
THE ORIGIN AND GROWTH OF TRADE UNIONS IN INDIA

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ABSTRACT

The evolution of trade unions in India reflects the country's socioeconomic transition from a traditional agrarian economy to a contemporary industrial and service-oriented one. This article examines the historical evolution of trade unions, beginning with the informal labour arrangements of the pre-industrial age, progressing through the impact of British industrial policy and concluding with the post-independence formalisation of labour rights. Key legislative milestones, historic judicial rulings and the influence of global philosophies like socialism and communism have all had a significant impact on trade unionism's development. The article also emphasises the necessity for unions to adapt to current circumstances while remaining committed to workers' welfare.

INTRODUCTION

The history of trade union in India is a colourful tapestry woven from socioeconomic battles, political movements and reforms. Before industrialisation, India's labour structure was mostly informal, centered on traditional occupations and caste hierarchies. Workers in these institutions were bound by unwritten rules rather than formal contracts, which limited the opportunity for collective action or organised labour movements. However, the arrival of British colonial administration and the accompanying emergence of industry fundamentally transformed the structure of employment and labour relations in the country.

Under colonial authority, India's labour was subjected to exploitative working conditions such as poor wages, long working hours and hazardous workplaces. The British industrial policies created an urban working class, particularly in industries such as textiles, railways and mining. This increased class consciousness among workers paved the way for the formation of organised labour movements.

The founding of All-India Trade Union Congress (AITUC) in 1920 was a watershed moment in the history of trade unions in India. For the first time, workers from across the country had a single platform to express their problems and negotiate with employers and the colonial administration. Legislative measures such as the Trade Unions Act, 1926 gave unions legal status, allowing them to represent workers in labour disputes and conduct strikes.

1. Historical Context of Trade Unionism in India

A. Pre-Industrial Era:

Before British rule, India was primarily agrarian, with an economy based on agriculture, handicrafts and small-scale industries the village operated as the primary economic unit, operating as a self-sufficient system.ⁱ The majority of economic practices took place within these communities which were organised around caste systems and traditional job arrangements.ⁱⁱ

Craftsmen and artisans were part of guild-like structures that regulated quality, prices and the training of new members through apprenticeship programs.ⁱⁱⁱ These guilds, however, were not modern-day labour organizations; rather they were social and economic collectives that secured

the continuity of trade and skill transmission within specific communities or castes. The relationship between employees and employers was profoundly established in traditional conventions rather than contractual agreements, with roles and obligations being passed down through generations.

During this time there was almost no concept of wage-earning working class. Labour was typically provided by lower caste members or through bonded labour systems such as *begar* (unpaid forced labour) and *jajmani* (a patron-client system).^{iv} The rigid caste-system determined vocational roles leaving little room for collective bargaining and labour rights. Workers were dependent on their patrons or local landlords, and they had little control over their employment conditions.

Furthermore, the scarcity of large-scale enterprises meant that there was no organised labour to demand higher salaries and better working conditions. Labour relations were managed informally, according to local conventions and traditions, with no formal legal framework to protect workers' rights.^v This dynamic remained until the introduction of British industrial policies, which began to reshape India's socio-economic fabric, setting the framework for the formation of a formal working class and eventually, trade unions.

B. Industrialization under British Rule:

The introduction of British colonial caused a substantial shift in India's economic and industrial landscape. The founding of the British East India Company and later the British Raj, heralded an age of industrialization, particularly in the mid-nineteenth century. This was fuelled by colonial government policies that sought to utilise India's natural resources for the advantage of British companies and markets.

The building of railways in 1850s sparked industrialization by not only facilitating raw material transportation but also connecting important industrial areas. Following this enormous textile mills were established in Bombay (now Mumbai), jute mills in Calcutta (now Kolkata) and coal mines in Bengal and Bihar. These industries demanded a large workforce, resulting in the formation of new industrial labour class apart from the old agrarian workforce.

