

Tamil Nadu sackings signal new offensive against Indian workers

Ganesh Dev, K. Ratnayake
3 September 2003

The sacking of nearly 200,000 striking government workers in the Indian state of Tamil Nadu in early July has rapidly become the basis for a wholesale offensive against the democratic rights and social position of the working class throughout the country. This unprecedented attack has been upheld by the Tamil Nadu High Court and the Indian Supreme Court, widely hailed as a model by big business and in the media, and backed by the Bharatiya Janatha Party (BJP)-led government in New Delhi.

The strike itself was the product of resistance by government workers to the erosion of pensions and other rights by the All India Anna Dravida Munnetra Kazhagam (AIADMK) state government. Workers lost benefits worth between 90,000 rupees (\$US1,960) and 125,000 rupees as a result of cutbacks over the past two years, provoking a series of strikes and protests.

In response to the growing militancy of government workers, the Tamil Nadu government pushed through the draconian Essential Services Maintenance Act (ESMA) in May last year, which provided for virtually any section of the public sector to be nominated as “essential” and subject to no-strike clauses. Finance Minister C. Ponnaiyan declared at the time that the legislation was necessary for “enforcing discipline” and “improving the economic conditions of the state”.

In March 2003, the Joint Action Council of Teachers Organisations and Government Employees Organisations (JACTO-GEO) was compelled to call a token strike against the state government’s cuts to superannuation benefits. The Confederation of Teachers Associations and Government Employees Associations (COTA-GEO) called for a mass hunger strike on the same day.

Confronted with widespread anger among their members, the unions called for an indefinite strike on July 2 to fight for a series of 15 demands—the main ones relating to the restoration of pensions and other benefits. Two days before the strike, the state government attempted to preempt it by arresting hundreds of union leaders and officials. The detentions and police harassment continued over the next two days, provoking protest walkouts and strikes in the state capital of Madras.

Far from intimidating workers, the government’s actions resulted in an overwhelming response to the strike call. An estimated 90 percent of the public sector workforce, or more than a million workers, stopped work on July 2. Clearly shaken by the turnout, Chief Minister Jayaram Jayalalithaa rammed through an emergency amendment to the ESMA on July 4 providing her with retrospective powers to dismiss strikers and to impose substantial fines and jail terms on anyone found guilty of striking or instigating a strike.

Over the next few days, almost 200,000 workers were summarily

sacked in the largest mass dismissal in Indian history. Workers not only lost their jobs but, in many cases their housing as well. To fill the positions, Jayalalithaa began to hire thousands of strikebreakers on short-term contracts—many with close affiliations to the ruling AIADMK. At the same time, police continued to make arrests.

Despite the enormity of the attack on basic democratic rights, the trade unions and opposition parties, including the Communist Party of India-Marxist (CPI-M), made no move to seek broader support from the working class and directed the sacked employees into a series of futile legal actions. On July 11, the Tamil Nadu High Court dismissed legal petitions to overturn the sackings on the grounds that the workers had not sought reinstatement through the State Administrative Tribunal—a body consisting of one judge already inundated with cases.

The High Court agreed to only one point of the petitions: the release of those who had been arrested. Out of jail, the union leaders promptly convened a meeting of the strike committee and on July 12 unconditionally called off any further industrial action. Union leader G. Suryamoorthy declared that the JACTO-GEO and COTA-GEO had no intention of appealing the High Court decision, but would give “moral support” to any workers who did.

With the strike ended and no broad campaign against the sackings, the Indian Supreme Court seized on the opportunity to establish a far-reaching precedent. On July 24, a panel of two judges declared that employees did not have any fundamental right to strike and that such illegal strikes had to be dealt with firmly by the authorities. It “suggested,” but did not order, that the state government reinstate the sacked workers, provided that they offered an unconditional apology.

Following the reinstatement of some 165,000 workers, the Supreme Court brought down its final judgment on August 6 which dismissed the challenge to the ESMA law and declared that employees had “no fundamental, legal, moral or equitable right” to strike. In a 21-page ruling thoroughly permeated with hostility to the working class, the judges declared: “No political party or organisation can claim a right to paralyse the economic and industrial activities of a state or nation or inconvenience citizens.” After stating that strike action was “mostly misused,” they suggested that, for redressing grievances, employees should do “more work honestly, diligently and efficiently” to impress their employer.

The Tamil Nadu government immediately took the Supreme Court ruling as a green light to intensify its offensive. On August 12, Chief Minister Jayalalithaa began steps to deregister 26 major trade unions and another 200 affiliated unions. Recognition of the JACTO and COTA federations was withdrawn. More than 6,000 dismissed workers accused of “violence” and “instigating” others to strike have not been reinstated and are to be dragged before a panel of three

retired judges from the Madras High Court.

