

Preface

Over 400 million people are engaged in different types of work in India today, working as self-employed persons or engaged in home-based work or are employed in industries, government, agriculture, construction, shops and commercial establishments and so on, in both the formal and informal economy. Some of these workers, particularly those in the formal economy, have formed organisations, large and small, to defend their interests, and provide 'voice' and 'collective strength' to their aspirations for better working conditions. Independent and strong organisations are essential in order to achieve decent work conditions and social justice for those who work, and more so in an increasingly globalised and inter-connected world. These organisations in the shape of trade unions, associations and loosely knit groups, are governed by a complex web of laws and policies that have changed over time, in close parallel with the development of the labour movement within India and internationally, of the International Labour Organisation (ILO).

This book examines the development of the principles of freedom of association within India and its relationship to the ILO and international labour standards. The year 2009 marks the 90th anniversary of the formation of the ILO, and also marks 60 years since the adoption, by the ILO in 1948-49 of its chief international labour standards dealing with freedom of association and collective bargaining. The book traces the manner in which India and the ILO have interacted and influenced each other, both at the level of the government and that of the social partners, and in particular, of trade unions that have used the forum of the ILO to report and lodge complaints with regard to violation of trade union rights. It analyses the history of this interaction which is also inextricably linked to the development of laws and policies in India impinging on the principles of freedom of association.

The research for this book developed from the work done for my doctoral thesis at the University of Delhi. Many people and institutions have helped

KAMALA SANKARAN

26 March 2009 New Delhi

me in various ways during this work. I gratefully acknowledge their contribution: Professor MC Sharma, Faculty of Law, University of Delhi, my thesis supervisor; the University Grants Commission for granting me a Junior Research Fellowship during which period part of the research work was completed; the Faculty of Law, Jamia Millia Islamia for allowing me study leave from my teaching duties; my students in the three institutions where I have taught, the Faculty of Law, University of Delhi, Indian Law Institute, and the Faculty of Law, Jamia Millia Islamia, for relevant and stimulating classroom discussions; colleagues from various departments/institutions who encouraged me to re-examine and consider several arguments in the book; trade unionists who shared their experiences of filing complaints with the ILO, and other friends and activists for being a source of inspiration, guidance and encouragement.

I am grateful to the various librarians and the staff of these libraries particularly the Labour Ministry, International Labour Office at New Delhi,

Indian Law Institute, Faculty of Law and the Delhi School of Economics (University of Delhi), Parliament Library, Indian Institute of Public Administration, National Labour Institute, Noida, United Nations Information Centre, New Delhi, Bureau of Police Research and Development, Sapru House, and American Centre Library, New Delhi where I carried out the research for this book.

I am thankful to the editorial staff of the publishers for their speed and efficiency in preparing the manuscript for publication.

Finally, I would like to thank my family for their support in innumerable ways: my father, with his rich experience in labour matters, provided several insights in areas of policy and law that have greatly enriched the book; my mother, without whose constant support and encouragement I could not have completed my research; and my husband, son and sister for their cheerful assistance.