The Labour Movement in India: Present Problems and Future Perspectives

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The paper starts with a description of the nature of the labour force in India and then briefly deals with the main features of the trade union movement since Independence. It then discusses the problems facing the working class, especially in the present period of structural adjustment and globalisation. The paper emphasises that proliferation of trade unions have weakened the working class movement in India and that, along with trade union unity, there is a need for closer links between labour in the organised and the unorganised sectors.

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This paper attempts to analyse the growth of the labour movement in India and assess its future trends. By labour movement we mean the ways and means through which labour organises itself in order to improve its working and living conditions. Trade unions are of course the most important organisations in this process but, given the heterogeneity of the labour force and its vast number, these organisations have been able to mobilise only a small section. There are other means such as political parties, non-government organisations, and other types of grassroots organisations involved in this endeavour. I will start with a discussion on the nature of the labour force and then briefly deal with the main features of the trade union movement since Independence. This will serve as a background to the main discussion on the problems facing the working class, especially in the present period of structural adjustment and globalisation, and the means adopted to counteract them. The paper will deal mainly with the problems of the labour movement in the urban-industrial sector.
Features of the Labour Force

The organised sector and the unorganised sector of the labour force in India can be distinguished from each other on the basis of the labour market and legal rights of the workers. The labour market in the unorganised sector is largely unstructured and unregulated for the workers. In legal terms too the unorganised sector hardly offers any protection to its workers. Given the number of unskilled job seekers in this sector, the situation results in low wages and lack of bargaining power for the workers. The labour market in the organised sector, in comparison to the unorganised sector, is more structured and regulated. In addition, workers in this sector have better skills. The workers are more protected due to the operation of laws regulating their work and employment conditions. These basic differences between the organised and the unorganised sectors also underline the wide gap between the working and living conditions of labour in the two sectors.

The bulk of the labour force is engaged in the unorganised sector. The 1991 Census noted that the total working population in the country was 317 million, of which 290.2 million (92 per cent) was in the unorganised sector while only 26.8 million (8 per cent) was in the organised sector. The earnings of the workers in the two sectors differed considerably. Though the organised sector employed only 8 per cent of the total labour force, the workers collectively earned around 33 per cent of the country's total wages and incomes (Davala, 1995).

The organised sector comprises mainly workers who get regular wages or salaries and have greater security of employment. Their services cannot be terminated at the whims of their employers. Their working time is regulated and they get benefits of social security. It is significant that the major group of employers in this sector are in the public sector and the government. Around 70 per cent of the work force in the organised sector is employed in these agencies (Papola, 1994: 68).

The unorganised sector comprises two types of workers, namely, self-employed and casual wage earners. The self-employed are those who earn paltry incomes through their own assets. In the urban sector these would include petty vendors, rag-pickers, artisans, domestic servants, and so on. In the rural sector small and marginal farmers would be included. The entire employment in agriculture, 75 per cent of the employment in the manufacturing sector, 36 per cent of the
employment in the construction sector and 50 per cent of the employ­ment in the transport sector are in the unorganised sector (Papola, 1994).

The Trade Union Movement after Independence: Splits in Working Class Unity

The most striking trend in the trade union movement before and after Independence is that in the earlier period there was a tendency towards unity while in the latter period splits became the order of the day. The All India Trade Union Congress (AITUC), formed on October 31, 1920, was the first national federation of trade unions. Till the eve of Independence it remained as the representative of the working class with all shades of political forces, ranging from the communists to the liberals, under its umbrella. The federation underwent two major splits over ideological issues during this period. The first split occurred in 1929 when liberals such as V.V. Giri, N.M. Joshi and others broke away to form a separate federation. The issue was over representation in the Royal Commission on Labour in India. The communists and the supporters of the Indian National Congress in the AITUC wanted to boycott the Commission but the liberals (known as the Rightists) wanted to support it. When the majority in the Executive Committee of the AITUC decided to support the move to boycott the Commission the Rightists broke away and formed the Indian Federation of Trade Unions (IFTU). In the following year the communists broke away to form the Red Flag Trade Union Congress. However, they rejoined the AITUC within two years and the IFTU decided to merge with the parent body in 1939 (see Sen, 1979, and Revri, 1958, for details).

