Chapter 2
Trade Unionism
## TRADE UNIONISM

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CHAPTER 2

Trade Unionism

2.1 TRADE UNIONISM IN INDIA:

In India the labour movement started in 1877 when the number of measures to improve the lot of workers were taken by government, social reformers and enlightened employers whereas the trade union movement was started in 1918 when the workers formed their association to improve their conditions. Trade union movement is also a part of labour movement which is a wider term.

Like other countries, development of trade union movement in India is co-extensive with large scale industries. Development of large industrial units brought about many changes in working and living environment of workers and created a number of complex problems. Introduction of machinery, new lines of production, concentration of industries in certain big cities gave birth to new class of wage earners and divided the industrial society into capitalist and labourers or haves and have-nots. In the absence of any organisation, they were ruthlessly exploited and had to work in unbelievably pitiable conditions. Individual protests could have no effect on employers and
therefore, they consolidated and united themselves to protect from the inhuman acts of employers. They join hands and make protest on an organised scale and formed labour unions.

At present the Indian Trade Unions have got a legal status and now they are not as ad hoc bodies or strike committees. The labour legislation in India has been studied in the subsequent chapter in details. The trade unions have now become a permanent feature of the industrial society. They have succeeded in organising central Union Federations which help in the determination of principles, philosophy, ideology and purposes of the unions and give some sense of direction to the otherwise scattered and isolated unions. The unions have gained a remarkable status in the labour movement.

2.2 GROWTH OF TRADE UNION MOVEMENT IN INDIA:

2.2.1 The First Strike:

The origin of the movement can be traced to sporadic labour unrest dating back to 1877 when the workers at the Empress Mills at Nagpur struck following a wage cut. In 1884, 5000 Bombay Textile Workers submitted a petition demanding regular payment of wage, a weekly holiday, and a mid-day recess of thirty minutes. It is estimated that there were 25 strikes between 1882 and 1890. These strikes were
poorly organised and short lived and inevitably ended in failure. The oppression by employers was so severe that workers preferred to quit their jobs rather than go on strike.

2.2.2 The First Factories Act:

In 1875, the first committee appointed to inquire into the conditions of factory work favoured legal restriction in the form of factory laws. The first Factories Act was adopted in 1881. The Factory Commission was appointed in 1885. The same set of hands, men and women, worked continuously day and night for eight consecutive days. Those who went away for the night returned at three in the morning to make sure of being in time when the doors opened at 4 a.m., and for 18 hours' work, from 4 a.m. to 10 p.m., three or four annas was the wage. When the hands are absolutely tired out new hands are entertained. Those working these excessive hours frequently died.

There was another Factories Act in 1891, and a Royal Commission on Labour was appointed in 1892. Restrictions on hours of work and on the employment of women were the chief gains of these investigations and legislation.
2.2.3 The First Workers' Organisation in India:

Quite a large amount of pioneering work was done with remarkable perseverance by some eminent individuals notably by Narayan Lokhande. The Bombay Mill hands' Association formed in 1890 under the leadership of Narayan Lokhande was the first workers' organisation in India. Essentially a welfare organisation to advance workers' interests, the Association had no members, rules and regulations or funds. Soon a number of other organisations of a similar nature came up, the chief among them being the Kamgar Hitvardhak Sabha and Social Service League. Organisations, which may more properly be called trade unions, came into existence at the turn of the century, notable among them being the Amalgamated Society of Railway Servants of India and Burma, Unions of Printers in Calcutta. The first systematic attempt to form a trade union on permanent basis was done in 1906 in the Postal Offices at Bombay and Calcutta. By the early years of the 20th century, strikes had become quite common in all major industries. Even at this time. There were visible links between nationalist politics and labour movement. In 1908, mill workers in Bombay went on strike for a week to protest against the conviction of the nationalist leader Bal Gangadhar Tilak on charges of sedition. There was also an outcry against the indenture system by which labour was recruited for the plantations, leading to the abolition of the system in 1922.
2.2.4 Madras Labour Union:

The Madras Labour Union was founded in 1918. Although it was primarily, an association of textile workers in the European owned Buckingham and Carnatic Mills, it also included workers in many other trades. B. P. Wadia and the nationalist leaders founded the Union. The monthly membership fee of the union was one anna. The major grievances of workers at this time were the harsh treatment meted out to Indian labour by the British supervisors, and the unduly short mid-day recess. The union managed to obtain an extension of the recess from thirty to forty minutes. It also opened a cheap grain shop and library for its members and started some welfare activities. There was a major confrontation between the union and the management over the demand for a wage increase, which eventually led to a strike and lockout. The management filed a civil suit in the Madras High Court claiming that Wadia pay damages for inciting workers to breach their contract. As there was no legislation at this time to protect the trade union, the court ruled that the Madras Labour Union was an illegal conspiracy to hurt trading interests. An injunction was granted restraining the activities of the union. The suit was ultimately withdrawn as a result of a compromise whereby all victimised workers, with the exception of thirteen strike leaders, were reinstated and Wadia and other outside leaders severed their link with the union.
Against this background N.M. Joshi introduced a bill for the rights of a Trade Union. But the then member for Industries, Commerce and Labour himself promised to bring legislation in the matter and the Trade Union Act of 1926 was enacted. By this time many active trade union leaders notably N. M. Joshi, Zabwalla, Solicitor Jinwalla, S. C. Joshi, V. G. Dalvi and Dr. Baptista, came on the scene and strong unions were organised specially in Port Trust, Dock staff, Bank employees especially Imperial Bank and currency office, Customs, Income-Tax, Ministerial staff etc.

