

WE ARE POOR BUT SO MANY*

A BOOK REVIEW:

*Gruhalakshmi Kumar and Yashasvini Kumar***

A must read. Acknowledging this to be a statement usually located at the conclusion of a book review; in the context of this book one feels compelled to mention it not only at the start of the said review but to repeat it at regular intervals. "We Are Poor but So Many" is not just the story of self employed women in India as declared by the author, but in fact a prelude to the saga of the oft ignored workers of India, trade unions, labour law, and their increased politicization and consequent inefficiency. Ela R. Bhatt traces the background, inception, growth and the flourishing of the Self Employed Women's Association (SEWA), in the context of the workers who are its main constituents and the trials and tribulations they face.

Written simply, without pretension, bias or bitterness, the book provides an account which is poignant in its accuracy. In two hundred and nineteen pages the author successfully spans a range of topics, beginning with her own growth and concluding with the spread of her creation to shores abroad. Bhatt's understanding of a trade union as an entity merged with the identity of individuals it seeks to serve and not as a personality divorced from them is an obvious breathtaking revelation.

The simplicity of the writing of the book is striking when understood in the context of the complexity of the issues it seeks to address. Bhatt speaks extensively of not SEWA or its members alone but also of its genesis which lay in the divisive politics of the Textile Labour Association (TLA) and its problems rooted in age old employer-employee hierarchies and domination. This spare clarity is one which can be recognized as an integral part of the manner in which Bhatt comprehends the obstacles which lie before her; for the same overarching theme of simplicity extends from her writing to her methods of problem solving; a method of understanding which resonates from her firm belief in Gandhi's ideas on work and economics.

An extension of this belief is her fundamental conviction that "adding complexity is not progress ... that nothing that compromises a person's humanity is acceptable, and that poverty is wrong as it strips a person of their humanity and takes away their

** III Year Students, B.A.,LL.B.,(Hons), NALSAR University of Law, Hyderabad.

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freedom.”¹ On this premise she has based a movement, and a phenomenon which rewrote common assumptions of the capabilities of poor, illiterate women.

SEWA is a trade union registered in 1972 to provide support to poor, self-employed women workers who compose the unprotected, ‘unorganized’, ‘informal’ labour force of our nation. Refreshingly, the author uses none of these terms in her book – insisting on terming these women ‘self employed’ ensuring no other jargon is used to pigeon hole them into categories inherently derogatory due to the nature of their nomenclature. This is indicative of a mindset, which does not unconsciously view self employed women as objects of pity, but of a perspective which attributes dignity to their struggles. Bhatt recognizes the limitations of labour law with regard to its unhealthy involvement with such terminology and rightly calls for a removal of such “conceptual blocks”.

Dealing with women who hold myriad jobs that are performed in manners not addressed by most Indian labour legislations, Ela Bhatt has fought such unfair classifications over an extended period of time. It is her belief that this rigid categorization makes extending protections to the vulnerable impossible.²

The book explores the fascinating concept of a hybrid union: part trade Union, part Co-operative and wholly welfare measure. The book talks about the working of such a model and yet of the problems that come with failing to find a place for it within the legal framework.³ In light of the judicial discourse in understanding the functions and rights of a trade union, and the legislature’s understanding of what constitutes a union or an assembly, the place for something like SEWA would be interesting to explore.

SEWA as an organization is an entity that both the law and judiciary have not envisioned nor dealt with. The provisions of the Industrial Disputes Act, 1947, the Trade Union Act, 1926, or rather the reading of these Acts by the judiciary in having merely a procedural rather than a conceptual understanding of a Union has had two problems for the labour movement; one, the definition of what a union is, and two, the purposes for which it exists. The meaning and scope of a union has been restricted to refer to an organization dealing with workmen that are part of the organized sector and that functions as merely a facilitator to solve dispute of Workmen.

In that regard SEWA clearly falls out the scope of the law on both counts. SEWA focuses on the rights of women belonging to the informal, unorganized, marginalized

1 Bhatt, R., Ela, *We Are Poor But So Many*, (New Delhi: Oxford University Press, 2006), 8.

2 *ibid*, 10.

