsibility to follow labour laws. A trade union must follow labour laws and other legal rules. It should conduct its activities, elections, finances and negotiations according to the law. Union leaders should also make members aware of their rights and responsibilities. Following the law helps the union work properly and avoid legal problems.

Responsibility to promote industrial peace. A trade union should try to maintain peace between workers and employers. It should first use discussion, negotiation and other peaceful methods to resolve disputes. Unnecessary conflicts can affect workers, employers and production, and maintaining industrial peace helps to create good relations at the workplace.[20]

[19] IR Code §§ 1(3), 104(1).
[20] IR Code ch. VII (Mechanism for Resolution of Industrial Disputes).

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E. Role of government in labour relations

The government plays an important role in maintaining good relations between employers and employees. Its main role is to protect the rights and interests of both workers and employers. The government helps in the quick settlement of industrial disputes. It provides rules for the registration and formation of trade unions. It helps employers and employees resolve conflicts through labour courts and other legal authorities. It makes rules to avoid unnecessary conflicts between different trade unions. The government also discusses employment and labour-related issues with the representatives of workers and employers.

III. Role and present status of trade unions: functions, workers' rights, collective bargaining and challenges

Trade unions continue to be an important part of industrial relations because they provide workers with a collective voice. Their role is not limited to demanding higher wages. They also deal with working conditions, job security, welfare, grievance handling and participation in industrial decision-making. At the same time, changes in employment patterns have created new difficulties for unions. The following discussion explains their present role and the main challenges affecting their effective functioning.

A. Functions and objectives of trade unions

Trade unions are formed to represent workers and to protect their common interests in the workplace. They act as a link between employees and management.[21,22]

- **Protection of workers' interests:** trade unions raise issues relating to wages, working hours, leave, safety, job security and other employment conditions.
- **Improvement of wages and benefits:** unions negotiate with employers for fair wages, allowances, bonus, incentives and other service benefits.
- **Better working conditions:** they demand safe workplaces, proper sanitation, reasonable working hours and welfare facilities for workers.
- **Collective representation:** a worker may find it difficult to approach management alone. The union provides collective representation and gives workers a stronger voice.
- **Grievance handling:** unions help workers to raise complaints and try to settle workplace grievances through discussion and negotiation.

[21] Giri, *supra* note 3, at 45.
[22] P.R.N. Sinha, Indu Bala Sinha & Seema Priyadarshini Shekhar, Industrial Relations, Trade Unions and Labour Legislation 112 (3d ed. 2017).

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- **Job security:** unions oppose unfair dismissal, victimisation and other improper employment practices and support due process.
- **Worker welfare:** many unions take up welfare activities such as education, legal assistance, financial support and awareness programmes.
- **Maintaining industrial peace:** a responsible union does not only protect workers; it can also help management and employees reach practical settlements and avoid unnecessary disputes.
- **Overall objective:** the main objective is to improve the economic, social and working conditions of workers while maintaining a fair relationship between labour and management.

B. Role of trade unions in protecting workers' rights

Trade unions have an important role in making workers aware of their legal and employment rights. This is especially useful where individual workers may not know the procedure for making a complaint.[23,24]

- **Protection against unfair practices:** unions can represent workers in cases involving unfair dismissal, discrimination, victimisation, suspension or other improper treatment.
- **Wages and working hours:** they negotiate for minimum standards, timely payment of wages, overtime payment and reasonable working hours.
- **Health and safety:** unions bring unsafe working conditions to the notice of management and demand safety equipment, training and proper workplace precautions.
- **Social security:** they support workers in obtaining benefits connected with provident fund, insurance, gratuity, maternity benefits and other statutory protections, where applicable.
- **Legal support:** unions may guide workers about labour laws, disciplinary proceedings, industrial disputes and available remedies.
- **Protection of vulnerable workers:** unions can give collective support to contract, temporary and other workers who may otherwise have less bargaining power.

[23] Convention Concerning Freedom of Association and Protection of the Right to Organise (ILO No. 87), July 9, 1948, 68 U.N.T.S. 17 [hereinafter ILO Convention No. 87].
[24] B.D. SINGH, INDUSTRIAL RELATIONS AND LABOUR LAWS 156 (2008).

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- **Participation in decision-making:** through recognised representatives, workers can communicate their views on changes in work practices, service conditions and welfare measures.

However, effective protection depends on responsible union leadership, awareness among workers and cooperation with lawful dispute-resolution mechanisms.