Big business has enthusiastically supported the state government's actions. At the national council meeting of the Confederation of Indian Industries (CII) held in Madras on July 25, some 70 CEOs from the major Indian corporations, including Ford India, Tata and Hindustan Motors, showered praise on Jayalalithaa who was their guest of honour.

CII President Anand Mahindra told the gathering: "The chief minister's uncommon firmness in the handling of the government employees strike was an object lesson for industry." Jayalalithaa in return urged the corporate chiefs to launch their own campaign. "It is a competitive world and the laggards will have to rue their complacency. May I exhort you to reassess your strategies, look for opportunities and strike boldly," she said.

The corporate support for Jayalalithaa reflects concerns in ruling circles that the pace of economic restructuring in India has been too slow. In the 1990s, successive Congress and BJP government launched a far-reaching program of economic reform to open up the Indian economy to foreign investment, slash government spending and privatise state-owned enterprises.

For some time, however, big business has been demanding the implementation of the stalled "second generation reforms". The chief target of these measures are what remains of the public sector, government subsidies and the limited legal barriers to the exploitation of the working class. In particular, the program includes a major overall of the country's labour laws to allow employers to hire and fire at will—a measure that has provoked widespread opposition among workers.

The corporate chiefs regard rights enjoyed by public sector workers as a barrier to further cutting wages and conditions, particularly for trained and educated employees. Only a small and declining percentage of the Indian workforce enjoys a relatively secure job, as "salaried" employees. According to a Planning Commission report published last year, just 6.7 percent were classified as salaried in 1999-2000 as compared to 37.3 percent who were "casual" and the remaining 56 percent who were "self-employed."

The 6.7 percent represents about 28 million employees who work in what is known as the "organised sector". Of those, the vast majority—just under 69 percent—are government employees, many of whom are unionised. Despite the assaults of the past decade, their wages and other benefits have largely remained intact. Big business regards this as an intolerable impediment both to the slashing of government spending and to making further inroads into wages and conditions of the workforce as a whole.

Thus the effusive praise from big business and the media for the Tamil Nadu government. A columnist in the *Indian Express* praised "Jayalalithaa's eminently sensible act," declaring that it "has set the stage for other state governments to react with swiftly and decisively against would-be strikers". The reverberations have been felt in neighbouring Sri Lanka where a *Daily Mirror* editorial, entitled "Urgent surgery for the strike cancer," pressed the government to outlaw industrial action in the health sector.

The BJP-led government in New Delhi has indicated that it is preparing to follow the lead taken by Jayalalithaa in Tamil Nadu. Asked in parliament on August 19 if the government was preparing a bill to ban strikes, junior home minister Harin Pathak stated that it would use the prevailing "conduct rules" for government employees to prohibit their strikes.

In the facing of this offensive against the working class, the trade

unions have demonstrated their complete prostration to the powers that be. Sukomal Sen, general secretary of the All India State Government Employers Federation (AISGEF) expressed his "deep concern and anguish" over the chief minister's actions and described the Supreme Court decision as "most unfortunate". But AISGEF, which is controlled by the CPI-M, has no plans to mobilise workers in a campaign against these measures.

M.K. Pandhe, leader of the Centre of Indian Trade Unions (CITU), implied in an interview in the Indian magazine *Frontline* that nothing much had changed and the actions of the Jayalalithaa government were simply an isolated aberration. "The implication will be that strikes will take place in spite of the judgment, which will be ignored, whatever the consequences," he said.

On July 25, the top national union leaders sat down with government ministers and officials in New Delhi in a tripartite body known as the Standing Labour Committee (SLC). When the labour minister objected to their attempt to table a feeble resolution condemning the sacking of government employees, the union bureaucrats lamely agreed to just have it read out instead "to avoid total disruption of SLC agenda".

None of the opposition parties, including the CPI-M and the Communist Party of India (CPI), have done anything more than issue perfunctory condemnations of the sackings. Even the left-leaning *Frontline* was compelled to note: "Although [there have been] newspaper statements issued by leaders of all hues, there was little effort to make any united move. Even the left parties regretted that they could organise an all party meeting on July 19, more than a fortnight after the arrests and dismissals."

The mass sacking of workers in Tamil Nadu has exposed the thoroughly rotten character of these parties and organisations, which have all acquiesced or actively collaborated in the assault on the social position of the working class over the last decade. In the case of the CPI-M, it has been the leading party in ruling "left" coalitions in the states of West Bengal and Kerala, which have presided over economic restructuring measures.

Workers throughout the Indian subcontinent need to draw the sharpest lessons from the bitter experiences in Tamil Nadu. The starting point of any struggle to defend basic democratic rights, including the right to strike, and living standards is a complete political break from all those parties and organisations, including the CPI and CPI-M, that have proven themselves to be appendages of the existing capitalist order. To challenge the agenda of government and big business requires a new program based on socialist and internationalist principles that refuses to accept the "right" of the privileged few to profit at the expense of the vast majority.



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact