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ROLE OF TRADE UNIONS IN ENSURING LABOR WELFARE IN MANUFACTURING INDUSTRIES

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Abstract

This study looks at how trade unions help to ensure worker welfare in India's manufacturing sectors. It looks at the Indian Constitution's Article 19(1)(c), which protects the right to form a union, and how trade unions help to improve conditions of employment for employees in industrial industries. In addition to highlighting the significance of labor welfare as manufacturing industries expand, the article explores the relationship between labor and manufacturing industries, identifies important concerns impacting workers, and examines how trade unions protect workers' rights. The study also looks at important case laws that have influenced Indian labor welfare, especially with regard to trade unions' function. The purpose of this paper is to offer a thorough grasp of the crucial role trade unions play in promoting workers' rights and raising the welfare standards of those employed in manufacturing.

INTRODUCTION

A crucial component of any country's contemporary industrial relations system are trade unions, each of which has its own set of constitutionally mandated objectives or aims to accomplish as well as its own strategy for achieving them. A trade union is an association established by employees with the purpose of, among other things, defending their rights and enhancing working conditions. Trade Union is a voluntary association of people who act collectively for the welfare or benefit of people of association. Trade Union can also be described as a monopolistic combination of wage earners who as individual producers are complementary to one another and that the purpose is to strengthen their power to bargain with employers or collectively bargaining (S.D. Punekar).

The history of Trade Union can be traced back to the year 1890 that was the first phase when the Industrial revolution started around mid nineteenth century in India. Under the process of Industrialisation, several factories were established. The first unorganized trade union Bombay

MillHands Association was established under the leadership of N.M. Lokhande¹. The purpose of this trade union was to seek the attention of government to the unfairness and the poor working condition of workers of Bombay Textile Industry.

The second phase was after the first world war. The political agitation against the foreign rule was also gaining momentum throughout the nation. Numerous worker strikes resulted from the economic downturn and industrial unrest. The trade union movement in India gained momentum by the success of strikes in India and the world-wide uprising of labor consciousness. The establishment of International Labour Organisation established in 1919 has also influenced the growth of trade union movement in our country.

The progress of the trade union movement in India in pre-independence satisfactory, but the post-independence has been tremendous Trade Union activity in every sphere of industry. Now there is hardly any category of workers which has no Union of its own. The Royal Commission on Labour in India has noted:

"Trade Unionism to be fully effective, demands two things: a democratic spirit and education. The democratic ideal has still to be developed in the Indian workers and the lack of education is the most serious obstacle of all. The latter difficulty does not arise merely or even mainly from illiteracy. Few Trade Unions can afford to conduct benevolent work, and the majority find it hard to convince the worker that a subscription is worthwhile except when a dispute is imminent or in progress."²

As we move further we observe that Trade union plays a major role in ensuring welfare of labour in different industries. This paper precisely talks about welfare of labor in manufacturing industry. Many people view the manufacturing sector as the "backbone" of the Indian economy because it creates jobs, boosts GDP, and allows the nation to convert raw materials into more valuable final goods, all of which support economic growth and development.

Indian Trade Unions and the Influence of Constitutional Provisions

In India, trade unions have been essential in establishing workers' rights and guaranteeing their well-being. The Indian Constitution offers a strong basis for the establishment and operation

¹ S.D. Punekar, *Labour and Industrial Laws* 358 (30th ed. 2024).

² *Royal Commission on Labour in India*, Report, 321 (1931).

of trade unions through its provisions pertaining to social justice and fundamental rights. For workers, this constitutional backing is crucial, particularly in a country as diverse and complex as India, where the labor market is made up of both organized and unorganized sectors. Since their constitutional rights have been acknowledged, Indian trade unions have grown to be influential voices for workers' social welfare, fair pay, job security, and improved working conditions. This paper will be precisely focusing on essential articles of Indian Constitution like Article 19(1)(c)³; Article 43⁴.