The communists managed to gain control over the AITUC during the last few years of colonial rule. Soon after Home Rule was declared, the leaders of the Congress decided that, since the working class would have to play a crucial role in the new pattern of planned development, it could not allow the trade union movement to be led by those who would not fully support its policies. The Congress decided to start another trade union centre which would rival the communist controlled AITUC's hold over the working class. Thus the Indian National Trade Union Congress (INTUC) was formed in May 1947, three months before Independence. The remarks of Kandubhai Desai, one of the founders, make the purpose clear. While inaugurating the new federation he said: 'It is high time that those interested in building up strong trade unionism dissociate themselves from the communists if not for anything else to demonstrate to the world that whatever prestige and
status the movement had was because of the efforts of non-communist trade union workers' (Johri, 1967: 10). Apart from anti-communism, a more important reason was of dove-tailing trade unions with the government's policies. Desai admitted, 'It is also felt by many active trade union men that with the advent of the country's independence, the trade union movement would have to play its destined and legitimate role of influencing the trends towards the elimination of political, economic and social exploitation.' The underlying meaning of this statement is that the existing federation, with its pro-communist slant could not be a dependable ally of the Congress and its policies.

The formation of the INTUC marked the first step of the state in controlling the labour movement. Some industrial relations experts, like C.K. Johri (1967: 11-12) tried to justify this by arguing that industrial peace was necessary during the period of national reconstruction, especially when there was a consensus that 'economic development must take place under the aegis of the government'. This in fact means that the government will have to play the role of employer in this system. Hence, trade unions would have to considerably soften their role as an opposition group. Johri (1967) asserted that in such a situation the government of a newly independent country could achieve its policy objectives easier if the trade union movement, or a major part of it, was ideologically aligned and politically close to the party in power.

It is, however, necessary to consider the long-term effects of the policy of state intervention. Usually it was found that though the state influenced the labour movement with all good intentions in the initial stages, its continued involvement did not help the working class movement. The movement became too dependent on the state for protective legislation, their implementation and even in solving industrial disputes. Moreover, in the case of India, there is enough evidence to show that in case of major industrial disputes the state rarely sided with the workers.

The split in the AITUC in 1947 paved the way for further splits based on narrow party lines with the result it almost became mandatory for every political party to have its trade union front. When a political party splits its trade union front also splits, thereby fragmenting the working class movement further. Similarly, a new political party invariably floats its own trade union.

At the time of the formation of the INTUC the pro-socialist group within the Congress did not support the federation and their trade unions remained with the AITUC. A year later, in 1948, this group
broke away to form a new political party called the Praja Socialist Party (PSP) and decided to have its own trade union front which would attract the non-communist and non-Congress trade unions together. Thus the Hind Mazdur Panchayat (HMP) was formed in that year. The party’s objective was partly realised as the Indian Federation of Labour which was inspired by M. N. Roy, a former communist who later became severely anti-communist, merged with the HMP to form a new federation called Hind Mazdur Sabha (HMS). In 1949 the unions supported by the Revolutionary Socialist Party (RSP), a Marxist group having influence mainly in West Bengal and Kerala, which had earlier joined the HMS, decided to form their own federation, the United Trade Union Congress (UTUC).

In 1952, the Bharatiya Jan Sangh, a political party having a Hindu fundamentalist background was formed and in 1955 it initiated another trade union centre known as Bharatiya Mazdur Sangh. Meanwhile the socialists kept splitting and rejoining to form new parties. In 1965, a new party comprising breakaway groups from the PSP and Socialist Party was formed known as the Samyukta Socialist Party. Its most important trade union leader, George Fernandes, broke away from the HMS to form a new Hind Mazdur Panchayat. However, till the early 1970s, the most important trade union centres in the country were the INTUC, AITUC and HMS.

The split in the communist movement, in the wake of the Chinese aggression in 1962, led to the formation of another communist party — Communist Party of India (Marxist) — in 1964. Though initially the unions loyal to both communist parties remained with the AITUC, in 1970 the CPI(M) decided to set up another trade union centre known as Centre for Indian Trade Unions (CITU) which took away a large section of unions from the AITUC, especially the ones in West Bengal and Kerala. The other pro-communist federation of trade unions, the UTUC, was also split when a splinter group within the RSP (which later became a separate political party, the Socialist Unity Centre), formed its own UTUC. The two federations are distinguished from each other by the locations of their headquarters in Calcutta (Bow Bazaar and Lenin Sarani).

Apart from the working class being divided on lines of political parties at the national level, regional parties too started forming their own trade union centres since the late 1960s. This process was started by the Dravida Munetra Kazhagham (DMK) when it formed the state government in 1967 in Tamil Nadu (then known as Madras state). The
DMK initiated its own trade union centre in the state. Later when the All India Anna Dravida Munetra Kazhagham (AIADMK) was formed in 1977, it too set up its rival centre.