Exploitation of the industrial labour force^{vi}

The industrial labour during British administration was subjected to extreme exploitation, characterised by:

- i. **Excessively Long Working Hours:** Workers were required for 12-16 hours each day with no rest or overtime compensation.
- ii. **Low Wages:** Wages were severely inadequate, barely enough to cover basic survival needs, repeating cycles of poverty and debt.
- iii. **Lack of Job Security:** Employment was entirely at the mercy of the factory owners, who may workers at any time without any explanation or compensation.
- iv. **Inhumane Working Conditions:** Because factories were dirty, overcrowded and ill- ventilated, accidents and illness breakouts were common.
- v. **Exploitation of Women and Children:** Child labour was widespread, and women workers frequently faced sexual harassment and other forms of exploitation in addition to lower pay.

Absence of Labour Protection

With little consideration for the well-being of its employees, the colonial government's policies largely served the interests of British-owned businesses. Rather than out of true concerns for workers, early labour laws like the Factories Act of 1881 were enacted mostly in response to mounting foreign criticism. Even this measure offered only a few protections, mostly limiting child labour and enforcing fundamental industrial rules.

Unrest Among workers

Employee discontent and unrest increased as a result of the exploitative circumstances. The first stirrings of worker consciousness and solidarity were marked by the emergence of sporadic strikes and protests in industrial centres. The 1877's Bombay Textile worker's strike, which served as the impetus for the trade union movement, was the first organised labour action.^{vii}

Although the trade union movement was still in its early stages at the time, specific cases brought to light workers problems. For example, in *Rajasthan State Board Transport*

Corporation v. Krishna Kant^{viii}, the Supreme Court ruled that issues involving employment, non-employment, terms of employment or working conditions should be addressed within the specialised framework for labour legislation, particularly the Industrial Dispute Act, 1947. The court stressed the need of relying on the channels established by labour legislation to successfully resolve such disputes.

This case demonstrated the insufficiency of depending on general civil laws to resolve employer-employee disputes, emphasising the importance of specific legal frameworks tailored to industrial relations. It emphasised the significance of a formal framework for resolving labour conflicts and maintaining industrial peace.

C. Early Labour Movements

The earliest labour movements in India began in the second half of the nineteenth century, fuelled by unhappiness with exploitative working conditions in industrial cities such as Bombay (now Mumbai), Calcutta (now Kolkata) and Madras (now Chennai). These movements were primarily local and informal, emerging spontaneously in response to individual concerns rather than through coordinated, systematic efforts.

Narayan Meghaji Lokhande, known as the “Father of the Indian Labour Movement”, was a key figure in launching organized labour movement. Lokhande, a social reformer from Maharashtra, advocated for textile workers in Bombay, a thriving industrial hub during the British Raj.^{ix}

Lokhande founded the Bombay Mill Hands Association in 1890, which is acknowledged as India’s first labour union. This was a crucial step in formalizing the labour movement and providing a voice for the industrial workforce.

Achievements and Limitations:

Lokhande’s initiatives resulted in some significant reforms for workers, including:

- i. **Reduction of Working Hours:** proposing less hours to reduce worker’s tiredness.
- ii. **Improved Working Conditions:** Initiatives to make manufacturing safer

and more humane.

Despite these accomplishments, the Bombay Mill Hands Association had constraints:

- i. Lack of Legal Recognition:** British colonial laws did not recognise labour unions, making it difficult for organizations to maintain long-term influence.
- ii. Localized Impact:** The movement was limited to Bombay and had not yet expanded to other industrial districts.
- iii. No Collective Bargaining Power:** The lack of a solid legal framework hampered the association's capacity to successfully negotiate with employers.

Lokhande's activities paved the way for the formation of more organised and widespread labour movements in the early twentieth century. His contributions were forerunners to key legislative milestones such as the Trade Unions Act of 1926, which granted legal legitimacy to trade unions in India.

2. Formation of AITUC in 1920:

A. Impact of World War I

The First World War (1914-1918) was a watershed moment in the growth of Indian labour movement. As the British war efforts ramped up, industries including steel, textiles, weaponry and railways expanded fast, resulting in a large increase in the number of industrial workers. This expansion altered the urban landscape in cities such as Bombay, Calcutta and Madras where a booming workforce grew to fulfil the demands of wartime manufacturing.

