

A study on Labour Activism in India

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Abstracts: *Recent period the reforms, targeted towards bringing trade unions are losing it's uniformity in labour laws, extending the plot by not focusing on workers' empowerment issues especially for women workers, child labour and young workforce. universal applicability and towards overall improvement in labour standards.*

On other side, at a time of reconciling the interest of labour with ease of doing business, the nation is looking to strike the right balance. However Indian labour unions were spellbound by political parties even while lacking government support in labour issues, amid ineffective labour laws and lack of opportunity for labour activism to become mature like in developed countries. At same the times labour reforms, restlessness about unionism of India and structural changes in labour market are seen as the signs of time. However despite being one of the three factors – labour, land and capital – of production process, everybody would admit that while dealing with labour issues, compared to the other two, India did little to make workers' life decent in all these years since independence. Therefore the unions demand an integrated approach in labour

Key Words: *Labor Activism, Trade Union, Movement, Indian Labor conference.*

Labour activism generally denotes for the collective organization of working people to represent and campaign for better working conditions and treatment from their employers and, through the implementation of labour and employment law, their governments¹. For that reason traditionally workers' organization's standard unit is known as trade union, which is legally both nationally and internationally recognized as channel for tripartition relationship. However its existence becomes a puzzle in India at present threshold of economical development on the ground of perception like the labour activism which has been followed by trade unions is 'blocking all kind of industries and investments'.

¹ Trade Union Act ,1926,Industrial Disputes Aact,1947



The 'aggression' attitude of union would force to think of alternatives. In India the Trade Union movement is generally divided on political lines. According to provisional statistics from the Ministry of Labour, trade unions had a combined membership of 50,97,366 in 2010 on which year was the latest verification result has officially published. As per data, there are 14 Central Trade Union Organisations (CTUO) recognised by the Ministry of Labour, apart from more than sixty thousand State and district level units (RTI receipt, 2011).

Of late, 'Draft Labour Code on Industrial Relation Bill 2015' received from Ministry of Labour to be placed before monsoon session of the parliament, after tripartite discussions with stake holders and approval from the cabinet. For creating a new industrial relation's law the proposed Code on industrial relation is one of the initiatives of the government to subsume 44 labour laws into five broad codes, dealing with industrial relation, wages, social security, industrial safety and welfare. Simultaneously recent developments in the labour movements across the country, like strikes of workers which occurs without support of political based unions, the participation of large

number of workers, including unorganised workers in the last national wide strike on 2nd September and the transformation of labour landscape in India due to the globalisation, all these factors along with Government's moves are seem to be indicators for the backdrop to intensify the deliberations on labour activism in India.

Industrial Relation Bill 2015

Labour ministry argues the draft Labour Code on Industrial Relation Bill 2015 proposes to merge three laws - Industrial Disputes Act 1947, Trade Union Act 1926 and Industrial Employment (Standing Orders) Act 1949 and the clubbed form will be a labour law code on industrial relations, which spread over 13 chapters, including 107 sections and three schedules. The said draft will have far reaching effects on labour activism as well.

In fact the draft Code discourages formation of trade unions due to its amendment proposals. The provision relating to requirement for registration of trade unions makes several changes from the corresponding provision in the Trade Union Act, 1926. It looks the forming a trade union might be an uphill task. As per existing trade



union act has provision that in factories with up to 70 workers, seven workers can form a trade union and in factories with more than 70 workers, at least 10 per cent workers can file an application to form a trade union. In the case of unorganised sector if there is 100 persons in particular sector in a district that group together could proceed for trade union registration. Whereas the proposal reads at least 10 percent of the members of the establishment or industry must be members to get qualification for application of the trade union registration. After then eligibility should be proved before Government appointed registrar, who will be appointed by Government time to time as per the application of Trade union registration proposals. Once registration obtain the trade union will have to meet its eligibility norms for the registration process is be completed. This has now been proposed to be extended to unorganised workers where there is no prerequisite criteria to form a union at present ,(Chatterjee & Ram, 2015).

With regards to the constitution and rules of the trade union the draft Code, a few changes have been made with subscription fee account for members. It provided for in a separate section making to create a general

welfare fund that would be mandatory eligibility criteria for continuing trade union registration,(Ibid) whereas at present trade union act though this provision is there but not in a practice and mandatory. This step is sensing a budge to bring social security workers' program to be linked with trade union activities than State.