3 SEWA has been fighting for the last 5 years to be a registered union under the Trade Union Act, 1926. Despite having the largest membership in the country of over 700,000 women the Union has not been able to get a legal status. Bhatt, R., Ela, *We Are Poor But So Many*, (New Delhi: Oxford University Press, 2006), 16.

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sections of labour which immediately disqualifies them from registration by a wrongful reading and understanding of the law⁴, and two, the functions that extend protection to these women beyond the workplace.

It is a principle of interpretation that statutes enacted for different purposes are not meant to be read together and though holding the same in *TTD v. Commissioner of Labour*⁵, the courts have gone on to read the Trade Unions Act, 1928 and the Industrial Disputes Act, 1947 together. It must be realized that the Industrial Disputes Act does not require a Union in order to raise an Industrial Dispute (refer to the Industrial Disputes Act, 1947, Sections 2(j) and 10). At the same time, the Trade Union Act, 1928 under Section 2(h) does not require the members of a trade union to be able to raise an industrial dispute. The Trade Union Act only focuses on the formation, Registration and Rights of a Union. Both acts serve different purposes and seek to achieve different goals and yet in a plethora of cases the courts have committed the mistake of reading their goals together, E.g., *Non-Gazetted Officers Union v. Registrar of Trade Unions*⁶; *Rangaswamy v. Registrar Trade Unions*⁷. The decision in *TTD v. Commissioner of Labour*⁸, is an exception to the general trend that has been followed by the judiciary. In the aforementioned case the Supreme Court held that the workers of the Tirumala Tirupathi Devasthanam could form a Union and that it was not necessary that they had to be able to raise an industrial dispute before they could form one.

SEWA is truly an extra-judicial mechanism. This has both its benefits and fallouts. The functioning of SEWA and the fulfillment of its objectives has been made easier by the lack of legislation and rules concerning the methods it employs. The organization itself has fought against several attempts to pigeon hole SEWA into an understanding of the Industrial Disputes Act, 1947.⁹ At the same time, recognition by law would have meant greater impetus for the labour movement; legal recognition would mean that the efforts of SEWA would not simply be a single occurrence but something that the State and the law strove towards which would only be in consonance with our own constitutional goals and only aid the process of making these invisibles visible.

4 AIR 1995 SC 1292.

5 AIR 1962 Mad 234.

6 AIR 1962 Mad 231.

7 AIR 1995 SC 1292.

8 The organization has gone to the courts on several occasions when allegations that because the members of the organization had worked for institutions on the basis of a contract, that made them employers of the Institution and subject to the confines of the ID Act. SEWA fought the case in the Labour Court and the High Court arguing that it was the Co-operative and the Institution that had a contractual relationship and not the members and the Institution. The attempt of this exercise was to reduce the bargaining power of the women and subject them to the Union politics of the respective institutions. Bhatt, R.,Ela, *We Are Poor But So Many*, (New Delhi: Oxford University Press, 2006), 56.

9 Bhatt, R.,Ela, *We Are Poor But So Many*, (New Delhi: Oxford University Press, 2006), 56.

The advantages of not featuring in the legislative framework is manifold: firstly, the focus is on the substantive issues raised by the Union and not the procedural aspects which has plagued the fight of many unions in providing better service conditions to its members in their respective work places. Secondly, because SEWA does not confine itself to strictly Union activities and its role extends to the formation of Co-operatives, the functioning of banks, provision of health schemes and in some instances the activities of the Co-operatives involve applying for tenders there have been accusations of it being an employer itself which might prove problematic in the set up of the Industrial Disputes Act. The Industrial Disputes Act, 1947, Section 2(g) does not contemplate the existence of a primary and secondary employer and the relationship that is contemplated is a direct one. If the members of SEWA were to fall under this categorization, then the various benefits that the Act provides to the workmen, which the organization has achieved outside the act would be subject to the procedural requirements of the Act and would be lost to the women.