C. Collective bargaining and industrial dispute resolution

Collective bargaining means negotiation between workers, usually through their union, and the employer regarding employment conditions. It is one of the most important functions of a trade union.[25]

- **Common subjects:** wages, working hours, leave, bonus, allowances, transfers, discipline, safety, welfare and other service conditions.
- **Stages of collective bargaining:** the process generally involves identifying demands, preparing proposals, negotiation, discussion of alternatives, settlement and implementation.
- **Strength of collective bargaining:** a group of workers has greater bargaining strength than an individual employee. It can therefore create a more balanced discussion with management.
- **Importance of good faith:** bargaining should be based on genuine discussion and reasonable proposals. Unions and employers should try to find a workable settlement instead of moving immediately towards confrontation.
- **Industrial dispute resolution:** when negotiations fail, disputes may be addressed through mechanisms such as conciliation, adjudication, arbitration or other procedures provided by labour law.[26]
- **Role of conciliation:** a neutral authority may assist the parties in reaching a settlement without requiring a final adjudication.
- **Role of adjudication:** where the law permits, an industrial dispute may be referred to the appropriate labour adjudicatory authority for a decision.
- **Strikes and lock-outs:** these are important forms of industrial action, but they are subject to legal requirements and restrictions. Responsible unions should consider their consequences before using them.

[25] C.B. MAMORIA, SATISH MAMORIA & S.V. GANKAR, DYNAMICS OF INDUSTRIAL RELATIONS 201 (15th ed. 2010).
[26] The Industrial Disputes Act, No. 14 of 1947, INDIA CODE (1947), §§ 2(k), 12, 18 (repealed 2025); *see now* IR Code §§ 2(q), 53, 57.

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- **Settlement and industrial peace:** a fair settlement can reduce repeated disputes, improve trust and provide stability for both workers and employers.

IV. Challenges Affecting the Effective Functioning of Trade Unions

A. Decline in trade union membership

One major challenge is the difficulty faced by unions in maintaining and increasing membership, particularly in changing forms of employment.[27,28]

- **Growth of informal and unorganised employment:** a large number of workers are outside traditional permanent workplaces, making regular union organisation difficult.
- **Contract and temporary employment:** workers who change employers frequently may be less willing to join a union or may fear that union participation could affect future employment.
- **Expansion of the service sector and new forms of work:** modern employment arrangements can be scattered across workplaces, platforms and small establishments, which makes traditional union structures less effective.
- **Fear of victimisation:** some workers may hesitate to join because they are concerned about workplace pressure or possible adverse treatment.
- **Lack of awareness:** young and newly employed workers may not clearly understand the benefits of collective representation.
- **Changing worker expectations:** workers increasingly expect quick solutions, career mobility and individual benefits. Traditional union methods may not always match these expectations.
- **Possible measures:** unions can improve membership by reaching young workers, using digital communication, providing legal and welfare support, and addressing the concerns of workers in non-traditional employment.

B. Multiplicity and fragmentation of trade unions

The existence of several unions in the same establishment or industry can create competition among unions and weaken collective representation.[29,30]

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[27] Labour Bureau, Ministry of Labour & Emp., Report on Trade Unions in India 2021 1, https://labourbureau.gov.in/uploads/pdf/2021-Trade-union-report.pdf.
[28] K.N. Vaid, Labour Welfare in India 89 (1970).
[29] O.P. Malhotra, The Law of Industrial Disputes 78 (7th ed. 2015).
[30] S.C. Srivastava, Industrial Relations and Labour Laws 134 (2019).

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- **Political and ideological differences:** trade unions may be associated with different political or ideological groups. Such differences can sometimes affect cooperation on common labour issues.
- **Competition for recognition:** rival unions may compete to become the recognised bargaining representative. This can divide workers instead of creating a common platform.
- **Different demands:** separate unions may put forward different demands, making it harder to present one clear position before management.
- **Weak bargaining power:** when workers are divided among several unions, the strength of collective bargaining may be reduced.
- **Industrial disputes:** rivalry between unions can sometimes result in disputes within the workforce itself, apart from disputes between labour and management.
- **Need for coordination:** unions can improve their effectiveness by forming common platforms on major issues and using democratic methods to settle internal differences.
- **Recognition and verification:** a transparent system for identifying the genuine representative union can reduce unnecessary rivalry and make bargaining more organised.

C. Lack of unity among workers

Unity among workers is essential for effective trade union activity. Without unity, even a legally strong union may find it difficult to negotiate effectively.[31,32]

- **Differences in employment status:** permanent, contract, temporary and casual workers may have different interests, which can make common action difficult.
- **Personal and group interests:** workers may sometimes give priority to individual benefits or short-term gains rather than collective interests.
- **Regional, language and workplace differences:** in large establishments, differences among groups of workers can make communication and coordination harder.
- **Leadership problems:** lack of trust in union leaders, internal rivalry or poor communication can reduce workers' participation.
- **Low participation:** if workers do not attend meetings, understand union decisions or take part in discussions, the union becomes less representative.