The year 1967 saw the birth of the Shiv Sena in Mumbai. In its early phase the Shiv Sena claimed to represent the interests of Maharashtrians, more particularly the Marathi speaking people in Mumbai. It was avowedly anti-South Indian and anti-communist. It formed its own labour wing, the Bharatiya Kamgar Sena. It was widely believed that the Shiv Sena and its labour wing had the backing of the industrial houses (most of which were non-Maharashtrians) in the Mumbai-Pune industrial belt to combat the communist unions which were very strong then. It managed to divide the working class in Mumbai on regional lines and it gained in strength. By the mid-1970s, its trade union became fairly strong.

The birth of the Shiv Sena was linked, to a large extent, with the deteriorating economic situation in the country. In 1966-67, the country reeled under a recession which led to a decline in production and subsequently to job losses. Mumbai, being the financial and industrial capital of India, suffered the most. The existing trade unions, including the communists, were unable to cope with this phenomenon as their traditional means of seeking redressal, namely, work stoppage, mass rallies, and so on, were ineffective. The legislations granting protection to workers in the organised sector provided little solace to retrenched workers. The Shiv Sena was formed at this time. It aggressively asserted that job losses were due to the influx of South Indians into the city as these people were taking away available jobs from the local population. The Shiv Sena's influence over the organised working class based on this reasoning could not be stemmed by the traditional trade unions. It was only in the mid-1970s that Datta Samant, a medical practitioner turned trade unionist, could put an effective check on the Shiv Sena. The methods used by Dr. Samant were similar to those used by the Shiv Sena unions to oust the opposition, namely, intimidation and violence.

Thus the underlying feature of the trade union scenario is: proliferation of political parties results in proliferation of trade unions. Alongside there is a growing tendency towards unions based on regional, communal and caste lines. There are also a number of unions which are created by individuals in order to get political mileage or other person-centred benefits. A number of large enterprises, especially of the multinational companies (MNCs), have their internal unions which are
run by their own members. These unions are independent in the sense that they are not affiliated to any of the federations. These are called enterprise unions and they have their own strengths and weaknesses (see Davala, 1996). While commenting on the chaotic trade union scenario in India, an International Labour Organisation (ILO) report (1992: 64) notes: 'The early (post-Independence) splits in Indian trade unionism tended to be on ideological grounds each lined to a particular political party. Much of the recent fragmentation, however, has centred on personalities and occasionally on caste or regional considerations.'

Hence we can see that the trade union movement, which was fairly united during the colonial rule, stands badly divided. This has considerably weakened the working class movement and has deprived it of whatever little power it had in challenging capital and the state. Quite often, inter-union rivalries are stronger than the conflicts between management and labour. Moreover, the mushrooming of unions makes it difficult for labour to get proper representation in the national policy making bodies such as the Indian Labour Conference (ILC) and the Planning Commission. The government, in consultation with the ILC, has laid down three conditions for recognition of national trade union centres. First, the centre must have a total membership of 5,00,000. Second, its membership must be spread over at least four states and, third, the membership must be in at least four industries. There are seven such centres which are recognised as national federations. These are, INTUC, BMS, CITU, HMS, AITUC, UTUC (BB), and UTUC (LS). These unions collectively represent the overwhelming majority of the unionised labour force, but given the level of unionisation of the total labour force the total membership is a mere drop in the ocean. In the following sections I discuss the problems of unionisation in the various sections of the working class.

**Trade Union Membership**

Apart from the problem of fragmentation of unions, the number of unionised workers is also very low. It is difficult to state the actual number of members of trade unions as there is no authentic data on this. The Registrar of Trade Unions is expected to maintain records of union membership based on the returns submitted by the registered unions. However, these figures are not totally reliable as there are cases of underestimation, when unions do not send their returns regularly, and overestimation of membership. The membership of unions is restricted mainly to the 8 per cent in the organised sector. The rate of
unionisation in the public sector, which employs 70 per cent of the organised sector, is estimated to be around 80 per cent. Unionisation in the private sector is much lower. Taking into account these facts the total percentage of unionised workers in the organised sector should be around 50 per cent. Membership in unions in the unorganised sector small with the Self-Employed Women's Association (SEWA), the largest union, having a membership of around 2,00,000. The total percentage of unionised workers should be around 5 per cent of the total labour force. The number of employees covered by collective wage agreements work out to a mere one per cent of the labour force (Venkat Ratnam, 1994: 6). At the same time the unionised section of workers in the organised sector are more vocal and are able to wrest more benefits from their employers as well as the government.