- **Article 19(1)(c) – The Right to Form Association-**

The Indian Constitution's Article 19(1)(c) protects citizens' basic right to organize into unions or groups. For workers, this clause is especially important because it gives them the legal ability to organize trade unions in order to jointly express their grievances, bargain for better working conditions, and obtain higher pay. One of the main pillars of Indian labor rights is the constitutional protection provided by Article 19(1)(c), which gives employees the ability to band together to safeguard their interests as a group. Article 19(1)(c) is significant because it acknowledges that workers have the ability to confront exploitation and negotiate with employers through collective action. Before this right was acknowledged, individual employees sometimes lacked the strength to oppose the power of employers or industries. It is important to remember that although Article 19(1)(c) protects the freedom to organize a trade union, this protection is not absolute. Article 19(4), which allows the state to set constraints in the interest of public order, morality, or national security, allows for reasonable restrictions on the provision.⁵ These restrictions make sure that the freedom to organize doesn't lead to actions that jeopardize public peace or national stability. Notwithstanding these limitations, trade unions are nonetheless legally supported by Article 19(1)(c), which guarantees that employees can band together without worrying about retaliation or persecution.

- *Article 43 – Promotion of Welfare for Workers-*

Article 43 of the Indian Constitution, which requires the state to provide fair pay, acceptable working conditions, and social security for workers, is essential in advancing workers' welfare in addition to the right to organize trade unions. According to Article 43 of the Directive Principles of State Policy, the government must seek to guarantee workers a livable income,

³ India Const. art. 19, § 1(c).

⁴ India Const. art. 43.

⁵ India Const. art. 19, § 4.

provide environments that promote efficiency and health, and offer sufficient chances for workers' education and advancement. Article 43 is a guiding concept for the creation of legislation and policies pertaining to labor and social welfare, even if it is not legally binding. In turn, trade unions have frequently used this provision in order to push for labor reforms and make sure the government acts proactively to improve workers' welfare. The clause embodies the Constitution's overarching goal of social justice, which aims to reconcile the interests of businesses and labor.

Through their lobbying work, trade unions in India have been instrumental in advancing the objectives set forth in Article 43. They have played a key role in pushing for legislative changes that ensure workers have access to basic social protection and a fair standard of living. The government's approach to regulating working conditions and establishing social security programs has been significantly influenced by Article 43. Using their constitutional mandate, trade unions have pushed for better working conditions across a range of industries, especially manufacturing, where employees frequently endure dangerous working conditions. For instance, unions have advocated for improved worker access to affordable housing, the implementation of health insurance programs, and improved safety procedures. Ensuring that workers obtain vital benefits like housing, healthcare, and other social protections in addition to fair earnings has been the aim.

Trade unions and the constitutional provisions of Articles 19(1)(c) and 43 have a mutually beneficial connection. Article 43 offers the larger framework that allows these unions to function in order to promote labor welfare, even while Article 19(1)(c) ensures that workers have the freedom to organize and exercise their rights through the formation of unions. Both clauses have been regularly invoked by trade unions to promote workers' rights and win legislative changes that ensure better working conditions. When their welfare is in danger, employees can take collective action thanks to their freedom to organize a union under Article 19(1)(c). Mass movements for improved pay, job stability, and health benefits have been made possible in large part by this right. Unions have pushed governments and companies to address labor issues through collective bargaining and industrial action, including strikes. Similar to this, trade unions use Article 43 to advocate for legislative and policy reforms that can directly enhance workers' lives, such as greater safety rules or wage laws.

The relationship between trade unions and these constitutional provisions has been especially

noticeable in light of the labor reforms that have taken place over the years. For instance, trade unions played a key role in promoting labor regulations that would safeguard workers in India's quickly industrializing economy following the country's independence. They pushed for laws that would set minimum wage requirements, provide compensation for injuries, and stop companies from taking advantage of workers. The constitutional rights outlined in Article 19(1)(c) and the more general social justice objectives of Article 43 have contributed to the creation of these legal protections.

The Industrial Disputes Act⁶, which governs industrial disputes and strikes, and the Factories Act⁷, which protects the welfare, health, and safety of workers in industrial settings, are two important labor laws that clearly reflect the influence of these provisions. With the help of labor unions and the constitutional direction given by Article 43, the Minimum Wages Act⁸, another important piece of legislation, was passed. These statutes show the crucial role labor unions play in enacting such reforms, in addition to reflecting the constitution's dedication to workers' welfare.