[31] A.M. SHARMA, ASPECTS OF LABOUR WELFARE AND SOCIAL SECURITY 97 (2016).
[32] P. SUBBA RAO, PERSONNEL AND HUMAN RESOURCE MANAGEMENT 521 (2018).

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- **Way forward:** unions should maintain transparent decision-making, communicate regularly with members, encourage young workers to participate and focus on common workplace issues.
- **Conclusion for this part:** the present challenges do not mean that trade unions have lost their importance. Rather, they show the need for unions to adapt their methods, increase participation and remain focused on workers' genuine interests.

V. Measures for Strengthening Trade Unions

The problems discussed in the previous part cannot be solved by a single step. Strengthening trade unions needs change on more than one front: legal, organisational, and in how leaders are trained. Some of the more workable measures are discussed below.

A. Promoting unity and consolidation among trade unions

- **Single negotiating union or council:** where one union has the support of a majority of the workers, it is recognised as the sole negotiating union, and where no union has that majority, a negotiating council is formed instead. This is meant to stop workers from being split between several unions, each speaking for a different, smaller group.[33]
- **Recognition of federations:** a trade union or federation of trade unions can now be recognised as a Central Trade Union by the Central Government or as a State Trade Union by a State Government. This helps smaller unions combine their strength on issues that go beyond a single factory or office.[34]
- **Transparent verification of membership:** a clear and fair count of how many members each union actually has can reduce the constant arguments over which union really speaks for the workers, which have caused much internal rivalry in the past.[35]
- **Reducing entry barriers to cooperation:** since registering a union requires the support of only a fairly small proportion of the workers, smaller unions do not need to compete with each other; they could just as easily work together, if the system rewards cooperation instead of rivalry.[36]

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[33] IR Code § 14(3)–(4) (a registered union supported by fifty-one per cent or more of the workers on the muster roll is recognised as the sole negotiating union; where no union reaches that figure, a negotiating council is constituted from the unions supported by not less than twenty per cent of those workers).

[34] IR Code § 27.

[35] *See* IR Code § 14(3)–(4) (support to be "verified in such manner as may be prescribed"); K.R. Shyam Sundar, *Are 2002 Trade Union Membership Statistics Time-Frozen for Years to Come?*, The Leaflet (Jan. 17, 2023), https://theleaflet.in/are-2002-trade-union-membership-statistics-time-frozen-for-years-to-come (the general verification of membership conducted by the Chief Labour Commissioner (Central) determines which central trade union organisations are recognised for representation in national and international bodies).

[36] IR Code § 6(2) (no trade union of workers is registered unless at least ten per cent of the workers, or one hundred workers, whichever is less, are its members).

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- **International standard of freedom of association:** any move towards unity has to remain voluntary. Unions cannot be forced to merge, because the right of workers to establish and join organisations of their own choosing is a fundamental labour right recognised in international labour standards.[37]

B. Increasing worker participation and membership

- **Extending outreach to gig and platform workers:** now that gig and platform workers are recognised as separate categories in law, unions have an opening to organise a part of the workforce that has largely been left out until now.[38]
- **Digital membership and communication tools:** something as simple as a mobile application for registration or an online complaint system can make it much easier for contract or migrant workers to join, since they often move between worksites and cannot attend regular meetings.
- **Formal participation channels within establishments:** Works Committees, which the appropriate Government may require in establishments employing one hundred or more workers, give workers a regular place to raise issues before they turn into a full dispute. Becoming used to this kind of participation early tends to make workers more likely to join a union later.[39]
- **Addressing fear of victimisation:** the Supreme Court has recognised that workers are entitled to be heard in proceedings that affect their employment, such as a petition to wind up the employer company,[40] and the Industrial Relations Code treats threats of dismissal for joining a union, and the discharge of workers by way of victimisation, as prohibited unfair labour practices.[41] Unions could make these protections better known and stand by members who face backlash for union work.
- **Targeted engagement with young and first-time workers:** a short orientation at the time of hiring, explained simply, together with visible results such as legal help or safety improvements, usually convinces new workers more than general talk about solidarity.

[37] ILO Convention No. 87, *supra* note 23, art. 2.
[38] The Code on Social Security, No. 36 of 2020, INDIA CODE (2020), § 2(35), (60), (61) (defining "gig worker", "platform work" and "platform worker"), ch. IX (Social Security for Unorganised Workers, Gig Workers and Platform Workers) [hereinafter Social Security Code].
[39] IR Code § 3(1).
[40] *National Textile Workers' Union v. P.R. Ramakrishnan*, (1983) 1 SCC 228 (India).
[41] IR Code § 84, sched. II, pt. I, ¶¶ (1)(a), (4)(f), (5)(a).