**The State's Role in Fragmenting the Labour Movement**

The colonial government had a covert pro-employer bias. After Independence, the government tried to rectify the balance by passing a series of protective legislations. Thus, in 1947, the Industrial Disputes Act (ID Act) was passed which attempted to protect workers by curbing some of the rights of the employers such as the right to terminate employment, shut down establishments arbitrarily, and so on. It also recognised trade unions as an essential feature of industrial relations. In addition, a number of legislations covering minimum wages, bonus, disciplinary procedures, recruitment policies, and so on, which grant security to the workers, were passed in order to ensure that the workers, whose strength was weaker compared to the collective strength of the employers, could get security and justice.

At the same time government intervention, especially through the labour department, increased considerably. For example, the ID Act of 1947 provided for conciliation by the government in disputes between labour and management. If this failed, the parties were compelled to submit their differences to arbitration. This provision was aimed at preventing workers from striking work and had been taken from the Defence of India Rules passed by the colonial government during the Second World War (Ramaswamy, 1986: 25).

It can be argued with equal emphasis that the state's policies were, in fact, aimed at blunting the workers' initiatives in organising themselves against the might of capital as the state, through its bureaucracy, projected itself as the protector of the workers. This, in fact, has made workers and their trade unions increasingly dependent on the government rather than
on their own abilities for sorting out problems with their employers. In order to perpetuate this dependence the state has selectively passed laws which, while granting protection to the workers, has undermined the trade unions. For example, the Trade Unions' Act of 1926 (TU Act), which has remained unchanged since its inception, allows for registration of a trade union. However, there is no legislation which provides for recognition of a trade union as an agent for collective bargaining. The issue of recognition is left to the management's discretion. Even when states pass legislation on recognition, the method of recognising a union leaves much to be desired.\textsuperscript{2} Another interesting aspect of the TU Act is that it does not distinguish between trade unions and associations of other sectors. Hence, even an association of employers can be registered as a trade union. In fact, the Federation of Indian Chambers of Commerce and Industry (FICCI), the most powerful body of employers, is registered under this Act.

The ID Act allows any trade union or an individual worker to raise a dispute before a conciliating officer with the result that any minority union, with little or no following, can intervene in labour disputes. This practice and the recognition issue encourage multi-unionism in industries. The managements too can manipulate unions and create inter-union rivalries through these methods. They can recognise unions of their choice or even if there is a recognised union they can encourage other unions to raise disputes. Another aspect of this Act, which adversely affects labour, is that of dealing with strikes and lock outs. If a lock out by the employer is declared illegal by the labour department the employers have to pay a fine of only Rs. 50 per day whereas in the case of an illegal strike the workers are deprived of their wages. It is no wonder that more human days are lost through lock outs than through strikes.

It can thus be found that, in general, the state's intervention in regulating industrial relations has created several problems for the workers and their trade unions. Besides the problems discussed above, the elaborate legal structure and the emphasis on the bureaucracy have placed workers in a vulnerable position. It has increased their dependence on outside leaders as workers find the complicated legal process difficult to tackle on their own. Moreover, ordinary workers are unable to deal with the bureaucracy of the labour department on their own and, hence, they have to find leaders with the correct political contacts to do so.

The legal process for redressal of grievances is lengthy, complicated and expensive and instead of providing a framework for justice it has,
in fact, encouraged militancy among the workers. Workers often resort to violent outbursts or wildcat strikes to get quick redressal. The rise of militant leaders like Dr. Datta Samant can be attributed to this. E. A. Ramaswamy's study of Mumbai's working class shows this growing impatience of the workers with the legal process. Samant (cf. Ramaswamy, 1987: 20) has said, 'When the workers get something good from the lower courts the employer goes to the Supreme Court and straight away 10-15 years are lost. The workers cannot wait that long to get things changed.'

An examination of the industrial relations scene will clearly indicate that despite the projected pro-labour attitude of the state, whenever there has been any major confrontation between labour and management, it has invariably intervened on behalf of the management. Ramaswamy's (1986) study of two industrial disputes in Tamil Nadu in the 1970s, one in the textile industry and the other in the automobile industry, provides a graphic account of the state's manipulation in favouring the employers.

Another significant example is the strike of textile workers in Mumbai in 1982-83. This strike was led by Datta Samant and lasted for eighteen months. For the first fifteen months the entire textile industry in the city was at a standstill and this is regarded as the longest industry-wide strike in the country. The workers put forth demands which included regularisation of casual workers, increase in wages and so on. But the most important demand was that of derecognition of the RMMS (see Footnote No. 2) However, despite the display of unity by the workers and their determination to fight, the strike petered off to a failure. The government extended its total support to the employers and the RMMS did all it could to break the strike (see Bakshi, 1987; Wersch, 1992). In fact, during this period, the then Chief Minister of the state, A.R. Antulay, was replaced by Vasantdada Patil who was once the president of RMMS. This was obviously done with the intention that the new Chief Minister would be more competent in breaking the strike as he had once been a leader of textile workers.

Such instances reveal that the state has rarely taken a pro-working class stand in cases of major labour-management conflicts. In most cases the state has sided with the employers and has used its authority to break the workers' movement. Hence, the legal provisions regarding recognition and their subsequent effects in fragmenting trade unions may not necessarily be an act of omission. The state fears that if the trade union movement is truly autonomous it may emerge not only as
the opponent of capital but of the state (more specifically, the party in power) as well. The formation of the INTUC by the Congress as an opposition to the AITUC was a clear indication of this fear.

**Main Issues before the Working Class Movement**

The discussion has so far focused mainly on labour in the organised sector. However, a large section of the working population in India is employed in the unorganised sector. This sector has a heterogeneous composition of workers and it has been expanding. The problems of workers in this sector are manifold and are further compounded due to the near absence of trade unions. This has reduced the 'visibility' of workers in this sector as they are unable to articulate their problems as a collective.

Most of the larger trade unions do not appear to be interested in unionising workers in the unorganised sector. Davala's study (1995: 7-8) showed that workers in the unorganised sector constituted less than one per cent of the total membership of most of the national trade union centres. As a result, representatives of labour in the unorganised sector are rarely called to the national policy making bodies such as the Planning Commission, ILC and so on and their interests are not taken into account. In order to overcome this problem, some of the larger unions in the unorganised sector such as SEWA, Indian Federation of Construction Labour, National Forum of Fishworkers, Sarva Shramik Sangha and some of the unions of forest and agricultural workers got together to form another national centre. Thus the National Centre for Labour was formed on May 1, 1995. However though the centre's collective membership is higher than some of the recognised national federations, it is yet to be invited to participate in the ILC.

At the same time employment in the unorganised sector has been growing while that in the organised sector has been on the decline as a result of some of the strategies adopted by the large firms. First, labour is being replaced by new technology. Second, most of these firms use the 'putting out' system to save costs. Perhaps the most important reason for the growth of this system is that it gives the large-scale sector greater control over the labour process. Instead of manufacturing the entire product in their own factories, these firms prefer to farm out the manufacture of their products to smaller production units in the unorganised sector. Heather and Joshi (1976) had dealt with this aspect in their earlier study on migrant labour in Mumbai. Holmstrom (1985) later did a more detailed analysis of the link
between the two sectors. He saw this as a complimentary division of labour between the large-scale and small-scale industries. Instead of competing with each other the small-scale sector can find its market in the organised sector (Holmstrom, 1985: 13-25). Since costs of production are lower in the small-scale sector, the larger firms are able to procure the products cheaply. Labour productivity in the small enterprises is low, but costs are reduced due to the low level of wages.

The main attraction of the larger manufacturers towards the unorganised sector, besides low costs, is the flexibility of labour in this sector. There are hardly any regulations in this sector relating to working time, security of employment and social security. Hence workers work for long hours at unstructured timings and at very low wages. Besides they can be removed from employment at the will of the employer and the production unit too can close down at will. In the organised sector this is not possible because legal restraints and trade unions prevent the employers from acting arbitrarily. Hence by putting out to the unorganised sector the employers do not have to face these constraints. In other words, they face fewer controls from the government, the workers and their trade unions. In this way they, in fact, exert greater control over the labour process as they can get their products manufactured on their own terms and conditions through the unorganised sector.

The flexibility involved in home-based work, which is another major activity in the unorganised sector, is even greater. This sector comprises workers working at piece rates through labour contractors. A large section of this workforce comprises women. The remuneration is usually very low and often children are included in the workforce in order to increase the remuneration. There are practically no laws regulating work or wages and, in fact, the actual number of people working in this sector is not known as, in most cases, they are not even recognised as workers.

Liberalisation in the economy due to globalisation has boosted the putting out system because the emphasis is now on producing cheaply for the world market. The common refrain of the large industries and the business press in the country is that over protection of the organised sector workers is the biggest hurdle to increase in productivity. Soon after the new industrial policy was announced in July 1991, all the associations of the employers started pressing for an exit policy through which it would be easier to shut down industries. The government has so far not introduced this policy due to opposition from trade
unions, but it has made conditions for laying off workers much easier. At the same time it should be noted that the liberalisation policy introduced in 1991 did not create a flexible and unprotected labour force. It was already in existence and liberalisation has boosted the process.

Though these changes are taking place at a fairly rapid pace, the trade unions in the organised sector have so far not been able to respond to these effectively. The response to the government's Industrial Policy Statement of 1991 of the trade unions has been very traditional. They have reacted through their conventional means by organising a national strike, holding a few demonstrations and meetings where the leaders gave fiery speeches full of rhetoric. These have hardly had any effect on changing the policies. In fact, the pace of liberalisation has accelerated despite these protests.

One of the major problems of the trade unions is that they are unable or unwilling to expand their membership to sectors outside the organised sector. For example, within the organised sector there is an unorganised sector comprising casual and contract labour which is not protected by the legal framework. Davala's (1992) study of casualisation of labour in eight industries showed that, in many large industrial units, the casual and contract labour outnumber the permanent workers. Yet, in most cases, these workers were not unionised. In fact, in some of the units, the unions viewed these workers with suspicion and as potential threats, as the management could manipulate them easily and counteract work stoppages through them. Had these workers been brought into the trade union fold the managements would not have been able to manipulate them in their favour. Their wages and working conditions would have improved and the unions would have emerged stronger in counteracting managements' strategies for reducing the labour force.

The situation in the small-scale industries is similar. Had these workers been unionised by the unions in the industry, the bargaining power of both sections of workers would have improved. There would have been a common cause among all workers and workers in the small-scale sector could have improved their working conditions.

Unfortunately, instead of unionising workers outside the organised sector, trade unions have become more inward looking. Their main concern lies in getting as much as possible for their own members without any concern for other sections of workers. One can argue that trade unions are primarily responsible to their own members and it would be wrong to expect them to take up issues which do not affect
their members. However, under the present circumstances, ignoring workers in the unorganised sector can further erode the gains of workers in the organised sector. The two sectors, as explained earlier, are linked with each other and the employers manipulate these sectors to their own benefit, thus increasing their control over the labour process. Hence, protecting the rights of workers in the unorganised sector through unionisation will benefit both sectors.

The central trade unions do not seem to see things this way. They have rarely focused on issues of labour in the unorganised sector. For example, in the ILC held on October 24-25, 1996, the main issue which was raised by the national centres was that of raising the ceiling on bonus. This issue was discussed for a full day in the two-day conference. Though the issue was valid it concerned less than five per cent of the total workers. An issue which could have been discussed in the conference was the ILO convention on home-based workers. After a great deal of lobbying among the governments and the trade unions, ILO's General Body ratified a convention on home-based workers in August 1996 in which there are provisions for maintaining registers of home-based workers, granting them the right to unionise, provision of social security, minimum wages and so on. This provisions of the convention need to be incorporated in the legal systems of different countries and the trade unions could have raised this in the ILC. The present attitudes of the trade unions are, in fact, aiding the process of liberalisation as they result in dividing the working class.

Problems of Marginalised Sections

Though trade unions are the most effective organisations of the working class, they also need to be sensitive to the problems of the socially marginalised sections. The two main issues which trade unions in the organised sector have overlooked are the problems of women workers and of workers belonging to the socially oppressed groups such as the scheduled castes (SCs) and marginalised groups such as the scheduled tribes (STs).

From the 1940s till the 1970s the number of women employed in the organised sector has declined drastically. This has happened in industries which have had high levels of unionisation, such as cotton textiles in Mumbai, jute in Calcutta and mines in central India. In 1948, women constituted 12 per cent of the workforce in the cotton textile mills in Mumbai, eight per cent in the jute mills in Calcutta and 15 per cent in the mines. By 1975 the proportion of women workers fell to
2.5 per cent in cotton textiles, 2 per cent in jute and 5 per cent in mines (Gothoskar, n.d.). This happened when these industries were expanding and their labour force had increased in number. It was believed that the statutory protection given to women workers such as maternity leave, provision of creches at the workplace, restriction from working in the night shifts and, in the case of mines, working underground made the working hours of women workers less flexible and also increased costs for the management. However, all these provisions are enforced in the plantation industry as well but this has not resulted in the reduction of women in the workforce, who still continue to constitute 50 percent of it. Apart from the attitudes of the employers, who seemed only too eager to lay off women workers, the trade unions too did not take up this issue as they were not gender sensitive while framing union policies. Thus trade unions, riddled with their male bias, have not been effective in safeguarding women's employment rights when the employers sought to retrench them.

A similar situation prevails in the employment of SCs and STs in the organised sector. Trade unions have often overlooked their specific problems of social deprivation and prejudice or have sidelined them in union activities. For example, the report of the Commissioner of Scheduled Castes and Scheduled Tribes reviews the implementation of the job reservation policy in a sample of public sector enterprises. It is invariably found that the employment quotas for Class Four employees and factory workers are never filled up. Is it really so difficult to find candidates for these categories or is it merely due to the caste bias of the senior officers in these undertakings? Similarly the promotion policy for these sections, based on the roster system, is hardly ever implemented. The fact is that both the job reservation policy and the system of promotion are statutory requirements which are backed by law. However, none of the national trade unions deem it necessary to take up these legal issues.

There are other problems of social discrimination which have been ignored by the trade unions. One of the more shocking incidents is that of SC workers in the textile mills in Mumbai. They have been prevented from working in some sections in the mills because of the belief of the so-called upper caste workers that they would pollute the thread and hence no other worker was willing to touch the cloth later. This happened in an industry which had a high level of unionisation and militancy in trade union action. None of these militancy unions thought it necessary to educate the workers on the evils of this issue. It is
because of this indifference of trade unions to issues relating to caste and tribal affinities that often these sections form their separate associations and distance themselves from the trade unions. For example, a study of coal mine workers in the Jharia-Ranigunj belt noted that the tribal workers (Santhals) did not join the existing trade unions and instead formed 'kalyan mandals' through which they pressed forth their demands. The working class is thus divided on caste lines due to these associations. But the point is that they are formed because the existing trade unions are not interested in taking up issues affecting these sections and hence they are forced to form their own fronts to protect their interests.

Caste and gender differences have existed among the workers but the significant aspect is that none of the national trade union centres think it necessary to give due importance to these problems or even educate the tradition ridden workers on these issues. The present situation is even more complex. The divide between the organised and unorganised sector workers is not only based on the degree of protection or the wage levels, but also on caste and gender basis. Women workers are largely engaged in the unorganised sector. The 1991 Census (India, 1991) showed that only 4.2 per cent of the total female workers are in the organised sector while 10.2 per cent of the male workers are in this sector. The proportion of male and female workers in the two sectors are: one female worker for every six male workers in the organised sector and one female worker for every two and odd male worker in the organised sector. Similarly, upper castes have dominated the jobs in the organised sector while the SCs and STs are engaged in the unorganised sector. Hence there is every possibility of the present divide being exploited by caste-based organisations to create caste animosity. If this happens the tendency will then be to blame these organisations for creating caste war whereas the seeds have been sown by the present caste bias which has marginalised the so-called lower castes into a vulnerable position.

Conclusion

The changes taking place in the economy through the policies of liberalisation poses the greatest challenge to the labour movement in India as these are leading to job losses in the organised sector while expanding the base of the unprotected sector. The main problem before the working class in the present situation is of fragmentation. The divisions among the working class has resulted in its helplessness in
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counteracting the adverse effects of globalisation and the consequent liberalisation of the economy. The trade union movement could have counteracted the anti-labour policies but it has not been able to do so because it is divided. A united trade union movement is perhaps the most pressing need in the present situation. Every major trade union in the country has stressed this; yet, there seems to be no signs of its emergence. For example, the AITUC and the HMS decided to merge into one union in their respective conferences in 1992 but till date the merger has not been finalised as yet.

Several reasons are put forth while analysing the phenomenon of fragmentation of trade unions. The most important being the links between trade unions and politics. It is felt that the political role of the trade unions has overshadowed its commitment to the workers' interests. This is, to a large extent, true. At the same time the political role of the trade union movement cannot be undermined. Trade unions are organisations of workers which are formed to protect their interests. Though trade unions are expected to counteract the power of the employers at the grassroots level, it cannot do so effectively without challenging the power of the state.

Besides trying to wrest a better deal for workers from the employers, the trade union movement has to influence the state so that the gains it has made out of its struggles are converted into legal rights. This can be done through its role in the political system which would include supporting of political parties. We can see that most trade unions in the world are linked with political parties. The Trades Union Congress in the United Kingdom is closely linked with the Labour Party. In France, the largest trade union federation, the CGT, is linked with the Communist Party of France. Similarly a number of trade unions in the European countries are associated with the Social Democratic Parties in their respective countries or with other political parties. In Canada, the Canadian Labour Congress has close association with the New Democratic Party. Internationally too, trade unions are divided on the basis of ideology. The two major international trade union centres are the World Federation of Trade Unions to which most of the pro-communist trade unions are affiliated and the International Confederation of Free Trade Unions which comprises the socialist trade unions.

The major difference between the above scenario and the situation in India is that trade unions here are divided not on the basis of ideology but on the basis of political parties. Moreover, the political parties influence trade union policies rather than the other way around, with
the result that the political parties set the agenda for their trade unions. This is often based on their political gains rather than the workers' interests. In the countries discussed above, it is the trade unions which affect the policies of political parties and even oppose them if they feel that they do not serve the interests of labour. The Trades Union Congress has been critical of some of the policies of the Labour Party and has, at times, threatened to withdraw its support if the party does not change its stand. Similarly the Canadian Labour Congress has often been critical of the policies of the New Democratic Party. Hence trade union unity becomes more difficult in India because this would presume that the political parties supporting the trade unions too have to unite.

It would not be totally correct to hold political parties solely responsible for the fragmentation of trade unions. In fact, the state has played a more important role in this process. We have seen that the legal framework for industrial relations on the one hand provides grounds for multiple unions and on the other hand makes the unions more dependent on government agencies for settlement of disputes. Moreover, the state itself has inevitably come out in support of the employers whenever there is a major confrontation between labour and management. The state has thus provided the grounds for disunity within the working class which is capitalised by those with narrow political interests or other elements who want to use trade unions for personal gains.

One of the positive signs in the current situation is the near total consensus on opposing the liberalisation process. However, this unity has arisen out of opposition and as such the trade unions have not developed alternative plans which will replace the present policies. The opposition to policies comes mainly from the organised sector. One would have expected the unions to cover the unorganised sector as well, but unfortunately this has not happened. On the contrary trade unions have become more conscious of protecting their own interests without a care for the vast sections of the unorganised sector. One can argue that unions are primarily responsible to their own members but under the present circumstances ignoring workers in the unorganised sector will erode the gains of workers in the organised sector. The two sectors, as we have explained earlier, are linked with each other and the employers manipulate these sectors by pitting them against each other so that they can get the maximum benefits at the cost of labour. Hence, along with trade union unity, there is a need for closer links
between labour in the two sectors. This will not only unite various sections of the working class but will, in addition, bring to the fore the problems of women workers and workers belonging to the socially oppressed groups.

Finally, while discussing the problems of the labour movement, the role of the trade unions cannot be undermined or replaced as they are the only means for protecting the interests of the working class. No other institution, be it a benevolent bureaucracy, a political party or even an NGO, can substitute for trade unions. Therefore, strengthening the labour movement can only be done through strengthening the trade union movement.

NOTES
1. For example, in the parliamentary elections in 1967, the Shiv Sena supported Harish Mahendra, an industrialist and candidate of the Congress against S.A. Dange a veteran communist trade union leader. Dange was elected to the parliament.

2. States such as Maharashtra, Gujarat and Madhya Pradesh have legislation providing for recognition of trade unions in some industries. These are based on the lines of the Bombay Industrial Relations Act (BIR) passed by the colonial government. The basic principle is of 'one industry one union'. The recognition of a representative union is on the basis of membership verification and not through election. There is a demand from all the central trade union centres, with the exception of the INTUC, that the representative union should be recognised through secret ballot but this has so far not been conceded. Soon after the BJP-Shiv Sena government came into power in Maharashtra it promised to amend the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act to include this clause but it has not done this so far. The major problem with the membership verification method is that it is time consuming and once a union is recognised it is virtually impossible to replace it. This is the case with the Rashtriya Mill Mazdur Sangh (RMMS) in Mumbai. It was recognised as the representative union for the textile industry under the BIR Act and though other unions have proved to be more popular, such as the Mumbai Girni Kamgar Union led by the communists in the 1970s and Dr. Datta Samant's Maharashtra Girni Kamgar Union in the 1980s, they were unable to replace the RMMS as the sole bargaining agent as these unions had to prove that their membership was higher by producing membership receipts which had to be verified case by case by the labour department. Similarly, if a union is derecognised by the management the same process of membership verification follows. For example the Hindustan Levers Employees' Union was derecognised by the management in the mid 1980s and its membership verification process has yet to be completed by the labour department.

3. In this system the larger industries get their components, and at times the entire product, manufactured in small-scale industries. As a result, the larger industries can lay-off their workers while procuring goods or components at lower prices as
the costs of production in the small-scale sector are much lower due to low paid workers and low capital investment. Though this system is very profitable for the larger industries it helps neither the workers in the small-scale sector as they are paid very low wages nor their employers as the selling prices of the goods are determined by the larger industries who purchase them. The consumer too does not benefit as the prices of the finished products marketed by the large industries is not lowered. This system is also known as out-sourcing or vending.

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