2.2.5 Textile Labour Association:

About the same time as the Madras Labour Union was being organised, Anusuyaben Sarabhai had begun doing social work among mill workers in Ahmedabad, an activity which was eventually to lead to the founding of the famous Mazdoor Mahajan -Textile Labour Association, in 1920. Gandhiji declared that the Textile Labour Association, Ahmedabad, was his laboratory for experimenting with his ideas on industrial relations and a model labour union. He was duly satisfied with the success of the experiment and advised other trade unions to emulate it. There were a number of reasons for the spurt in unions in the twenties. Prices had soared following World War I, and wages had not kept pace with inflation. The other major factor was the growth of the nationalist Home Rule Movement following the war,
which nurtured the labour movement as part of its nationalist effort. At this time the workers had no conception of a trade union and needed the guidance of outside leaders. The outsiders were of many kinds. Some were philanthropists and social workers who were politicians. They saw in labour a potential base for their political organisation. The politicians were of many persuasions including socialists.

2.2.6 Formation of AITUC:

The year 1920 also marked the formation of the All India Trade Union Congress (AITUC). The main body of labour legislation and paradoxically enough even the formation of the AITUC owes virtually to the activities of the International Labour Organization. It was considered that the origin of the First World War was in the disparities between the developed and undeveloped countries. As a result the treaty of Versailles established two bodies to cure this ill viz., the League of Nations and the ILO. India was recognized as a founder member of the later. This is a tripartite body on which each member state nominates its representatives. For the foundational conference of ILO held in 1919 the Government of India nominated N. M. Joshi as the labour member in consultation with the Social Service League, which was then making the greatest contribution for the cause of workers. The ILO has a very exercising machinery to see that various Governments take some actions on its conventions and recommendations. All labour
legislations in India owe a debt to these conventions and recommendations of ILO. The formation of India's first Central Labour Organisation was also wholly with a view to satisfy the credentials committee of ILO. It required that the labour member nominated by Government be in consultation with the most representative organisation of country's labour. The AITUC came into existence in 1920 with the principal reason to decide the labour representative for ILO's first annual conference. Thus the real fillip to the Trade union movement in India both in matters of legislation and formation of Central Labour Organisation came from an international body, viz., ILO and the Government's commitment to that body. The AITUC claimed 64 affiliated unions with a membership of 1,40,854 in 1920 Lala Lajpat Rai, the president of the Indian National Congress became the first president of AITUC. In 1924 there were 167 Trade unions with a quarter million members in India.

2.2.7 Trade Unions Act:

The Indian Trade Unions Act 1926 made it legal for any seven workers to combine in a Trade Union. It also removed the pursuit of legitimate trade union activity from the purview of civil and criminal proceedings. This is still the basic law governing trade unions in the country. The provisions of this law as amended are discussed in the subsequent chapter on labour legislation.
2.2.8 Different Ideologies:

There were three distinct ideological groups in the trade union organisation: communists led by Shri M. N. Roy and Shri Shripad Amrut Dange, nationalists led by Shri Gandhiji and Pandit Nehru, and moderates led by Shri N. M. Joshi and Shri V. V. Giri.

There were serious differences between these three groups on such major issues as:

- Affiliation to international bodies,
- Attitude to be adopted towards British rule and
- Nature of the relationship between trade unions and the broader political movement.

The communists wanted to affiliate the AITUC to such leftist international organisations as the League against Imperialism and the Par. Pacific Trade Union Secretariat. The moderates wanted affiliation with the BLO and the International Federation of Trade Unions based in Amsterdam, The nationalists argued that affiliation with
the latter organisations would amount the acceptance of perpetual
dominion status for the country under British hegemony.

Also the three groups saw the purpose of the labour
movement from entirely different points of view as:

- The party ideology was supreme to the
  communists, who saw the unions only as
  instruments for furthering this ideology.

- For the nationalists, independence was the
  ultimate goal and they expected the trade
  unions to make this their priority as well.

- The moderates, unlike the first two, were trade
  unionists at heart. They wanted to pursue trade
  unionism in its own right and not subjugate it
  completely to broader political aims and
  interests.

2.2.9 Formation of NTUF:

From the mid-twenties of the present century onwards,
the communists launched a major offensive to capture the AITUC. A
part of their strategy was to start rival unions in opposition to those
dominated by the nationalists. By 1928 they had become powerful
enough to sponsor their own candidate for election to the office of the
President of the AITUC in opposition to the nationalist candidate Nehru.
Nehru managed to win the election by a narrow margin. In the 1929
session of the AITUC chaired by Nehru the communists' mustered
enough support to carry a resolution affiliating the federation to
international communist forum. This resolution sparked the first split in
the labour movement. The moderates, who were deeply opposed to the
affiliation of the AITUC with the League against Imperialism and the
Pan-Pacific Secretariat, walked out of the federation and eventually
formed the National Trade Union Federation (NTUF). Within two years
of this event the movement suffered a further split. On finding
themselves a minority in the AITUC, the communists walked out of it in
1931 to form the Red Trade Union Congress. The dissociation of the
communists from the AITUC was, however, short-lived. They returned
to the AITUC the moment the British banned the Red Trade Union
Congress. The British were the most favourably disposed toward the
moderate NTUF. N.M. Joshi, the moderate leader, was appointed a
member of the Royal Commission. The splintering away of the NTUF
had cost the AITUC thirty affiliated unions with close on a hundred
thousand members. However, the departure of the communists had not
made much difference. In any case, the Red Trade Union Congress
quickly fell apart, and the communists returned to the AITUC. During
the next few years, there was reconciliation between the AITUC and NTUF as well. The realisation dawned that the split had occurred on issues such as affiliation with international organisations, which were of no concern to the ordinary worker. By 1940 the NTUF had dissolved itself completely and merged with the AITUC. It was agreed that the AITUC would not affiliate itself with any international organisation, and further, that political questions would be decided only on the basis of a two-thirds majority. On the whole the thirties were a depressing period for Indian labour. There were widespread attempts to introduce rationalisation schemes and to affect wage cuts. The wartime inflation also took its toll. While the militant elements on the labour movement fought for the redressal of workers grievances, the movement itself was steeped in political dissent. The popular governments voted to power in the 1937 elections did not measure up to the workers' expectations although prominent labour leaders such as Shri Nanda and Shri Giri had taken over as labour ministers. They did pass some useful legislation, however a major piece of legislation was the Bombay Industrial Disputes Act of 1938, which attempted to eliminate inter union rivalries by introducing a system recognising the dominant union.

2.2.10 Formation of Indian Federation of Labour:

In 1939, when the British unilaterally involved India in World War II, there was another wave of schisms in the labour
movement. Congress governments voted to power in the 1937 elections resigned in protest against the country's involvement in an alien war, and the nationalists in the AITUC were naturally opposed to the war effort. But Roy and his supporters stood by the British. They founded a rival labour movement in 1941 called the Indian Federation of Labour (IFL). Initially the communists opposed the war effort and British had in fact jailed most of their leaders. In the year 1942, the nationalists launched the Quit India movement under Gandhiji's leadership. The communists were released and the jails were filled up with nationalists. By the end of the war there were four distinct groups of trade unionists, two in jail and two out of it. Among the nationalists who were in jail there had existed for some time a pressure group called the congress socialists. The two groups outside jail were the Roy faction and communists who had in common their support for the British war effort, but had maintained their separate identities.

Dr. Babasaheb Ambedkar, the then Labour Member of the Executive Council to Viceroy with the assistance of S.C. Joshi was engaged and exercised to take action on all the recommendations of the Royal Commission on Labour. At their instance a fact-finding committee was appointed to study the then existing situation. During the period 1945-47 most of the present labour legislations were drafted and the conciliation and other machinery were also well conceived. In 1947 when the National Government was formed Shri S. C. Joshi, the then
Chief Labour Commissioner was entrusted with the work of implementing the various provisions of labour law. The whole of the present set up was done by him and Shri V. V. Giri, the former president of India.

2.2.11 Formation of INTUC, HMS and UTUC:

With the formation of National Government Sardar Vallabhbhai Patel advocated very strongly the cause of forming a new central organisation of labour. It was his view that the National Government must have the support of organised labour and for this purpose the AITUC cannot be relied upon since it was thriving on foreign support and used to change its colours according to the will of its foreign masters. So, on 3rd May 1947, the Indian National Trade Union Congress (INTUC) was formed. The number of unions represented in the inaugural meet was around 200 with a total membership of over 5,75,000. There was now no doubt that the AITUC was the labour organisation of the communists, and the INTUC the labour organisation of the congress. This was further confirmed when the congress socialists, who had stayed behind in the AITUC, decided to walk out in 1948 and form the Hind Mazdoor Panchayat (HMP). The socialists hoped to draw into their fold all non-congress and non-communist trade unionists. This hope was partly realised when the Roy faction IFL merged with the HMP to form the Hind Mazdoor Sabha (HMS). However, the inaugural
session of the HMS witnessed yet another split in the labour movement. Revolutionary socialists and other non-communist Marxist groups from West Bengal under the leadership of Shri Mrinal Kanti Bose alleged that the HMS was dominated by socialists and decided to form the United Trade Union Congress (UTUC). The UTUC is formally committed to the pursuit of a classless society and non-political unionism. By the fifties the fragmentation of the labour movement on political lines had become a permanent fact. There were periodic attempts at unity, but nothing much came of them. The INTUC was firmly opposed to any alliance with the communists. The HMS was willing to consider a broad-based unity that would include all groups, but not for any arrangement with the AITUC alone. The major stumbling block to unity was the bitter experience to other groups had with the communists in the thirties. Even in specific industries such as railways where a merger between rival groups did take place, unity was short-lived.

2.2.12 Formation of BMS:

Those days, the recognised Central Labour Organisations were the wings of different political parties or groups. The conscientious workers were awaiting the advent of an Organisation of the workers for the workers, and by the workers. They were equally opposed to political unionism as well as sheer economism i.e. bread butter unionism. They sought protection and promotion of workers'
interests within the framework of national interests, since they were convinced that there was no incompatibility between the two. They considered society as the third and more important-party to all industrial relations, and the consumers' interest as the nearest economic equivalent to national interest. Some of them met at Bhopal on 23 July 1955, the Tilak Jayanti Day and announced the formation of a new national trade union center, Bharatiya Mazdoor Sangh.

Starting from zero in 1955, BMS is now a well-knit organisation in all the states and in private and public sector undertakings. Several organisations of the State and Central government employees are also affiliated to the BMS. The Sangh also enjoys the premier position in several industries.

The Bharatiya Mazdoor Sangh (BMS) is the largest Central Trade Union Organisation. The learned economist and visionary, Mananiya Uattopantji Thengdi who has dedicated his life to the service of the society, along with some like minded nationalists

2.2.13 Phases Of Unionism in India:

The evolution of trade unionism is described in terms of the four phases of unionism has been nicely explained by Shri
Debashish Bhattachari in a paper titled “Organized Labour and Economic Liberalization” This corresponds with structural changes in the economy and traces the effect of these changes on labour markets as well as on the industrial relations arena.

- The first phase (1950 to mid-1960s) corresponds to an era of state planning and import substitution, when public-sector employment and public-sector unionism rose phenomenally. Unions and bargaining structures were highly centralized; the two main federations were the nationalist Indian National Trade Union Congress and the communist All India Trade Union Congress.

- The second phase (mid-1960s to 1979) is associated with a period of economic stagnation and political turmoil. Employment slowed down, there were massive inter-union rivalries, and industrial conflict increased. Centralized bargaining institutions now started feeling the pressure of dissent from below, and both the Hind Mazdoor Sabha and the Centre of Indian Trade Unions made significant progress in the labour movement. The crisis culminated in the May 1974
railway strike that was followed by the 1975-77 Emergency Regime of Mrs. Gandhi. An "involuted" pluralism dominated Indian labour relations during this second phase.