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C. Improving leadership and professional skill

- **Structured training for office-bearers:** the Second National Commission on Labour recommended a comprehensive programme of workers' education, in which trade unions would have a say, to improve workers' bargaining power through an understanding of their rights, of organisation and of collective bargaining.[42] Many local unions still lack structured training and rely only on whatever experience their leaders happen to have acquired.
- **Democratic and accountable internal governance:** regular elections that members can actually verify, clear accounts and simple internal rules go a long way towards avoiding the leadership disputes that weaken a union's position when it sits down with management.[43]
- **Professionalising negotiation capacity:** a union that enters a negotiation with real wage data and comparisons from similar settlements tends to do better than one relying only on numbers and pressure. That takes some investment in research, which most unions currently skip.
- **Succession and continuity of leadership:** unions rarely plan for what happens after a long-serving leader retires. Mentoring younger members early could prevent unions from losing years of relationships and knowledge overnight.

VI. Findings, suggestions and conclusion

A. Major findings of the study

This study finds that trade unions still matter in Indian industrial relations: they represent workers, support bargaining, and give people somewhere to take their grievances and welfare needs. Their effectiveness, however, is clearly held back by three connected problems: membership that is either falling or not growing, especially among informal, contract and platform workers who fall outside the usual organising methods; too many unions competing for recognition in the same workplace or industry; and leadership that, in many unions, still lacks real training, transparent governance or negotiation support.

[42] Ministry of Labour, Gov't of India, Report of the National Commission on Labour vol. I, ¶¶ 10.91, 10.97 (2002) [hereinafter NCL II Report].

[43] The Trade Unions Act, No. 16 of 1926, India Code (1926), §§ 6, 21A, 22 (repealed 2025); *see now* IR Code §§ 7(h)–(j), 21, 23 (elections of office-bearers once every three years, annual audit of accounts, disqualification of office-bearers, and the proportion of office-bearers to be drawn from the industry); *see also* NCL II Report, *supra* note 42, vol. I, at 512–13.

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- **On membership:** the law now recognises gig and platform workers, which is a real opening, but unions have not yet done much organising among this group.[44]
- **On fragmentation:** moving towards a single negotiating union or council is a real structural remedy, but it will work only if the process of verifying a union's support is handled fairly.[45]
- **On leadership:** there is still a large gap between the workers' education that the Second National Commission on Labour recommended and the training actually available to office-bearers on the ground.[46]

B. Suggestions and recommendations

- **Simplify and publicise the negotiating-union verification process,** so that unions have a predictable way to prove majority support instead of becoming stuck in long disputes over who really represents the workers.[47]
- **Extend targeted organising support to informal and platform workers,** through simpler registration and outreach aimed specifically at them, since this is the fastest-growing part of the workforce and also the least unionised.[48]
- **Institutionalise leadership training,** through regular programmes run with government or federation support, covering negotiation, labour law and the proper management of union funds.[49]
- **Encourage voluntary federation and coordination among unions** on shared issues, while respecting that joining together has to remain a choice, not something imposed from outside.[50]
- **Strengthen protection against victimisation for union activity,** so that workers, particularly those in contract or platform jobs, do not have to choose between joining a union and keeping their job.[51]

C. Conclusion

Trade unions are still an important part of how industrial relations work in India, and the problems they face now (falling membership, too many competing unions and weak leadership

[44] Social Security Code, *supra* note 38, § 2(35), (60), (61), ch. IX.
[45] IR Code § 14.
[46] NCL II Report, *supra* note 42, vol. I, ¶¶ 10.91, 10.97.
[47] IR Code § 14(3)–(4).
[48] Social Security Code, *supra* note 38, ch. IX.
[49] *See* NCL II Report, *supra* note 42, vol. I, ¶¶ 10.91, 10.97.
[50] ILO Convention No. 87, *supra* note 23, art. 2.
[51] *National Textile Workers' Union*, *supra* note 40; *see also* IR Code § 84, sched. II, pt. I.

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training) are more about the need to adapt than about becoming irrelevant. The law has started to respond, through recognised negotiating unions, wider coverage for new kinds of workers and continued protection for the right to organise. But changes in the law alone will not rebuild union strength. That also depends on unions themselves putting in the work: training, transparency, and reaching out to the growing number of workers who fall outside the traditional idea of employment. Only then can the labour movement truly represent its workers.

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