

Labour

Making A Point

RARELY had an event invited such determined and concerted action by the Union Government. When the 24-hour national strike called by the National Campaign Committee (NCC) ended at 6 a.m. on January 20, two things stood out clearly: the effects of the strike were either negligible or tremendous, depending on which side of the fence the observer was on, and secondly, the Government had, due to a fortuitous blend of circumstances, the field to itself in disseminating information about the strike. In the end, the strike did not come anywhere near paralysing the country. But it did prove that Indian trade unions could come together to administer a rap on the Government's knuckles. The Government predictably dubbed the exercise "politically motivated". But the unionists had conveyed their message.

Union Minister of State for Labour Bhagwat Jha Azad, who holds independent charge of the portfolio, hailed the failure of the strike, terming it a re-affirmation of the "working class' faith in the prime minister". The NCC, comprising the eight central trade unions which had issued the strike call at a huge workers' rally in Delhi on November 23 last year, said it had been a great success. It asked the Government to initiate negotiations on various pressing labour issues, and to repeal the "draconian and anti-labour, anti-people" Essential Services Maintenance Act (ESMA) and the National Security Act (NSA)—and warned of intensification of its campaign if its demands were not conceded.

Information Blackout: With newspapers in Calcutta and Delhi off the stands and the shutdown of the two English news agencies, government Press Information Bureaux and All India Radio (AIR) had the field all to themselves. There was, however, one irony. Although strike leaders had never called for a nationwide bandh, and only in West Bengal had the state Government taken it upon itself to declare a Bangla Bandh, the Government had all along chosen to attack the strike as a 'Bharat Bandh'. But the Union Ministry of Information and Broadcasting sent a secret circular to all radio stations and television centres ordering that their bulletins "must not project the success of the Bandh". The circular also ordered that the bandh must "not be described as a Bharat Bandh but as a one-day strike called by a few central trade unions".

More than 10,000 people were arrested all over the country under various preventive-detention laws on the eve of the strike, and 13,000 more were roped in during the 24-hour period. Only in West Bengal, Tripura,

Pondicherry and Kerala did the strike have serious impact. Elsewhere, key sectors like telecommunications, public transport, railways, petroleum, and steel and fertilisers worked normally. Clashes, and police firings, resulted in the deaths of 10 people around the country: four in West Bengal, two in Uttar Pradesh, two in Tamil Nadu, and two in Kerala.

At many places, would-be strikers and loyal workers clashed, and strikers complained of intimidation by the loyalists and policemen with ready lathis and tear-gas

became evident. The Central Government and its minions in the states launched a hysterical campaign against the strike as it neared. An attempt by the then labour minister Narain Dutt Tiwari to dissuade the NCC from going ahead with its plans fell through on January 7. But the NCC was adamant about its demands: it listed 13, and the unlucky number was headed by the ESMA and the NSA.

As the heat grew, the NCC agreed to relegate 12 of these demands to the negotiating table. But it insisted on the repeal on the ESMA. On January 17, Zail Singh took the unusual step of broadcasting a speech in which he said the majority of the working class was against the strike, and warned of severe action against strikers. Singh also wrote specially to West Bengal Chief



Congress(I) workers opposed to the bandh courting arrest in Calcutta: over-reaction

arsenals. Reprisals were in store for strikers in many states. In Bihar, the state Government decided to dismiss all temporary workers who had joined the strike. In Andhra Pradesh, each striker was penalised by having eight days' pay deducted from his packet. In Kerala, striking employees lost their continuity of service. The Himachal Pradesh Government asked its departments to furnish lists of those employees who had joined the strike. Union Home Minister Zail Singh, however, sought to alleviate things by asking state governments to look "promptly and sympathetically" into the "genuine grievances" of the workers.

Hysterical Campaign: It was in the war-like mobilisation of state machinery, however, that the Government's confused reaction of belligerence, alarm and nastiness

Minister Jyoti Basu asking him to ensure law and order on the Bangla Bandh day. In Calcutta, meanwhile, the High Court ordered Basu's Government to take special steps to provide police protection to non-strikers, and to ensure maintenance of public transport. Basu retorted by saying: "No fiats or orders by the Union Government or courts can do away with the working people's struggles for the preservation of their democratic rights."

But the Government seemed to take the strike call very seriously as the day approached. State governments, for instance, issued big advertisements listing the many benefits enjoyed by their employees. In Bihar, the state Government went to the extent of issuing shoot-at-sight orders in the event of sabotage or coercion of loyal wor-

kers. In Madhya Pradesh, industrial units secured a special court order restraining their workers from joining the strike. In Delhi, the administration decided to deploy 15,000 policemen and 100 mobile patrols to maintain order.

Delayed Reaction: Matters were not helped by the reshuffle of the Union Cabinet on January 15. Ever since the present government took charge over two years ago, no Cabinet-rank minister has held sole charge of the key labour portfolio. Tiwari shared labour with industry. The coming in of Azad was undoubtedly a delayed reaction to a major problem. Azad could not do anything in the scant 72 hours left to him before the strike began; he made weak noises about holding emergency talks with strike leaders, but nothing emerged.