- The third phase (1980-1991) corresponds to a period of segmented and uneven economic development. Decentralized bargaining and independent trade unionism enter the stage in a significant way. Two major strikes (the 1980/81 Bangalore public-sector strike and the 1982 Mumbai textile workers strike) marked this phase, and inter-state and inter-regional variations in the nature of labour-management regimes became much wider. In the more profitable economic sectors the unions gained, but in the unorganized and declining sector, workers lost out and unions were left with few strategies.

- Finally, the fourth phase of unionism (as yet incomplete, 1991-2000 and on) represents the post-economic reform period. The stabilization and structural adjustment programmes led to demands for
increased labour market flexibility, especially employment flexibility. This has led to a recruitment freeze in many public sector sites, and unions in these sectors now have to cope with competition at local level. In non-viable public enterprises, unions are coming to terms with voluntary retirement schemes. In the early years of economic reform there were sincere attempts by all parties to engage in tripartite consultations, but there now seem to be several barriers to this form of engagement.

The first phase of unionism (1950 to mid-1960s):

The first phase of the (post-independence) Indian trade union movement generally corresponds to the first three Five-Year Plans (1951-56, 1956-61, 1961-66). A state-led industrialization policy with an import substitution strategy resulted in the formation of large, employment-intensive public sector enterprises, mostly in the capital and intermediate goods sectors. This massive development of the public sector aided the private corporate sector in terms of supplying the necessary intermediate and capital goods. Between 1951 and 1965, industrial production increased at an average annual rate of 7.7 per cent, and manufacturing output increased at the
rate of 7.6 per cent. High growth rates were sustained by public investment in capital and intermediate goods, while growth in consumer durables slowed down. Rigid import-substitution policies guaranteed the domestic market and stimulated private sector investment.

The expansion of large public enterprises led to employment growth in the formal economy, mainly in such enterprises, but also in the private sector, notably in services, transport and education. Average employment growth increased rapidly from around 0.4 per cent per annum from 1951 to 1956 to around 2 per cent per annum from 1961 to 1966. Public sector employment quite naturally led to public sector unionism. The number of registered trade unions increased from 4,623 in 1951/52 to 11,614 in 1961/62; membership in the registered unions that submitted returns more than tripled during this period. The All India Trade Union Congress (AITUC) had dominated the organized labour movement since before independence. The growing public sector now provided a new terrain for large-scale unionization. Indian National Trade Union Congress (INTUC) made early inroads.

In terms of the movement of real wages of industrial workers during this first phase, India was an example of with both product and consumption wage growing slower than labour
productivity. Low unionization, inter-union rivalries sharpened by political affiliation, excess supply of labour and state intervention of a complex and peculiar type contributed to a wage lag. As the famous Report of the National Commission on Labour (1969), examining the real wages of industrial workers for the period 1951-64, stated: "increases in money wages of industrial workers since Independence have not been associated with a rise in real wages nor have real wage increases been commensurate with improvements in productivity". The labour relations regime promoted responsible unionism subject to maintaining industrial peace. Both the number of strikes and the number of workers involved in strikes during the first phase were significantly lower than during the second phase and beyond. By the end of the first phase of unionism, further splits had occurred in the labour movement: the Socialists broke away from the Congress and formed their own trade union federation, the Hind Mazdoor Sabha (HMS), and during the Indo-Chinese conflict, the radicals broke away from the Communist Party of India and formed the Communist Party of India (Marxist) which generated its own trade union, the Centre of Indian Trade Unions (CITU).

Thus the first phase of unionism represented a period of state-driven industrialization that possibly required the government to guide or control the labour movement. At enterprise level, the capital-labour relationship was dominated by a paternalistic
labour relations system based on the belief that the state knew more about workers' needs than they did themselves. In this way, the state appropriated the various union voices for the collective purpose of rapid industrialization with minimum industrial strife. In public sector enterprises and services, internal labour markets generated social harmony and a feeling of belonging.

Given the large number of statutes governing the terms and general conditions of employment it is clear that the state attempted to execute the idea of a national minimum. However, freedom to contract between capital and labour was restricted and mediated through the state. In addition, the idea of planned and rapid industrialization possibly excluded the basic premise of mature industrial pluralism, i.e. the belief that regulated conflict can be both productive to the economy and fair to the involved parties.

During this first phase of unionism, few strategic choices were open to unions or to employers as labour relations outcomes were over-determined by the state. The institutional structures that facilitate efficient collective bargaining remained underdeveloped. Government attempts at developing participatory choices at the small group level, through its legislated Work Committees and later through Joint Management Councils, received at best a lukewarm response from management and unions.
During this first phase, union voice effects were probably larger than monopoly effects, as both unionization and employment in the organized sector increased significantly. In addition, given a phenomenal rise in the number of registered trade unions during this phase, one could argue that there were positive union spillover effects to previously unorganized sectors.

The second phase of unionism (mid-1960s to 1979):

The second phase of unionism more or less corresponds with the Annual Plans for 1967-69, the Fourth (1969-74) and Fifth (1974-79) Five-Year Plans. The rate of inflation rose above 10 per cent in 1966/67 and 1967/68, and food price inflation was even higher. Between 1965 and 1975, the average annual rate of growth in total industrial production and in manufacturing output increased at only 3.6 per cent and 3.1 per cent respectively.

Structural changes in the economy had an effect on union activity, collective bargaining practices, industrial labour markets, and labour relations in general. There was a dramatic increase in the number of disputes (strikes and lockouts). New forms of protest, such as the hartal (go-slow), often resulting in considerable violence, emerged during this second phase. In certain regions, such as West
Bengal, these were used quite frequently and effectively, leading to a significant outflow of capital to other parts of the country.

