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243. Can Trade Union members be punished for criminal conspiracy while working towards union objectives?

Trade Union members cannot be punished for criminal conspiracy under Section 120B(2) of the Indian Penal Code (IPC) if their actions are in furtherance of legitimate trade union objectives. However, if the agreement involves committing an offence, they lose this immunity and can be punished.

Legal Provisions Governing Criminal Conspiracy in Trade Union Activities

1. Industrial Relations Code, 2020 - Section 17

- Protects office-bearers and members of a registered trade union from criminal conspiracy charges under Section 120B(2) of the IPC if their activities are aimed at achieving the objectives specified in Section 15 (which governs the legitimate use of trade union funds).
- Exception: If the agreement involves committing an offence, protection is not applicable.

2. Indian Penal Code, 1860 - Section 120B(2)

States that anyone involved in a criminal conspiracy, except for serious offences (like murder or dacoity), can be punished with imprisonment up to six months, or fine, or both.

3. Trade Unions Act, 1926 - Section 17

Contains the same protection as the 2020 Code, stating that trade union members cannot be punished for conspiracy unless their agreement involves an offence.

Interpretation and Application of the Law

Protection for Trade Unions:

Both the 1926 Act and the 2020 Code ensure that trade union members do not face criminal charges for collective action taken to achieve lawful trade union goals. This allows them to:

- Organize strikes
- Bargain collectively
- Protest against unfair labour practices
- Conduct legal demonstrations

Limitations to Protection:

Disclaimer: This document is for educational purposes only and does not constitute legal advice.

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The protection does not apply if:

- The agreement involves committing an offence – e.g., violent protests, destruction of property, or assaulting employers.
- Illegal means are used – e.g., threats, intimidation, or coercion beyond peaceful protest.
- Actions go beyond union objectives – e.g., engaging in political activities not covered under Section 15.

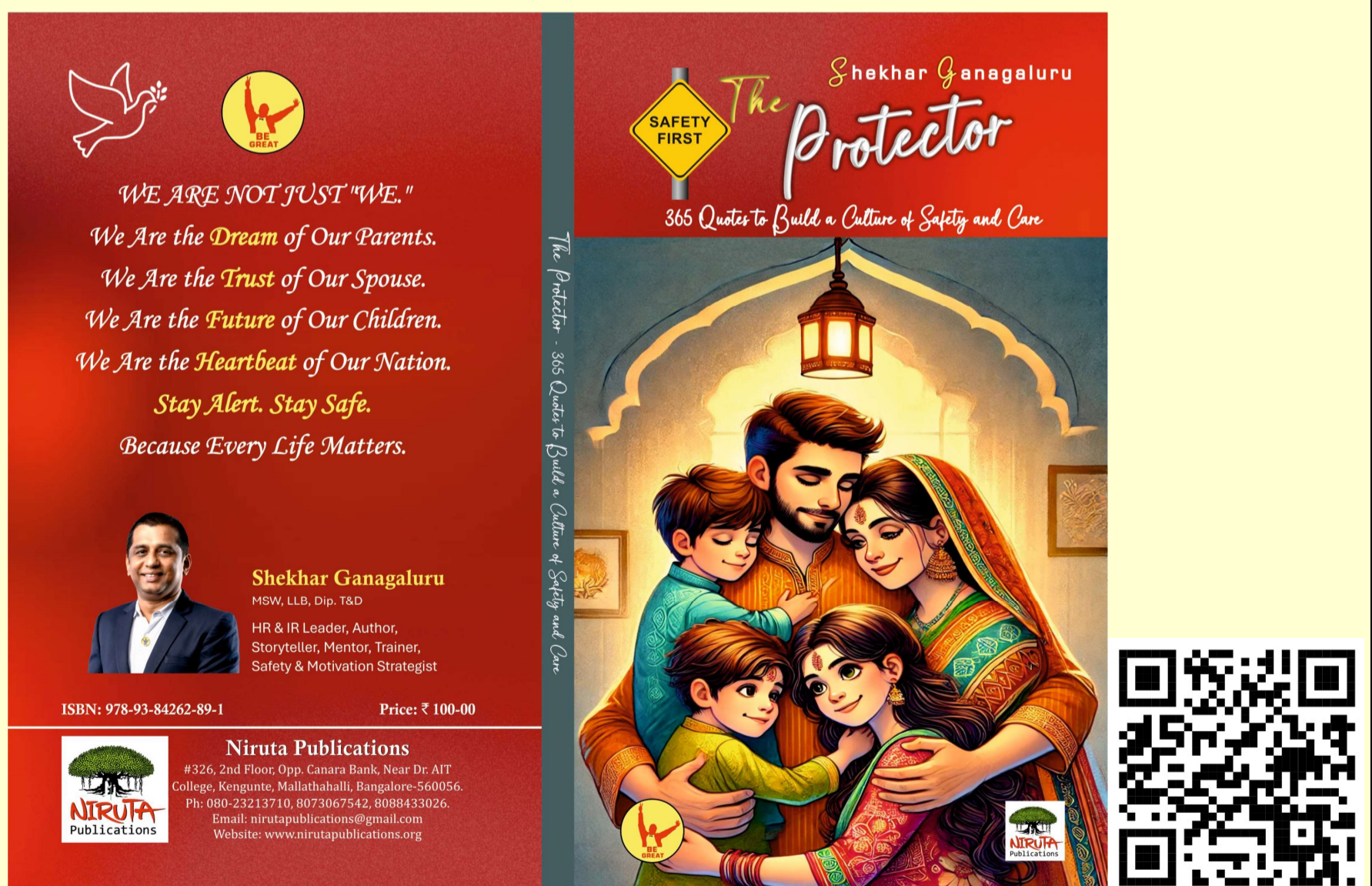
Practical Implications

Scenario 1: Lawful Union Activity (Protected)

- Workers organize a peaceful strike demanding better wages.
- The employer files a complaint under Section 120B(2) IPC alleging criminal conspiracy.
- Result: No punishment, as the strike is a legitimate trade union activity.

Scenario 2: Illegal Agreement (Not Protected)

- Union members agree to destroy factory equipment to force management to accept their demands.
- This amounts to criminal conspiracy as it involves an offence (vandalism).
- Result: They can be prosecuted, and Section 17 protection does not apply.



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