Despite the industrial boom, workers faced grim economic realities. During the war years inflation rose dramatically, reducing the purchasing power of stagnant salaries and pushing many people into deeper poverty.^x The mismatch between industrialist profits and the sufferings suffered by the labourers sparked widespread resentment. Labourers worked in miserable circumstances, typically for long hours in poor ventilated and dangerous industries. Most labourers lacked access to basic facilities such as housing, healthcare and sanitation.

The deteriorating economic conditions prompted collective action among the workforce.

Strikes were more regular as workers opposed pay stagnation, excessive inflation and a lack of benefits. One of the most major events of this time period was the 1918 Bombay Textile Strike, which saw over 80000 mill workers strike in process of salary cuts and a lack of proper support networks.^{xi} This strike was a milestone for Indian workers demonstrating a developing feeling of class consciousness and togetherness. It also marked the start of a more organised and assertive labour movement, laying the groundwork for the formal trade unionism that would emerge in the coming decades.

B. Influence of the Russian Revolution:

The Russian Revolution of 1917 had a deep and long-lasting impact on labour movements around the world including India. The Bolshevik Revolution's achievement in establishing a socialist state in Russia sparked a wave of revolutionary excitement around the world, particularly in Indian intellectuals and workers. The rise of capitalist system which was sometimes perceived as exploitative especially in colonial contexts such as India.

Indian leaders and activists began to see trade unions as more than just organizations that protected workers' rights; they were also tools for a greater social revolution. Marxist thought, which emphasized class struggle, the abolishment of private property and the development of a classless society struck a chord with many who were already critical of the oppressive conditions under British colonial authority.^{xii} Trade unions, according to this new perspective were more than just tools for raising salaries or working conditions; they were also seen as vehicles for national independence and social revolution.

M.N. Roy and revolutionary and political thinker, was one of the most notable Indian figures who benefited from the Russian Revolution. Roy, who had spent time Soviet Russia, embraced Marxism and incorporated it into his vision for India's future.^{xiii} He claimed that India's working class had a critical role to play not just in the fight against the imperialism, but also in the establishment of a socialist state. Roy's ideas about workers' rights, class struggle and the need for the trade unions to include a political dimension influenced the course of early Indian labour movements. His notions that trade unions should function as both labour and political movements influenced the broader intellectual of India's labour movement in the 1920s and 1930s.

This Marxist influence prompted early Indian labour leaders to view the labour movement as

a part of a larger struggle for national freedom and social justice, a concept that would continue to drive India's independence campaign.

C. Formation of AITUC in 1920

In 1920, the All-India Trade Union Congress (AITUC) was formed in response to the mounting dissatisfaction in industrial workers due to harsh working conditions, low wages and inflation. The establishment of AITUC in Bombay was turning point in the history of the Indian labour movement.^{xiv} It saw the formation of the first national level trade union federation, with the goal of uniting India's fragmented and localised trade unions under a single umbrella. This centralization was intended to give a unifying platform for organising labour battles, coordinating national labour movements and amplifying the voice of Indian workers.

AITUC's founders included well-known politicians such as Lala Lajpat Rai, Joseph Baptista and Annie Besant. These leaders were not just concerned with improving working conditions, but also saw the trade union movement as an essential component of India's larger war for independence. As a result, AITUC became strongly connected with the nationalist movement, fighting for the British colonial control while also demanding the construction of a socialist state. Under AITUC the trade union movement became increasingly recognised as a social and political force seeking to improve the working class and the nation as a whole.^{xv}

The founding of the AITUC represented the formalisation of the Indian labour movement, bringing it into the political arena. The group quickly grew attracting trade unions from a variety of businesses around the country. This development offered workers across India a stronger, more coordinated voice in their quest for rights, ushering in a more structured and regulated trade union movement in India.

As the labour movement grew, legal recognition of labour rights became more crucial. The case of **D.N. Banerjee v. P.R. Mukherjee**^{xvi} is a pivotal moment in Indian labour law history. The Supreme Court held industrial issues, including retrenchment, could be brought under the Industrial Disputes Act of 1947. This ruling was crucial in affirming workers' and trade unions' rights to disputes activities such as retrenchment. Hence strengthening union negotiating power. It established an important legal framework for the protection of workers' rights and strengthened the legitimacy of the labour movement as an institutional force.