During the Emergency Regime of 1975 to 1977 the right to strike was suspended. In addition, the emergency regime pre-empted bargaining on key issues, froze wage increases, reduced the minimum annual bonus from 8.3 per cent to 4 per cent, and transferred increments in the cost-of-living allowance to a compulsory savings schemes. Two important interventions took place during this regime. The first was an attempt by the government to establish the National Apex Body, composed of 12 trade union federations and 11 employer representatives, in order to encourage a bipartite approach to industrial relations. The second intervention was the 1976 amendment to the Industrial Disputes Act, which led to employment inflexibility: firms employing more than 300 workers had to get government permission before they could lay off workers. During the post-Emergency regime (1977-80), a government attempt to put forward an industrial relations bill banning strikes and lockouts in essential industries and services met stiff opposition from most trade unions and was not passed.

The second phase of unionism saw significant changes in collective bargaining practices. The Industrial Disputes Act of 1947 did not provide for the compulsory recognition of a representative union as the sole bargaining agent, nor did it encourage
or compel parties to bargain in good faith; more importantly, it gave no legal status to collective bargaining agreements. However, the 1965 amendment to the IDA gave a higher legal footing to agreements reached through conciliation and adjudication. The terms of the agreement are signed in the presence of the conciliation officer, making the contract legally binding on all parties.

The states can add their own labour legislation to the central labour statutes, and in the early 1970s, Maharashtra, Gujarat, Rajasthan and Madhya Pradesh enacted laws on trade union recognition. The Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act became effective from 1975. Failure to bargain with the representative union became an unfair labour practice under this Act.

The second phase thus reflected an objective crisis of accumulation in industry under the state-led industrialization regime. This mode of regulation caused the organized labour movement to split up. The unions of the left had alternate voices, and employers often found them easier to deal with in spite of their greater militancy.

This phase corresponds to the Sixth (1980-85) and the Seventh (1985-90) Five-Year Plans, as well as the two Annual Plans (1990-92). Average annual growth rates during this decade were about 5.7 per cent but employment grew at only around 1.8 per cent. Employment elasticities in major sectors, especially in services, fell drastically during this time.

The second part of this phase is associated with economic liberalization measures. The economy moved away from import substitution towards strategies that encouraged export promotion and domestic competition. This was bought about by partial deregulation, financial liberalization, exchange rate policy, taxation, and export incentives. After 1988 the country experienced severe unrest. The 1990 Gulf crisis was followed by economic recession and political turmoil.

The macroeconomic changes during this phase had a profound effect on the political economy of trade unionism and labour markets, as well as on the structure of industrial relations. On the union front, this phase started with a massive public sector strike in Bangalore during 1980/81 which involved giant public enterprises such
as Hindustan Machine Tools, Hindustan Aeronautics Limited, Electronics Corporation of India, and Indian Telephone Industries.

This phase was marked by increasing interregional, inter-state, and inter-city variations in the nature of labour-management relations. Changes in union structure, together with macroeconomic developments, considerably affected both employment and the wage structure. Between 1980/81 and 1988/89, while employment growth declined, the capital-labour ratio and labour productivity increased by 8 per cent and 7.5 per cent per year respectively.

Unions in the organized and more profitable sectors (often independent unions), managed to secure part of these productivity increases through militant bargaining and/or through productivity bargains that contained effective incentive structures. This resulted in slower employment growth.

To remedy the limitations of the Industrial Disputes Act and the Trade Union Act, from both the union and the employer point of view, a number of changes were proposed in the Trade Unions and Industrial Disputes (Amendment) Bill, 1988. The proposed changes would reduce the fragmentation and multiplicity of unions, clearly define the bargaining agent by providing for a secret
ballot, promote internal leadership, create state-level industrial tribunals, force employers to set up comprehensive bargaining councils to facilitate internal grievance settlement, and so on. After considerable debate however the bill was rejected.

The fourth phase of unionism (1992-2000 and on):

In June 1991, the government decided to adopt the World Bank-IMF stabilization and structural adjustment programme. In July 1991 the rupee was devalued twice, quotas on the import of intermediate and capital goods were reduced, tariffs were brought down, the state monopoly on exports and imports was ended and a statement on industrial policy was presented along with the Union Budget, which was aimed at reducing the fiscal deficit by two and a half percentage points. The fourth phase of unionism more or less corresponds to the Eighth (1992-97) and the Ninth (1997-2002) Five-Year Plans.

On average, the Indian economy grew at 5.3 per cent during the first five years of the reforms (1992-96), compared to 5.9 per cent during 1986-91. The tertiary sector grew fastest in the 1990s, at about 6.8 per cent per year. The economy has become considerably more open than ever before. There was some
apprehension that government expenditure in the social sector would decline significantly.

One of the main objectives of the economic reform package is the restructuring of unprofitable public sector enterprises. These enterprises are free to reduce their workforce through voluntary retirement schemes (VRS) assisted by the national renewal fund (NRF) instituted by the government, and by amendments to the Sick Industrial Companies Act 1985. The strengthening of the Board for Industrial and Financial Reconstruction considerably facilitated this process. The objectives of the NRF were to provide assistance to cover the costs of retraining and redeployment made necessary by modernization, technological upgrading, industrial restructuring. While recruitment was frozen especially at lower levels, the government also froze the centralized wage bargaining process for a few years after 1992. It later opened the negotiation process and attempted to decentralize bargaining by announcing that any wage increases would have to be absorbed by the specific enterprise as these could no longer be passed on to the final price. In other words, the new policy clearly stated that any additional wage burden would not receive budgetary support.

During this phase the public has become acutely aware that trade unions represent a declining sectional interest
group. The government also needs to protect consumers against sectional interests of many unrepresentative trade unions. While the trade union rights of workers must also be respected in any democracy, the government must also ensure, perhaps through secret ballot, that no unrepresentative union harasses ordinary consumers.