It was at Bombay that the strike really began, nine hours ahead of schedule, when Indian Airlines employees belonging to the Air Corporation Employees' Union walked out of their jobs at 9 p.m. on January 18. Late the next evening, however, the NCC could not provide information about the strike's impact nationally: it had not bothered to set up a monitoring cell to keep track. Only on January 20 did it issue a statement claiming that 12 million of the country's 26 million workers in the organised sector had joined the strike. The NCC condemned "the repressive measures against the striking workers and the provocations let loose by the Government", and said that the strike had succeeded despite the "most malicious propaganda" put out by AIR, Doordarshan and the Press Information Bureau.

Growing Trend: It would have been overly optimistic to expect the strike to have been a total success. Nevertheless, it peaked a growing trend among trade unions to move away from mere bread-and-butter issues to larger national problems, sinking their political differences in the process—although the NCC's charter of demands did include many routine economic points.

Says Dr M.K. Pandhe of the CITU: "What is encouraging is that all the trade unions except for the INTUC are now coming together to tell the Government that it cannot take the worker for granted."

In the end, the strike was notable for the Government's over-reaction. "It was like squashing a fly with a cricket bat," said a trade union leader. And though opposition trade unionists had, for the first time, discovered the joys of collective action, they also came up against the fact that the Government would not sit by and tolerate dissident action. Publicly, it might pour scorn on the unionists' weaknesses. But privately, it was abundantly clear, it did dread collective action—and was prepared to wield a big stick to put it down.

—CHAITANYA KALBAG

Centre-Stage/Rasheed Talib

An Ugly Prospect

EACH time he holds forth in public, the President of India is not obliged to have his speech cleared by the Council of Ministers. The misunderstanding that this prerogative is somehow fettered arises from the fact that the President's Address to Parliament, made once a year when it is summoned for the budget session, is something that is carefully composed by the Government of the day and placed in his hands to be read out at the joint sitting of the two Houses. The President cannot depart from the script, which in fact depicts the state of the nation in terms that are necessarily flattering to the administration.

Successive holders of the high but ornamental office of President have been known to chafe at having to make this parrot-like statement year after year. Being human, they are not always above the temptation of imagining that, if only they had the run of the country, things would not be in such a sorry mess. As the frustration of their passive role grows, they begin to utilise the many opportunities they have of addressing the public to give vent to their strong and often disharmonious views.

To this set pattern, President Neelam Sanjiva Reddy has been no exception. He is moreover in the good company of one of his distinguished predecessors, President Sarvapalli Radhakrishnan. It is no surprise then that President Reddy did not have the script of his eve-of-the-Republic day broadcast vetted by the prime minister.

Normally, prime ministers are not too upset if a president does make such a harmless bid to assert his independence. In fact, the more powerful the prime minister, the less does he worry about it. There may, however, be some hand-wringing in the Cabinet when a president's criticisms are couched in intemperate or partisan language.

In the present context, because reports have been current of President Reddy being sorely unhappy with Mrs Gandhi's style of government—particularly her bemused unconcern at the growing menace of political corruption—it is natural for the most innocuous of presidential barbs to seem like a well-planned onslaught, aimed at undermining the prestige of the prime minister and her colleagues. In more congenial days such critical references would have been seen as a national expression of concern by a supra-political personage who stands outside the arena of partisan strife.

But President Reddy has a dual disadvantage. For, he is said to have up his sleeve a constitutionally improbable plan to avenge himself on Prime Minister Indira Gandhi for their historic clash in 1969. At least two respectable journals of opinion—both, as it happens, of the left—have recently suggested that, taking the cue from the right-wing Opposition, the President will soon be confronting the prime minister with a charter documenting the gathering crisis. According to these reports, he will then call upon the prime minister for an explanation—or else...

With the publication of these reports, what was hitherto a rumour—although one that has for some time freely circulated in the corridors of power—has gained a new momentum. All kinds of people are busy sketching all kinds of scenarios. The most plausible of these is one that argues that the President, using the excuse of his dissatisfaction, will resign, thereby offering himself as a prime rallying point to the disparate opposition forces in their bid for a still elusive unity. A more dubious possibility is that the Opposition would tempt 50 or more of Mrs Gandhi's disaffected supporters to recant their loyalty to her and that the resulting confusion would give the President the opportunity to act in the interventionist manner in which he did in the short interval between the Janata and Lok Dal governments in 1979. The least credible of these alternatives suggests that the President would in fact dismiss the prime minister even while her parliamentary majority was intact.

It is now firmly recognised that in our constitutional scheme of things, no President has the power to dismiss a prime minister who has not demonstrably lost his majority on the floor of the Lok Sabha. Although all governmental actions are formally taken in the President's name, he is bound, either by constitutional interpretation or by well-established convention, to act only on the advice of the prime minister.

But supposing a desperate President does decide to sign an order dismissing a popular prime minister. What exactly would follow? Much would depend on how far the President could make the writ of his unconstitutional decision run—both administratively and judicially. The prime minister would rush to the Supreme Court with an urgent petition and in all probability have the President's illegal action stayed and the status quo restored. But what if this failed to work? In such a hypothetical situation, the nation would clearly be faced with the ugly prospect of one or an other constitutional authority seeking to invoke the loyalty of the armed forces.