3. Trade Unions Act, 1926: The First Legal Framework

A. Need for Regulation:

Following World War I there was an increase in labour strikes and unrest among India's industrial sector. The war had greatly increased sectors like textiles, weaponry, resulting in a new class of urban industrial workers who were growing disgruntled with their working circumstances. Rising prices, stagnating salaries and terrible working conditions sparked massive protests and strikes.

This spike in labour discontent alarmed both the colonial authority and businessmen who were anxious about the possibility of more economic and social disturbances. In response the British government realised the need for a legal framework to oversee the quickly expanding labour movements, defend workers' rights and keep the industrial peace. Trade unions, which were initially seen as a danger to the British power were gradually accepted as an essential component of industrial society. While the administration was eager to revolt any radical movements arising from labour unrest, it also recognised the significance of establishing a legal framework that would protect the workers while preventing repeated destabilising strikes.

Until the 1920s, union operations in India were frequently perceived as unlawful plots. Trade unions were not legally recognised, strike organisers and advocates for workers' rights were regularly arrested or prosecuted. Workers have little protection from prosecution or victimisation because there was no clear legal framework in place. Labour leaders were frequently accused of instigating unrest and faced criminal charges while the government and businesses wielded significant power to restrict union activities.

Thus, regulation was required for two reasons: to defend workers' rights and to ensure that union activities did not upset the political and economic order established under the colonial rule. The struggle for legal recognition of trade unions intensified in the 1920s culminating in the formation of All India Trade Union Congress and the introduction of more structured legal safeguards for workers.

B. Key Provisions of the Trade Unions Act, 1926

The Trade Unions Act of 1926 was a historic piece of legislation that established a legal

framework for trade union registration and operation in India. The following are the important provisions of the Act:

i. Registrations of Trade Unions (sections 3-9): The Act established the voluntary registration of the trade unions. Registration gave a union a legal status, allowing it to act as a recognised entity capable of representing its members, entering into agreements and taking legal actions. Upon registration the union was awarded a certificate that served as prima facie evidence of its legal status.

ii. Legal Immunity (section 17): Registered trade unions were granted immunity from civil and criminal liability. Specifically, union and its members may not be held accountable for losses caused by actions performed during legal trade disputes. For example, legal strikes and actions taken further trade disputes were protected, allowing participants to avoid arrest under criminal conspiracy rules.

iii. Rights and Obligations of Trade Unions (section 10-15): The Act established the rights and obligations of registered trade unions including:

- **Management of Funds (section 15):** Unions were expected to keep accurate records of their general funds, which could only be used for permissible purposes such as salary payments, legal fees and welfare programs.

- **Right to Appeal (section 10):** Provisions for challenging the Registrar's decision on registration and cancellation.

iv. Limitations on Political (section 16): The Act restricted the use of union funds for political activities. While unions may not use their normal funds to promote political parties or candidates, they were permitted to establish a separate political fund for such purposes, subject to voluntary contributions from members.

v. Recognition of Collective Bargaining (section 18): The Act granted unions legal recognition as workers' representatives, allowing them to bargain collectively with employers this was useful in resolving industrial issues through negotiation than spontaneous strikes.

By codifying these rules, the Trade Unions Act of 1926 established a strong framework for

guaranteeing that workers' grievances were addressed consistently while also shielding unions from legal repercussions. The Act struck a balance between the need for workers' rights and the industrial and economic stability demanded by companies and government.

C. Impact of the Trade Unions Act, 1926

The Trade Unions Act of 1926 was landmark point in Indian labour legislation. The Act shaped the Indian labour movement and protected workers' rights in an industrialising economy by offering trade unions legal registration and protection.

The Act gave the trade unions the legal tools they needed to organise, represent their members and efficiently handle grievances. The Act established a systematic mechanism for collective bargaining and industrial dispute resolution making workers less subject to arbitrary employer acts. This recognition also allowed unions to play a larger role in combating workplace exploitation such as salary inequities and terrible working conditions.

The Act's emphasise on immunities and privileges for registered unions created a culture of lawful activism among workers. It supported the formation of unions in a variety of industries and provided a forum for bargaining with employers over problems such as pay, working hours and safety measures.^{xvii} Over time, this resulted in a more organised and less volatile labour movement, lowering the frequency of spontaneous strikes and disturbances.

The Trade Unions Act of 1926 also created the groundwork for following labour legislation in India such as Industrial Disputes Act, 1947 which established further provisions for industrial harmony. Despite its colonial context, the Act was positive step toward establishing a framework for labour rights and strengthening employer-employee relations within a capitalist environment.

4. Post-independence growth of the trade union

A. Post-1947 economic and industrial policy

India proceeded on a path of planned economic development within a socialist framework following its independence in 1947. The administration, under by Prime Minister Jawaharlal Nehru, pursued a mixed economic model, focusing on state-driven industrialisation to achieve economic self-sufficiency and social welfare. Heavy industries, infrastructure and public-sector

firms were prioritised as economic growth drivers, resulting in a considerable increase in the industrial workforce.

Trade unions had a critical role in this age, representing workers in large-scale industries, both public and commercial. The government's emphasis on economic development and social fairness fostered a climate in which labour unions were encouraged to thrive and actively engage in setting labour policies.^{xviii}

During this time trade unions gained political clout, with the majority aligned with major political parties. For example, the Indian National Trade Union Congress (INTUC) was formed in 1947 as the labour wing of the Indian National Congress, whilst All-India Trade Union Congress remained affiliated with the Communist Party of India. Similarly, the Hind Mazdoor Sabha (HMS) embodied the socialist party's doctrine. These political connections of unions frequently influenced industrial relations, with the trade unions balancing workers' demands against larger political agendas.

In the years following independence, the government intervened in labour disputes and policy creation. Legislation such as the Labour Disputes Act of 1947 improved processes for industrial conflict settlement, conciliation and arbitration. Trade unions played an important role in ensuring that workers' issues were resolved under the new legal system.

Overall, trade unions grew in number and power after 1947. While trade unions were initially concerned with improving working conditions, pay and job securities, they also played an important role in crafting policies concerning labour welfare, industrial democracy and economic fairness in a rapidly transforming nation.

B. The Industrial Disputes Act, 1947:

The Industrial Dispute Act, 1947 is one the most important labour laws passed in India after Independence. In order to promote social justice and industrial harmony, the Act aims to create a strong legal framework for the avoidance and settlement of labour disputes between employers and employees. Its goals include making sure that employees are treated fairly, reducing the number of disputes and offering workplace dispute resolution procedures.

Key provisions of the act:

Conciliation and Arbitration

The Act allows for adjudication, arbitration and conciliation as methods of dispute settlement. By resolving labour issues without the use lockout or strikes, these techniques seek to advance industrial peace.

Conciliation: To settle disputes between conflicting parties, the Act requires the appointment of conciliation officers and board of conciliation. Facilitating amicable settlements is the responsibilities of these officers.

Adjudicating: The Act allows for reference to Labour Courts or Industrial Tribunals for issues that cannot be settled through conciliation. These courts make decisions about things like wages, working conditions, layoffs and other aspects of employment.

In the 1950 case of *Bharat Bank Ltd. V. Employees of Bharat Bank^{xix}*, the Supreme Court held that Industrial Tribunals operate in quasi-judicial capacity and that in some situations, their decisions are open to judicial review.

Rights to Strike and Lockout:

The Act governs the government employers' and employees' right to lockouts and strikes. It highlights the necessity of adhering to due process and distinguishes between legal and unlawful strikes or lockouts.

According to the Act, Strikes and Lockouts for public utility must be announced at least 14 days in advance. The goal is to prevent unexpected disruptions from affecting vital services like transportation, power and water.

The Court ruled in *Shiv Kumar Sharma v. Haryana State Electricity Board*, that a strike that violates the Act's notice period is unlawful and that employees taking part in such strikes may be disciplined.