On 10 January 1999 the government announced the second National Labour Commission the first NLC being set up 30 years ago. The terms of reference lay down that the commission should suggest rationalization of existing labour laws in the organized sector and recommend umbrella legislation to ensure minimum protection for unorganized workers. The commission has a two-year term and is made up of representatives from government, trade unions and industry. Trade unions feel that workers have little protection from the whims of errant management, and that any alteration in the law would only add to managerial power. For example, the proposal to relax the law on contract labour in order to generate more jobs on contract for the unorganized sector is interpreted by the unions as a move to undercut permanent unionized jobs.

Briefly, in terms of labour market and industrial relations reforms, the continuation of economic liberalization would undoubtedly lead to more employment flexibility, greater decentralization in bargaining structures especially in public
enterprises and hence less government intervention in the bargaining process, fewer strikes, and a possible halt to the fragmentation of the union movement. On the positive side, this could mean more employment and a more effective union voice at both micro- and macro-level. On the other side, the proposed reforms could increase managerial power and accelerate the growth of the non-union sector, leading to a decline in the power of organized labour.

2.3 DEFINITIONS OF THE TRADE UNION:

Any discussion on trade unionism first requires a precise definition of the term 'trade union' because of the wide differences in the use of the term in different countries. For instances, in India, the term 'trade union', according to the Trade Union Act of the country, refers, besides employees' organizations, to employers' associations also. Similarly, in Britain, the Trade Union Congress recognizes the associations of professional people such as Artists' Federation, Musicians' Union etc. also as trade unions. We make effort to study the various definitions of the trade unions in the following paras:
According to Webb, "trade union, as we understand the term, is a continuous association of wage earners for the purpose of maintaining or improving the conditions of their working lives."

According to Dankert, "A trade union is a continuing organization of employees established for the purpose of protecting or improving, through collective action, the economic and social status of its members."

As per David and Robinsons, "A union is an organization of workers, acting collectively, who seek to protect and promote their mutual interests through collective bargaining."

According to G.D.H. Cole, "a trade union means an association of workers in one or more occupations an association carried on mainly for the purpose of protecting and advancing the members' economic interests in connection with their daily work."

Lester defines, "a trade union as an association of employees designed primarily to maintain or improve the condition of employment of its members."
Cunnison defines, "a trade union as "a monopolistic combination of wage earners who stand to the employers in a relation of dependence for the sale of their labour and even for its production; and that the general purpose of the association is in view of that dependence to strengthen their power to bargain with the employees."

Different authors have defined a trade union in different ways. However the various definitions of a trade union exhibit two important features:

- In the first place, a trade union is defined usually in the light of the functions it is expected to perform. Though there is a diversity of opinions in regard to the role of trade unions in the working class movement yet all agree to the fundamental purpose of trade unionism viz. the pursuit of the interests of the members.

- Secondly, a trade union is confined to workers alone.
The Indian Trade Unions Act of 1926 Sec.2 (B) defines a trade union. Since this is the most important legislation governing the trade unions, it is most relevant to refer to the definition given under the said act. The act itself is discussed in the subsequent chapter.

As per the Indian Trade Unions Act, the trade union is:

"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."

The term "workmen' is spelled out under Section 2(s) of the Industrial Disputes Act 1947, the word is defined as,

"Any person (including apprentice) employed in any industry to do any skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purpose of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in
connection with or as a consequence of, that dispute or whose dismissal, discharge or retrenchment has led to that dispute but sees not include any such person,

- who is subject to Army, Air Force, Navy Act,
- who is employed in the police service or as an officer or other employee of a prison;
- who is employed mainly in a managerial or administrative capacity;
- who being employed in a Supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensum or exercises, either by nature of duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

All these definitions of trade union make out the following characteristics and the nature of the trade unions:

- The union is an association of the persons viz employers, employees or independent workers/tradesmen.
- The union is not casual, It is relatively more permanent and may be temporary for some time
• The unions' main objective is to secure economic benefits to its members, this is done by collective bargaining.

• The union influences or affects industrial relations.

• The union serves the purpose of "checks and balances" on the employers and thus cause "restriction" on management.

• The Union can be union of more unions and associations.

A trade union is thus an organization of workers created to protect and advance the interests of its members by negotiating agreements with employers on pay and conditions of work. Unions may also provide legal advice, financial assistance, sickness benefits and education facilities.

2.4 TYPES OF CLASSIFICATION OF TRADE UNIONS:

There are three sets of classification as given below:

• Based on trade specialization.

• Based on union management agreement.

• Based on membership.
2.4.1 Classification based on trade specialization:

Craft Union:

Craft unions are unions based on trade/craft specialization. Such unions are very common in western nations. In India there are very few unions organized on the trade specialization. One example is "Navigators Union" in Air India.

General Union:

Such union accepts members from all trades. Most of the trade unions in India belong to this category. This because unlike West, in India we have not crossed the stage of "merchant-craftsman’s stage of capitalism". Instead our industry converted agricultural labour to industrial labour abruptly giving rise to no rooms for craftsmen development. Instead, each one of them was put on different trade after a brief period of on-the-job-training. Thus most of them become general tradesmen trained to work two to three types of jobs in the factory.
A blue collar worker is the one who is employed in production floor like machine operators, workers in various shops like smithy, grinding, carpentry, electroplating etc. or in maintenance shops. These are paid weekly. Some time they are paid on peace rate or time rate. Unions representing them are called Blue Collar Union.

**White Collar Union:**

White collar workers are employees like typists, clerks, receptionists, PC Operators, salesmen, telephone operator, bank employees, insurance agents, journalists, etc. White Collar Workers are mostly paid time wages in the form of monthly salaries. White collar union was formed as early as 1897 in India. It is estimated that there are over 30 million white collar workers. Out of which only less than 2 million are unionized in approximately 1500 unions. White collar unions are on the increase. Examples are Bank Employees Union, Indian Federation of Working Journalists, etc.