Furthermore, trade unions still have a part in putting Article 43's tenets into practice. In industries like construction, textiles, and agriculture, where working conditions are frequently poor, unions continue to play a crucial role in the continuous attempts to advance workers' rights. They still argue for the extension of social security benefits to a larger group of workers, especially those in the unorganized and informal sectors, and for the enforcement of current labor regulations.

The Relationship Between Labor and Manufacturing Industries

An essential component of India's industrial development and economic expansion is the interaction between the labor and manufacturing sectors. Employers' duties to create a safe, equitable, and just workplace and the necessity for workers to meet production demands have shaped this relationship. With the goal of achieving a balance between the economic requirements of manufacturing businesses and the rights and welfare of workers, labor legislation in India has developed over time to handle the difficulties of this connection.

⁶ Industrial Disputes Act, 1947, No. 14 of 1947 (India).

⁷ Factories Act, 1948, No. 63 of 1948 (India).

⁸ Minimum Wages Act, 1948, No. 11 of 1948 (India).

A key element of India's industrial framework is the link between labor and manufacturing industries, which is greatly influenced by labor regulations intended to uphold workers' rights while promoting the expansion and effectiveness of manufacturing sectors. Determining the nature of this relationship has been greatly aided by the development of labor regulations in India, which were created in reaction to past worker mistreatment. In order for India's manufacturing industry to function effectively once industrialization began in the late 19th and early 20th centuries, workers' rights had to be sacrificed. Poor working conditions, long hours, little pay, and little consideration for the welfare of employees were all common during the early industrial era.

India's labor laws cover a wide range of topics related to the manufacturing sector, including pay, working conditions, job security, and labor disputes. The Industrial Disputes Act, 1947, which establishes a framework for resolving labor disputes and preventing strikes and lockouts in industries, serves as the basis for these regulations. In order to prevent employees from being fired without cause, this Act also regulates issues including layoffs, retrenchments, and the circumstances under which workers may be fired. Additionally, it makes it easier for workers to organize trade unions and engage in collective bargaining, which gives them a voice in negotiating their terms of employment with employers. In addition to providing workers with a legal forum for their complaints, the Industrial Disputes Act has played a significant role in preserving industrial peace and lowering labor unrest in several industries.

Another important component of Indian labor law that governs working conditions in manufacturing sectors is the Factories Act, 1948. This Act requires factories to provide arrangements for the welfare, health, and safety of their employees. It outlines the maximum number of hours that can be worked in a day and includes provisions for holidays, overtime pay, and rest periods. In order to protect employees from dangerous situations, the Act also mandates that businesses provide essential amenities including first aid, sanitary facilities, and clean drinking water. The main goal of the Factories Act is to protect industrial workers' health and safety, especially in industries that pose a risk to workers' health because of exposure to toxic materials or unfavorable working circumstances.

In addition to these, the 1948 Minimum Wages Act was enacted to combat wage-related exploitation in the manufacturing sector. This Act guarantees that workers in a variety of industries, including manufacturing, get at least the minimum wage set by the government. It

establishes a threshold beyond which firms are unable to pay their employees, and it applies to both organized and unorganized sector workers. Employers who could otherwise take advantage of workers' vulnerability and lack of bargaining strength are prevented from doing so by the Minimum Wages Act. Despite the Act's intention to guarantee equitable wages, its implementation has frequently been difficult, and many workers—particularly those in the unorganized sector—continue to receive lower salaries than the minimum wage.

The wellbeing of workers in industrial industries has been improved and labor regulations have been influenced by trade unions. According to Article 19(1)(c) of the Indian Constitution, employees have the ability to organize and engage in collective bargaining with their employers. Trade unions give employees a forum to air their complaints, make requests for improved pay, benefits, and working conditions, and pursue legal action for labor law infractions. Through trade unions, employees can use their collective bargaining power to obtain advantageous employment terms, promoting workplace unity and improved working conditions in manufacturing industries. Nonetheless, there has been discussion on the efficacy of trade unions. Although they have played a significant role in promoting labor rights, issues like dwindling membership, political meddling, and the growth of contract work have reduced their efficacy in some sectors.