Definition and Scope of workmen

According to section 2(s) of the Act, "workman" is defined broadly to encompass both permanent employees and temporary or casual workers, provided that they are involved in an

industry.

In the case of *Workmen of Dimakuchi Tea Estate v. Dimakuchi Tea Estate*^{xx}, the Supreme Court ruled that the term “workman” must be construed broadly to include all people working, even temporarily in order to expand protection under the Act.

Prohibition of Unfair Labour Practices

The Act prohibits unfair labour practices such as coercion, discrimination and victimization of employees by trade unions or employers. The Act’s Schedule V enumerates unfair labour practices and offers recourse procedures.

Significance of the Act

The Industrial Disputes Act, 1947 along with the Trade Unions Act, 1926 established the framework for modern labour relations in India. Together, these laws strengthened workers’ bargaining power and established means for settling labour issues amicably.

In *L.I.C. of India v. D.J Bahadur (1981)*^{xxi}, the Supreme Court recognised the Industrial Disputes Acts’ priority over competing service regulations in resolving industrial disputes.

C. Growth of Major Trade Union Federations:

Following independence, India saw a huge increase in trade union activity, motivated by the need to organise workers and advocate for their rights in the face of fast industrialisation. National trade unions federations arose as powerful groups, each expressing a particular political ideology. These federations were crucial in creating labour legislation, lobbying for workers’ rights and influencing government’s decisions at the state and national levels.

Major Trade Union Federations in India

i. Indian National Trade Unions Congress (INTUC)

INTUC, founded in 1947, is linked with the Indian National Congress. The organisation promotes a balance between labour concerns and economic progress. INTUC was

instrumental in fighting labour friendly laws including the Employees' Provident Funds Act, 1952 and the Minimum Wage Act, 1948.

ii. Bhartiya Mazdoor Sangh (BMS)

Founded in 1955, BMS is affiliated with Rashtriya Swaymsevaka Sangh (RSS). It is one of the India's major trade unions with a focus on nationalistic ideals and labour management peace. Unlike other federations BMS opposes strikes unless absolutely required and instead advocates for constructive decisions.

iii. Centre of Indian Trade Unions (CITU)

CITU, founded in 1970, is connected with the Communist Party of India (CPI). The federation advocates for wage equality, labour rights and opposition to privatisation and globalisation policies that seem to hurt workers. The CITU has a strong presence in industrial areas and campaigns for the rights of unorganised workers.

Role of trade Union in policy making

Trade union federations can influence government labour policies by participating in forums like the Indian Labour Conference and the Standing Labour Committee. They play an important role in developing and modifying labour laws, ensuring that workers' rights are protected. They also enable collective bargaining agreements and raise understanding of employees' legal rights.

Impact on Industrial Relations

The rise of trade unions has produced a culture of collective bargaining in India where disagreements are frequently settled through discussions rather than unilateral choices by employers. This has contributed to the democratisation of labour relations.

In *Bharat Bank Ltd. V. Employees of Bharat Bank, 1950^{xxii}*, the Supreme Court stressed on the quasi-judicial role of industrial tribunals established under the Industrial Disputes Act, 1947. The decision emphasised that the industrial tribunals must ensure equitable representation for workers which is often helped by trade unions. This increased trade unions'

ability to represent workers before tribunals and courts, reinforcing their position as intermediaries between workers and employers.

In *Tamil Nadu State Electricity Board v. Tamil Nadu State Electricity Board Engineers' Sangam (1996)*^{xxiii}, the court ruled that trade unions have the locus standi to represent workers in court proceedings if they are registered under Trade Unions Act, 1926. This case reinforced the legal status and role of trade unions in preserving workers' rights.

Challenges Faced by Trade Unions

- i. Fragmentation:** The presence of many federations leads to inter-union rivalry, which undermines collective activity.
- ii. Declining Membership:** Union membership is declining as a result of the shift to contractual and informal labour, which limits their power.
- iii. Globalisation:** Policies that promote privatisation and globalisation have posed issues for unions including job securities and wage inequities.

Significance of Trade Unions Federation

Despite these problems, Trade Unions continue to play an important role in Indian labour relations. They continue to give workers a collective voice, push for policy changes and guarantee that the advantages of economic prosperity are distributed equitably.

5. Judicial Role in Strengthening Trade Unions in India

The Indian judiciary has played a crucial role in interpreting and developing trade unions rights, ensuring a balance between workers' demands employer interest and public welfare. Among the several rights protected by trade unions, the right to strike is a foundation for collective bargaining and negotiating workers' demands. However, the right to strike in India is not unlimited and is subject to number of legislative limitations and judicial interpretations.

A. UNDERSTANDING THE RIGHT TO STRIKE

The right to strike is a vital method for workers and trade unions to voice their grievances and

negotiate with employers. However, its exercise is limited by several statutory measures and constitutional constraints in order to protect the public interest and economic stability.

While the Constitution of India guarantees right to form associations under Article 19(1)(c), the right to strike is not explicitly included as a fundamental right. Instead, it is recognised as implied right, subject to reasonable restrictions under Article 19(4), which aim to preserve public order, sovereignty and integrity of the state.

Judicial Interpretations:

Indian courts have helped shape the contours of the right to strike. The judiciary has emphasised the relevance of strikes as a legal weapon for collective bargaining through landmark decisions, while also underlining the need to maintain public order and avoid abuse.

a) Karnataka State Road Transport Corporation v. KSRTC Staff and Workers Federation (1998)^{xxiv}

In this significant decision, the Supreme Court ruled that strikes in essential services like public transportation must follow legal conditions such as prior warning and consent.

The court recognised the right to strike as an important bargaining tool for workers, but emphasised that it must not interrupt essential services or impair public welfare.

b) T.K Rangarajan v. Government of Tamil Nadu (2003)^{xxv}

This ruling narrowed the extent of right to strike, particularly among government employees. The Supreme Court concluded that the government employees do not have a basic right to strike since it interrupts critical public functions. The court said while the right to form associations is fundamental right, it does not necessarily encompass the right to strike. The judgement emphasised that government employees had alternate procedures for resolving disputes and concerns, making strikes unnecessary in certain situations.

Balancing Workers' Rights and Public Interest

The judiciary has repeatedly emphasised the importance of striking a balance between workers' rights and public's need for uninterrupted access to essential services. Strikes in critical sectors

such as healthcare, transportation and education are strictly regulated avoid undue hardship for the public. At the same time courts have recognised the importance of safeguarding workers' rights, particularly in industries that engage on exploitative practices. By ensuring that strikes are used responsibly, the judiciary has safeguarded workers' ability to advocate for their rights while minimising disruptions to public life.

Significance of Judicial Oversight

The judiciary's role in regulating strikes ensures that trade unions can exercise their rights without jeopardising public welfare. The courts have established a careful balance, recognising strikes as a valid tool for collective bargaining but prohibiting their abuse. This nuanced approach has strengthened India's industrial relation frameworks and helped to stabilise the labour market.

As India continues to modernise and industrialise, the judiciary's role in protecting workers' rights while preserving societal harmony will be critical.

B. EMPLOYER – UNION RELATIONS

The relationship between employer and unions is fundamental for effective industrial relations. It guarantees that workers' opinions are heard collectively and provides a formal framework for resolving grievances, negotiating terms and promoting industrial peace. Indian courts have played an important role in defining and refining this relationship particularly in concerns of trade union recognition and employers' obligations to cooperate with them in good faith.

Judicial Interpretations in Employer-Union Relationships

Judicial rulings have had a considerable impact on the trajectory of employer-union relations in India, ensuring that employers recognise the role of trade unions while simultaneously promoting amicable workplace relations.

a) All India Bank Employees' Association v. National Industrial Tribunal^{xxvi}

The Supreme Court stressed the significance of collective bargaining and decided that trade unions should be protected from unwarranted intrusion by employers. It acknowledged the essential role that unions play in negotiating fair job conditions and preserving workers' rights.

b) **Kamaluddin Ansari & Co. v. Union of India^{xxvii}**

The court ruled that companies must negotiate in good faith with trade unions to resolve disputes and improve working conditions. The verdict emphasised the value of collective bargaining as a peaceful means of settling industrial disputes, lowering the possibility of strikes or lockouts.

c) **Delhi Cloth and General Mills Co. Ltd. V. Workmen^{xxviii}**

The Supreme Court found that businesses cannot circumvent or undermine recognised trade unions by directly bargaining with individual employees on issues affecting the entire workforce. This decision upheld trade unions' status as legitimate representatives of workers in all discussions, ensuring their collective bargaining power remained intact.