**Agricultural Labour Unions:**

This involves farm laborers, dairy farms, crop labour, cultivators, share croppers, household labour, etc
2.4.2 Classification Based on Agreement:

Closed Shop:

In certain organization, union and management get into an Agreement in which union is entrusted with the sole responsibility and authority of hiring workers. This is an ideal situation where union hold monopoly in employment. Such situation is called "closed shop". In USA closed shop is banned by Taft-Hartley Act 1947. Yet in many construction and printing work, such arrangement exists. They are also called “Hiring Hall” arrangement.

Union Shop:

This is an Agreement with management in which all new recruits must join the union within a fixed period after employment say within 3 months. By this arrangement management is free to select anyone to fill up a vacancy in which union cannot interfere or influence. Such an arrangement is called “union shop”. In USA, some states are declared as “right-to-work”. In such states, union shop viz. compulsory membership to union is prohibited.
Preferential Shop:

If a union member is given preference to fill up a vacancy, such an agreement with union will give rise to "Preferential shop".

Maintenance Shop:

In this type of arrangement, there is no compulsory membership of union as a condition before or after recruitment. However, should employee choose to become a member of union after recruitment and appointment, then this membership remain compulsory during the entire period of engagement? This type of unionism is called 'maintenance shop' or maintenance of membership shop.

Agency Shop:

Management and union so that an employee who is not a union member has to pay the union a sum which is equivalent to subscription from a union member, as a condition for continued employment in the organization.
Open shop:

In this arrangement membership of union is not compulsory before or after employment. In such organization, some time there is non union at all. In the stand point of union, "open shop" is the least desirable form for unions.

By and large above classifications are more prevalent in developed nations like USA. However entry of MNCs to India such types can be seen more in future.

2.4.3 Classification Based on Membership:

This type of classification prevails mostly in India and especially in the states of Maharashtra and Gujarat based on "Bombay Industrial Relations Act". Here the unions are classified in three types based on the membership in its rolls.

Qualified Union:

These are unions having membership les than 5 per cent of total employees.
Representative Union:

Here a union is called 'Representative', when it can enroll at least 15 per cent of total employees.

Primary Union:

Here a union is called "primary union" when it can enroll more than 15 per cent of total employees.

Obviously such classification is prevalent in a situation/country where multiple unions exist.

2.4.4 Federations of Trade Unions:

The federations are the combination of various unions for the purpose of gaining strength and solidarity. These Federations can be set up at local, provincial or national level, e.g. All India Trade Union Congress and Indian National Trade Union Congress are the examples of Federations at the national level.
2.5 MAJOR FUNCTIONS OF TRADE UNIONS:

In order to achieve the objectives set up by the Trade Unions, they are performing certain functions. Mr. Broughton has classified the functions of Trade Unions into three categories.

These categories are as under:

- Intra-mural activities.
- Extra-mural activities.
- Political activities.

Following paras enlist the functions of Trade Unions which are coming under the above categories respectively.

2.5.1 Intra-mural activities:

It includes those activities of the Trade Unions which are carried on within the four walls of the organisation for the welfare of its members. It also includes the activities which are related to improvement in the working as well as employment conditions of the members within the organization. Such activities are bargaining with the employer for better wages and the working conditions, workers' participation in management, providing welfare activities, getting share in the profits of the organization.
The Trade Unions are performing these functions with the help of some tools available with them. Such tools are collective bargaining, group discussions, gherao, go slow tactics, work to rule, holding demonstrations, deputations and the strikes. We can say that the strike is the last resort available with the Trade Unions in getting the things done.

2.5.2 Extra-mural activities:

It includes those activities of the Trade Unions which are carried on outside the compound of the organization for the general welfare of their members. The main objectives behind the extra-mural activities are to seek the co-operation from the members and assist them in times of crisis. These activities include the provisions of fair price shops, sanitary houses, library and reading rooms, entertainment etc. It also includes the provision for the education of workers and their children, medical facilities. As we know that the provisions of those facilities which are coming under the extra-mural activities of Trade Unions, requires huge amount of funds. If the Trade Union is having sound and strong financial capacity then and then only they can provide such facilities. In short, the extra-mural activities of the Trade Unions are very much dependent upon the availability of funds with them.
2.5.3 Political activities:

In this world of democracy, Trade Unions play a very important role in the politics of the country. The Trade Unions can send their representatives to the Legislative Assembly and the Parliament through general election and thereby the Trade Unions may safeguard their own interest in Assemblies and Parliament by getting the law passed in the interest of working class. In some countries the trade unions are so strong that they have formed a political party and fight elections e.g. in England, the Labour Party is a big political party.

2.6 METHODS OF TRADE UNIONS:

The classic description of trade unions methods by the Webb's as consisting of mutual insurance, collective bargaining and legal enactment still hold well, but what the Webb's call legal enactment is only a part of the broader political action, which the trade unions undertake for the achievement of their goals. Each of these methods is:

- Mutual insurance,
- Collective bargaining, and
- Political action
2.6.1 Mutual insurance:

From their very inception, trade unions have been spending a part of their income in providing insurance and other welfare benefits for improving the condition of their members, promoting goodwill among them and maintaining solidarity within the organization. The nature and extent of the benefits provided has gradually expanded during the course of years. Various benefits offered by trade unions sickness and accidents benefits, insurance against risks such as sickness, accidents disablement, old age, death and also against unemployment. But the nature and scale of benefits provided varies considerably depending on financial position the trade unions and extent of incidence of particular risks. Many trade unions also provide for medicine and medical attendance.

However mutual insurance as trade union method has increasingly been overshadowed by the provision of social security and welfare measure introduce at the instance of the state/employers.