Lack of knowledge among workers about their rights under labor regulations is another problem affecting the labor-manufacturing interaction in India. Many workers are vulnerable to exploitation because they are not aware of the legal protections available to them, particularly in small-scale manufacturing companies. Furthermore, in some areas, there are still insufficient inspection and monitoring systems in place to implement labor regulations. Even if rules are in place, they are frequently not properly implemented, which results in people not getting paid what they are entitled to, working in hazardous conditions, or not getting social security benefits.

The manufacturing industry's increasing use of temporary and contract labor has created new difficulties for labor law enforcement. A sizable section of the workforce in industrial industries is not eligible for the benefits and protections provided by labor laws as more businesses choose to use temporary or outsourced labor in an effort to save costs. Contract workers frequently do not have access to minimum salary guarantees, social security benefits, or job security. Regular and contractual workers are now separated by this transition to informal employment, with the

latter being more susceptible to unjust treatment and exploitation. Effective enforcement of labor regulations is hampered by the widespread use of contractual workers in many manufacturing businesses, especially in areas like construction and textiles.

In spite of these obstacles, India's industrial sector and labor relations are still developing. Indian manufacturing sectors are under more pressure to follow international labor norms as a result of increased global competitiveness, especially as multinational corporations become more prevalent. These businesses have difficulties in India, where labor rules can be complicated and onerous, even if they are frequently better at adhering to international standards and labor laws. Employers and workers may find a clearer framework through the implementation of labor law reforms, such as the simplification and unification of labor rules, which would improve compliance and create a more cordial labor-manufacturing relationship.

Issues relating to labor in manufacturing industries-

India's manufacturing sector, which greatly boosts employment and industrial output, is essential to the nation's economic development. Nonetheless, it has a number of labor-related problems that affect the industry's employers as well as employees. The main causes of these issues are antiquated labor laws, lax enforcement of current rules, and the disparity in power between employers and employees. Policymakers, trade unions, and employees themselves have been continuously concerned about labor-related concerns in India's manufacturing sectors. The growing tendency of contractual work is one of the main problems facing the manufacturing sector. Many people now work in unstable environments as a result of businesses' growing use of outsourcing and temporary labor to cut expenses. Many of the perks and protections afforded to permanent employees are not available to contract workers, who frequently work without long-term job security. They are often left out of important social security programs like provident funds, pension plans, and gratuities, which makes them susceptible to financial hardship. Furthermore, these workers typically earn less than permanent employees, which contributes to the manufacturing sector's ongoing inequality.

The hazardous working conditions that still exist in many industries are another major problem. The Factories Act, which requires the creation of safe working conditions⁹, has fundamental safety requirements that many manufacturing plants in India still do not meet. Without the

⁹ Factories Act, 1948, § 7A, No. 63 of 1948 (India).

proper safety gear, workers in sectors like steel, chemicals, and textiles are frequently exposed to dangerous materials. Inadequate ventilation, exposure to loud noises, and the use of hazardous chemicals can all cause serious long-term health concerns, such as skin conditions, respiratory disorders, and in rare instances, death. In addition to unfavorable working circumstances, workers in these sectors frequently sustain bodily harm as a result of inadequate safety precautions, malfunctioning machinery, and a general disrespect for health regulations.

Another enduring problem in India's manufacturing sectors is wages. Many workers in the industrial sector still get pay below the minimum required level, even though the Minimum Wages Act of established the minimum wage for several sectors.¹⁰ Workers frequently experience wage theft, inadequate compensation, or delayed payments, especially in unorganized sectors like small-scale businesses or informal manufacturing units. Wage disputes and unequal compensation for equal effort persist, even in larger manufacturing firms. The incomes of many workers in industries like food processing and textiles seldom meet their living costs, which keeps the working class trapped in a never-ending cycle of poverty.

Another factor undermining labor power in India's manufacturing sectors is the fragmentation of the labor market and the fall of trade unionism. In the past, trade unions have been crucial in promoting workers' rights, guaranteeing equitable pay, and enhancing working conditions. However, many workers lack access to union representation due to the increase in contract and temporary jobs. Workers have found it challenging to bargain for more pay, safer working conditions, or better benefits because they are not unionized. Additionally, in certain instances, the politics of trade unions has resulted in internal strife and a lack of coordinated action to solve the problems that workers face. This leads to the continued exploitation of labor since many manufacturing workers lack a collective voice to advocate for their rights. Workers are less able to hold their employers and the government accountable when they lack robust and efficient labor representation.

Despite being prohibited by law, child labor is nevertheless an issue in several production sectors, especially in smaller or unregistered businesses. The hardship that many rural families experience is reflected in the high rate of child labor, particularly in the textile and carpet sectors. Children are frequently hired because they can work longer hours and for lesser pay,

¹⁰ Minimum Wages Act, 1948, § 3, No. 11 of 1948 (India).

and companies in these sectors take advantage of these workers' weaknesses to save money. Child labor is still prevalent in part because of poor enforcement of labor laws, a lack of knowledge about the negative consequences of child labor, and financial pressures on families to put their kids to work instead of education.

Additionally, labor, especially low-skilled workers, face challenges as a result of the manufacturing sector's growing trend of automation and mechanization. Automation is becoming more prevalent as Indian businesses upgrade their processes to compete on a global scale, which may result in job losses. Automation has the potential to increase efficiency and output, but it can also result in the displacement of many workers who lack the skills needed to move into new positions. The issue is made worse by the lack of a strong system for upskilling and reskilling employees, which fuels social inequality and increased unemployment.

Role of Trade Unions in Labor Welfare-

As the collective voice of workers, trade unions are essential to maintaining labor welfare in manufacturing industries. Trade unions are a vital tool for promoting workers' rights, enhancing working conditions, guaranteeing fair wages, and negotiating improved terms of employment in India, where the manufacturing sector makes a substantial economic contribution. The Industrial Disputes Act and the Trade Unions Act both establish a legislative framework that facilitates trade union operations and gives them the authority to defend the interests of its members. These laws give workers legal support for their actions by outlining the processes for resolving labor disputes in addition to granting the freedom to organize and register trade unions.

One important piece of legislation that gives trade unions in India legal protection is the Trade Unions Act. Employees are entitled to organize unions under this Act in order to safeguard their interests. Employees may establish trade unions under Trade Unions Act, as long as they have seven or more members.¹¹ By laying the groundwork for collective action in the workplace, this clause empowers employees to band together and engage in more productive negotiations with employers. The Act's Section 5 outlines the trade union registration procedure, which includes submitting the union's constitution, which must include information

¹¹ Trade Unions Act, 1926, § 4, No. 16 of 1926 (India).

on the organization's goals, office holders, and regulations. The trade union gains legal standing and the capacity to represent employees in industrial disputes after registering under the Act. The union is given certain privileges after it is registered, such as the ability to represent its members in labor disputes and to collect dues from its members.

By giving trade union activities legal immunity, the Trade Unions Act also defends the rights of union members. No member of a trade union may be held accountable for civil or criminal action resulting from any action taken by the union, according to Section 17 of the Act, provided that the action was conducted in good faith and in line with the union's goals. This clause guarantees that leaders and members of trade unions can participate in lawful industrial activities, such strikes and protests, without worrying about employer reprisals. Furthermore, Section 18 of the Act protects employees against unfair terminations or disciplinary measures based only on their participation in trade by guaranteeing that they would not be punished for union activity.

By offering a process for settling conflicts between employers and employees, the Industrial Disputes Act of 1947 enhances the Trade Unions Act. In the manufacturing sector, where disagreements over pay, working conditions, and layoffs are frequent, this Act is especially important for protecting workers' rights. According to the Industrial Disputes Act's Section 2(k), a "industrial dispute" is any disagreement or conflict between employers and workers about terms of employment or working conditions. The Act enables trade unions to represent employees in these types of conflicts, guaranteeing that the workers' issues are resolved through the judicial system. The Act, gives the government the authority to step in and submit labor disputes to labor courts or industrial tribunals for resolution¹², is one of its most significant clauses. When direct talks with employers are unsuccessful, this clause guarantees that trade unions can seek redress through the official judicial system.

Beyond the legislative safeguards provided by the Trade Unions Act and the Industrial Disputes Act, trade unions play a significant role in maintaining worker welfare in manufacturing industries. Additionally, unions support job security, fair pay, and better working conditions. They are crucial in bargaining with employers to get workers greater wages and benefits, especially in sectors where labor abuse is prevalent. Trade unions have the power to enhance

¹² Industrial Disputes Act, 1947, § 3, No. 14 of 1947 (India).

health and safety regulations, lessen pay gaps, and provide workers with long-term employment stability through collective bargaining. In addition, trade unions frequently engage with other groups to promote structural changes and increase public awareness of labor concerns in order to enhance the working conditions in the manufacturing industry.

CASE LAWS:-

Bharat Heavy Electricals Ltd. v. Union of India¹³ - The Supreme Court addressed the function of trade unions in guaranteeing the welfare of workers in the manufacturing industry in this decision. The Court noted that it is the duty of trade unions to protect employees' rights and guarantee their welfare, including the right to a safe workplace. The ruling highlighted that unions have the ability to petition the government and courts to defend the rights of its members, especially when those rights are violated, unsafe working conditions occur, or an employee is fired unfairly.

Workmen of Firestone Tyre & Rubber Co. v. Firestone Tyre & Rubber Co.¹⁴ - In this case, the Supreme Court upheld the importance of trade unions in the industrial industry, particularly when it came to cases involving unfair labor practices. According to the Court, trade unions are legally permitted to speak for employees in labor disputes and make sure that their complaints are taken seriously, particularly when it comes to employment conditions, pay, and job security. This case demonstrated how crucial trade unions are to guaranteeing that workers' rights under labor laws be appropriately applied and maintained.

Indian Oil Corporation Ltd. v. Trade Union¹⁵ - The ability of trade unions to represent employees in labor disputes was the main subject of this case. According to the Supreme Court, a trade union has the legal authority to contest employer actions that infringe upon the rights of employees or the terms of employment. The ruling acknowledged the vital role trade unions play in ensuring that businesses in the manufacturing sector uphold labor welfare standards such as equitable pay, benefits, and working conditions. It reiterated the need of preserving industrial peace as well as the legal rights afforded to workers under trade union representation.

¹³ **Bharat Heavy Electricals Ltd. v. Union of India**, AIR 2003 SC 3423.

¹⁴ **Workmen of Firestone Tyre & Rubber Co. v. Firestone Tyre & Rubber Co.**, AIR 1973 SC 1227.

¹⁵ **Indian Oil Corporation Ltd. v. Trade Union**, (1997) 2 SCC 91.

CONCLUSION:-

In summary, by defending workers' rights, enhancing working conditions, and obtaining fair compensation, trade unions are essential to maintaining labor welfare in manufacturing sectors. Unions give employees the power to bargain collectively for better working conditions and to seek compensation for issues like poor pay, unsafe working conditions, and wrongful termination. Trade unions can effectively represent workers because to legal frameworks like the Industrial Disputes Act of 1947 and the Trade Unions Act of 1926. These Acts' provisions that protect workers' rights and guarantee that their opinions are heard at work include Section 4 (trade union registration), Section 18 (union activity protection), and Section 10 (industrial dispute reference).

The importance of trade unions in defending workers' rights and advancing welfare is highlighted by Indian case law, including *Indian Oil Corporation Ltd. v. Trade Union, Workmen of Firestone Tyre & Rubber Co. v. Firestone Tyre & Rubber Co.*, and *Bharat Heavy Electricals Ltd. v. Union of India*. These cases demonstrate how trade unions may effectively oppose unfair practices and guarantee adherence to labor regulations, promoting an equitable and just workplace in manufacturing sectors. For worker welfare to be realized in India's manufacturing sector, trade unions must continue to be empowered.

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