Balancing Employer-Union Dynamics

Judicial pronouncements have attempted to reconcile the frequently opposing interests of employers and trade unions. The concepts developed by case laws are:

a) **Good Faith Negotiations:** Employers must engage with unions in a transparent and sincere manner, striving to resolve workers' problems via constructive communication.

b) **Protection Against Unfair Labour Practices:** Discriminatory activities against union members, such as punishing workers for union involvement or refusing to negotiate with registered unions are expressly forbidden.

c) **Encouragement of Industrial Democracy:** Courts have underlined the need of participatory decision-making procedures within firms, ensuring that employees have a say in defining workplace policies.

CONCLUSION

The evolution of trade union in India mirrors the country's socio-economic shift from feudalism to an industrial and service-oriented economy. Trade unions arose from workers' battle against exploitation under colonial authority and have developed into significant

organisations that shape labour laws and practices today. Their involvement has been critical in winning rights such as fair salaries, safe working conditions and collective bargaining, so greatly contributing to industrial harmony and social justice.

Following independence, the intertwining of trade unionism and politics provided both opportunities and challenges, as unions attempted to address not only workplace concerns but also broader issues of economic and social inequity. However, globalisation and the emergence of the gig economy have created new problems for unions, requiring them to adapt and innovate in order to remain relevant in a quickly changing labour landscape.

As India modernises, the necessity for strong, independent labour unions remains vital. Their capacity to strike a balance between workers' rights and demand of a competitive economy will determine their long-term efficacy. Finally, the history of trade unions in India highlights the ongoing struggle for dignity, equity and justice in the workplace—a cause that is as relevant now as it was over a hundred years ago.

Endnotes:

- ⁱ Percival Spear, *A History of India: Volume 2* (1990)
- ⁱⁱ Irfan Habib, *The Agrarian System of Mughal India, 1556-1707*, (1999)
- ⁱⁱⁱ R. Mukherjee, *The Economic History of India: 1857-1947*, (1967)
- ^{iv} B.H. Baden-Powell, *The Land Systems of British India*, 1892
- ^v Tapan Raychaudhuri and Irfan Habib, *The Cambridge Economic History of India, Volume 1: c.1200-c.1750*, 1982
- ^{vi} B.R. Tomlinson, *The Economy of Modern India, 1860-1970*
- ^{vii} A.R. Desai, *Social Background of Indian Nationalism*
- ^{viii} 1995 SCC (5) 75
- ^{ix} M.S. Gore, *Social Movements in India: A Review of Literature*, 1990
- ^x Bipan Chandra, *India's Struggle for Independence*, 1989
- ^{xi} D.R. Gadgil, *The Industrial Evolution of India in Recent Times*
- ^{xii} M.P. Chawla, *The Marxist Influence in India*
- ^{xiii} M.N. Roy, *The Labour Movement and Social Revolution*
- ^{xiv} Sumit Sarkar, *Modern India*
- ^{xv} M.P Chawla, *The Evolution of Trade Unions in India*
- ^{xvi} AIR 1953 SC 58
- ^{xvii} Aiyar, P. Ramantha, *The Major Labour Laws in India*
- ^{xviii} V.V. Giri, *Labour Problems in Indian Industry*

^{xix} AIR 1950 SC 188

^{xx} AIR 1958 SC 353

^{xxi} AIR 1980 SC 2181

^{xxii} AIR 1950 SC 188

^{xxiii} 1996 SCC OnLine Mad 795

^{xxiv} (1999) ILLJ 849 SC

^{xxv} AIR 203 SC 3032

^{xxvi} 1962 AIR 171

^{xxvii} 1984 AIR 29

^{xxviii} AIR 1967 SC 469