Only few trade unions in India have been able to develop certain welfare activities, not to speak off mutual insurance against the more common risk of life. The Textile Labour Association, Ahmedabad and the Madras Labor Union deserve to be mentioned here for their welfare activities.
2.6.2 Collective Bargaining:

Another method used by trade unions for improving the conditions of their members is collective bargaining. Under this method, their representative bargains with the employer over the terms and condition of employment and enter into agreement with him. The agreement thus arrived at between the representatives of a trade union and the employer is known as collective agreement.

A wide variety of subjects have come to be included in collective agreement. As a matter of fact, collective agreement may relate to any kind of employment condition. Some of the items most frequently covered under collective agreement include: wages, hours of work, physical working conditions, apprenticeship, incentive payments, welfare amenities, promotion, bonus, gratuities, superannuation and economic benefit plans. Even in cases where many of the employment condition are regulated by law, the trade unions often bargain with the employer for securing more improved standards then what are prescribed under the law. A collective agreement may deal with a single issue or may cover a wide range of subjects.

One important consequences of collective bargaining for the determination of the terms and conditions of employment has
been that trade unions are unable thereby to participate in the decision-making process regarding wages, hours of work, working conditions etc. The employer unilaterally decided these issues, but with the advent of collective bargaining they have become subject of bilateral negotiation. Thus, collective bargaining has succeeded in introducing an element of industrial democracy in the field of industrial and labour management. Collective agreement has secured a limited degree of enforceability in India also. Under the Industrial Dispute Act, 1947, if a collective agreement is registered with the appropriate government, it becomes a settlement and the violation of the settlement becomes a penal offence under the Act. Nonetheless, collective agreements are still not treated as contracts enforceable in a court of law under any other civil law in India today.

2.6.3 Political action/Legal enactment:

In many countries trade unions engage in political action for securing better working and living condition for the workers. The main features of trade union's political action are: exerting pressure for protective or other pro labour legislation and welfare amenities at the instance of the state; setting up of labour parties of developing allegiance to one political party or the other and securing control over industry. In India, the trade unions have
formed their national centers having allegiance to one political party or the other. Thus, the INTUC has a close relationship with the Indian National Congress, the AITUC with the communist party and the HMS with the socialist party.

2.7 TRADE UNION ACTIVITIES:

The foregoing analysis of the generic trade union methods can be better understood if they are analyzed in terms of the specific activities in which they result. These activities may be summarized as follows:

2.7.1 Economic activities:

Under this head come all those activities which result in the exercise of the economic pressure on the employer e.g. engaging in collective bargaining, demonstration, strike, boycott, picketing, etc.

2.7.2 Political activities:

- Carrying on political education of the workers.
- Obtaining political power and influence through developing political parties of their own, and
extending help to candidates of other political parties who are sympathetic to the cause of labour.

- Carrying on lobbying activities for influencing the course of labour and other legislation.
- Participating in, and representing the workers on, advisory institutions and bodies.
- Developing militancy and revolutionary urge amongst workers, etc.

2.7.3 Social activities:

- Initiating and developing worker’s education scheme.
- Organizing welfare and recreational activities such as mutual insurance, providing monetary and other help during periods of strikes and economic distress.
- Running cooperatives.
- Providing housing facilities.
- Participating in community development and community protection activities.
2.7.4 International activities:

- Participating in the organization and activities of the ILO.
- Participating in the international federation of trade unions such as the WFTU, the ICFTU and the International Trade Union Secretariats for the purpose of building working class unity and solidarity.
- Sending monetary and other help to workers of other countries during periods of strikes and natural disasters.
- Determination of the Rate of trade Union Growth:

A review of the relevant literature shows that the following factors constitute the determinants of the rate of trade union growth:

- Industrial commitment of labour force
- Change in the composition of labour force
- Variation in the business activity
- Trade union leadership
- Change in technology
- Structure of union organization
- Union security provision in collective agreement and laws
- Attitude of employers towards unionism;
- The political climate and legal framework;
- Role of political parties;
- The value system and public opinion; and
- Proximity influence.

2.7.5 Strike- A Method of Settling Industrial Disputes:

Strike and lockouts are one of the methods adopted by workers and employers respectively to settle their difference. When the workers fail to secure a redressal of their grievances and fulfillment of their demands by peaceful negotiation with the employer, they try to force the employer to come to a settlement by temporarily withdrawing their services in the form of a strike. They may succeed or fail in their attempt to do so, but for the time being, the issue that gave rise to the dispute is settled either in favour of the workers or in the favour of employer. The strike has been and is the main weapon in the armory of labour to achieve its goals. Likewise, the employer resorts to lockout. According to the view presented here, strike and lockout are not to be identified with industrial dispute. They are not dispute in themselves; they are just one way of settling disputes for the time being.
2.8 METHODS OF SETTLING INDUSTRIAL DISPUTES:

The methods of settling industrial disputes are not very much different from the methods of settling any other disputes. Some of the common methods of settling industrial dispute are below:

Settlement of Industrial Disputes without State Intervention:

2.8.1 Collective bargaining:

Collective bargaining implies the following main steps:

- Presentation in a collective manner to the employer their demands and grievances by the employees;
- Discussions and negotiation on the basis of mutual give and take for settling the grievance and fulfilling the demands;
- Signing of a formal agreement or an informal understanding when negotiations result in mutual satisfaction; and
- In the event of the failure of negotiation, a likely resort to strike or lockout to force the recalcitrant party to come to terms.
2.8.2 Voluntary Arbitration:

The neutral person hears the parties and gives his award, which may or may not be binding on them. At the time of submitting a dispute to arbitration, the parties may agree in advance to abide by the award of the arbitrator and thus industrial peace is maintained and the dispute is resolved.

2.8.3 Settlement of Dispute under the Influence of the State:

The most common ways in which the state intervention takes place are the following:

- Compulsory establishment of bipartite committees;
- Establishment of compulsory collective bargaining;
- Compulsory investigation;
- Conciliation and mediation (voluntary and compulsory); and
- Compulsory arbitration or adjudication.
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