Further the draft Code drastically reduces the allowed proportion of office bearers not engaged in the establishment or industry. For the unorganized sector, the present bench mark is half, i.e., the number of officer bearers not engaged in the establishment or industry could not be more than half. The draft Code provides that the maximum number can be two. For organized sectors, the draft Code completely bars anyone not engaged in the establishment or industry from being an office bearer where as existing trade union act has permitted number of one-third of the office bearers or five, whichever is less form out of establishment or industry. And again as per proposals, the office duration for members of the executive has reduced from 3 years to 2 years and addition to allowing only one trade union in industry or establishment provided 50 percent of



workers of the unit have membership in the same union.

More significant thing seems to be in proportion to change of labour activism the Draft as well to encourage opportunity to make unorganised workers in the organised sectors as if it proposes to allow firms employing up to 300 workers to lay them off or shut down the unit without prior government approval, as against the current threshold of 100 workers. The proposed code also seeks to keep strikes and lock outs under control and has added new conditions, when a strike or lockout cannot take place.

‘Pempillai Orumai’ Movement

The recent strike in the tea garden of Kerala initiated by more than five thousand women has sent strong message to the trade union movement of the country. The women workers, united under the women’s collective that they have named ‘Pempillai Orumai’ on September 5, began marching to the headquarters of the Kanan Devan Hills Plantations Limited (KDHP) in Munnar, Kerala, challenging their own trade unions and concurrently demanding a fair increase in their wages and bonus payments.(The Hindu,2015). In the beginning women’s

movements were being ignored by the traditional unions, representing themselves in a bold rebellion against capitalism and patriarchy, including a male-dominated trade union structure. However due to the circumstances like pressure from the part of management and Government on ground of legal reasons the mainstream trade union had to enter in the protest domain and the Plantation Labour Committee (PLC) meetings. The struggle then spread to other regions, taking within its purview workers involved in the plantation of other crops, particularly those working in cardamom and rubber estates (Ibid). It finally brought a solution after more than one month with an increase in the basic daily pay, including the addition of various statutory benefits provided the increase of quantity of work per day from the part of workers.

‘Pempillai Orumai’ movement was a historical and unprecedented protest against the system of gender segregation practiced not only in the plantations and elsewhere as well. The women’s consolidation that emerged in Munnar offers lessons to all the three agencies like Government, trade unions and management who involve in the labour sphere. Experts opined while the

State and the trade unions were practically absent in Munnar, and more so in the remaining plantation belts, the plantation managements turned their estates into mini empires. While the absence of the State was a colonial-era legacy, with the colonial plantation managements themselves admitting that they were a “state within state, (Ibid). The unions had earlier been involved in projecting the workers’ concerns. However, over the years, their involvement too has become as minimal as that of the position under neoliberals and in addition to non gender sensitivity.

In reality as per studies the teagardens have an unusual ownership– management structure. More than a decade ago, the plantations were hived off to separate companies in which the majority stake is held by the workers. The workers, however, have little say in management. Legally speaking, the striking workers may have been agitating against their own companies, but in actual fact they were no (EPW, 2015). This is a remarkable in a country where the traditional unions are entrenched as workers’ representatives and there is no actual dues getting real workers as if trapped in the global commodity chain for decades. There has also

been a gradual removal of their rights. Therefore neither the State nor the trade unions seem politically equipped to challenge this.

General Strike of Trade Unions

Almost all workers were on strike in last September 2 across the country with 10 major trade unions calling for a country wide Strike. The strike has paralysed the Nation with hitting essential services like transport, shops, health care, cleaning etc. by participating from all sectors of workers cutting across party, class etc. It was really a community based national strike, in which according to report about hundred million workers were participated. This mainly happened not only because of union leader’s catchphrase but also whole workers felt the need to register their protest onslaught on labour rights has been implementing by Governments for two decades.

The Governments have been total inaction in implementing the consensus recommendations of 43rd , 44th and 45th Indian Labour Conferences on formulation of minimum wages, same wage and benefits as regular workers for the contract workers and granting status of workers with attendant

benefits to those employed in various central government schemes like anganwadi, mid-day-meal, ASHA, para-teachers etc. On the contrary, the present Government drastically curtailed budget allocations to all those centrally sponsored schemes meant for poor peoples' welfare where these service sector workers employing as unorganised workers. It is also noted with utter dismay that the present government is also continuing to ignore the twelve point demands of entire trade union movement pertaining to concrete action to be taken for containing price-rise and aggravating unemployment situation, for strict implementation of labour laws, halting mass scale unlawful contractisation, ensuring minimum wages for all of not less than Rs. 15,000 per month with indexation and universal social security benefits and pension for all including the unorganized sector workers, etc .By organizing this strike, the workers also registered protest against the retrograde move of the Government in hiking FDI in Defense, Insurance, Railways and other sectors and also its hostile move for disinvestment in PSUs including Oil and financial sector aiming at total privatization that create more and more unorganized workers in the pretext of job creation in the country (AIBEA,2015).

Transformation of Labour Landscape

Today a structural change in the economy and employment is a reality like light of day. Economic development is now characterized by structural changes away from agriculture towards industry and subsequently towards service. The indication of this transformation shows in form of GDP and employment shares of these sectors. In years between 1950 and 2011-12 agriculture GDP share decreased from 59 to 14 percent and its share in employment also minimized from 73 to 49 percent. Whereas in the same periods the shares of GDP and employment both industry and service sector sharply augmented. From Industry the contribution of GDP recorded in boost mode 16 percent to 27 percent and employment 12 percent to 24 percent and likewise in service sector the GDP share increased from 25 percent to 58 percent and employment from 21 percent to 27 percent, (India Labour and Employment Report , 2014)

The structural transformation has led to a sharp difference among workers of agriculture, industry and service sector. In this process ,there are changes not only in the shares of different sectors but also in the modes of work and employment statues of



workers .These features would be resulted replacement of traditional institutions and practices in the labour market where new facets are to be expected. Based on developmental theory when the traditional and caste based works become a history, where new industry and service sectors would emerge with millions and millions of new employments, including IT and computer jobs. Consequently with urbanization that again would make new employments. In this structure it has observed that new skills from the part employees and the new management system are to be predictable where tripartite relationship would change from traditional labour market institutions. In India, experts (Ibid) watched apart from developmental theory like developed countries it seems to have jumped from the first stage –agriculture to third stage service –denominated economy without an intermediated industrial phase that would have been actually groomed Indian labour activism in right direction.

Innovative Efforts in Recent Past

In the recent past there have been several innovative efforts were taken by labour leaders to organize workers especially certain kinds of unorganised workers. The decline of

organised sector and weakening of trade union movements has proved the settings in which new initiatives have emerged to organize informal ‘working poor’. Their frame work of activism focused on developmental idea through certain kind of institutions like credit associations, cooperative societies, micro finance units, SHGs, slum and neighborhood associations, workers’ facilitation centers etc. These types of organizations also evolved among unorganized workers in formal sector, besides informal sectors of service, textiles, domestic, street vendors, self employment, construction and agriculture (Chowdhury, 2015) .

As study perceived, to a certain extent these so called organisations were kept distance from traditional politicization of trade union character. This new activism emphasized on a range of issues like housing, health, education, street lighting, sanitation, gender and local issues etc, beyond employment and wage. These were helped to internationalizing issue of workers’ right rather than on conformational struggles over wage and working condition. One significant feature of this activism then is that community rather than class protagonist and

potential recipient of welfare. This type of community based labour activism came in the workers' scenario mainly because of present trend of casualization, where employment is scattered, decentralized, and frequently self generated, it is the State rather than private capital that become the sole target of welfare activism (ibid). This shift from class based labour activism into community is a great matter of discourse which would go forward many factors like right based institutionalization for labour centered development.

Conclusion

At hour of reconciling the interest of labour with ease of doing business the Nation is looking-for a strike the rights balance. It has reflected well as the signs of time like stir of labour reforms, restlessness about unionism of India and structural changes in labour market. However even being one of the three factors –labour, land and capital of production process everybody would admit that all the years of independent India did a little to make workers' life decent while dealing labour issues compare to other two. When deficient of Government presence in the labour issues or ineffective labour laws and lack of opportunity to become mature

labour activism like developed countries Indian labour unions were being spellbound by political parties. On other hand having universal legal statues the unions are indispensable in the production economy, in which labours have to make in India!

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