While initially there may be apprehensions with regard to the fallouts of a trade union specifically oriented towards women – these are wiped away with the holistic manner in which women’s issues are broached. SEWA is inspiringly independent – the community of workers who face a dilemma, are allowed to recruit leaders from themselves and choose their own solutions. This decision making power, empowers women to make braver decisions, both at work and at home, for the support of others who are similarly placed, proves to be a source of great strength.

The organization conducts its own surveys – a methodology which is accurately given great importance by Bhatt who insists that, for the effective recognition of the nature and scope of a problem, a series of preliminary and more detailed surveys are required. In this manner there is no question of a majority dominating or intimidating other members of the union.

When addressing the power structures inherent in any association due to the prevalence of the caste system, Bhatt with characteristic maturity states that non discrimination, unity and the concomitant power of the collective is a transformation which cannot be forced, and the futility of caste barriers have to be removed only through an ‘*internal process of realization*’.¹⁰ It is this faith which she has placed in these women that has propelled SEWA to success; for with full confidence in the organizational capacity of these women she has allowed them to express their own needs in their own way.

In fact, the chapter dedicated to banking provides an incredible account of how a

¹⁰ Bhatt, R.,Ela, *We Are Poor But So Many*, (New Delhi: Oxford University Press, 2006), 118.

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collection of uneducated women from Naranghat, Gujarat started a bank with their own meager savings and went on to run it so effectively that year after year since its inception in 1973 SEWA Bank shareholders have received dividends without fail – a feat accomplished without the aid of any subsidy and in the face of a condescending bureaucratic mindset.¹¹

What makes this book striking is Bhatt's ability to bring into focus all the individuals who populate the background of our lives – those who form the backbone on which all our pretensions of development rest. She insists on repeating the manner in which their days progress, their habits and the ways in which they accommodate the limitations imposed on them. Returning, over and over again to the real life stories of these women gives the book the biting edge of reality, while their endurance and success with SEWA infuses optimism.¹²

These descriptions are invaluable and no number of statistics can take their place in ensuring that the reader not only acknowledges and understands but truly empathizes with these women. What is truly remarkable is, not only does the author empathize completely with lives so different from hers, but also that she manages to transfer this empathy to the reader by offering a lucid description of exactly what goes on in the lives of the subjects of the book. Combined with the presence of a few, well placed statistics regarding the exact wage rates, savings, expenses and economics of these women Bhatt's arguments prove to be emotionally and logically well placed.

Also, this combination of heart and head is what is so different about SEWA. Again we find both in Bhatt's perspective, in the functioning of SEWA and in the book, a feeling of completion and unity which comes from the manner in which Bhatt identifies and addresses each concern that may arise in the mind of a reader. When speaking of herself, she provides an account which begins with her family, her college life, her relations with her husband and the turns in her career which led her down the path she chose. Similarly when discussing labour law, she examines in detail the ground level situation and then goes into the failings and exploitation on the level of the middleman who takes a cut, the government official who takes a bribe to ignore the unfavourable laws and the legislators who create a legal situation so antagonistic towards the needs of the people it seeks to represent.¹³

Yet, the most striking feature of the struggle of SEWA is that hostile external perspectives have not jaded the drive of its members or creator. The organization caters to the financial and work related needs of its members while providing them with support

11 Bhatt, R.,Ela, *We Are Poor But So Many*, (New Delhi: Oxford University Press, 2006), 16-17.

12 *Ibid*, 69.

13 Bhatt, R.,Ela, *We Are Poor But So Many*, (New Delhi: Oxford University Press, 2006), 69.

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during times of crisis through their own collective strength. Commendably, despite the vastly successful nature of the programmes carried out, and the wide support base created at the grassroots level, the organization has always maintained a distance from local, regional and national politics.

A trade union without political affiliations is a rare occurrence these days, but learning from how increased political influence resulted in the dissociation of TLA from its members, SEWA has maintained a staunchly apolitical stance often at great cost to itself.

The truth is that with a political association comes greater bargaining power, a more cooperative government structure and greater access to resources. Yet admirably, they have maintained their distance from such acts, and proved that despite the juridification of labour relations and the corruption of the state, the voice of the people cannot be drowned.

Similarly, they have followed a clear policy of staying away from commercial profit oriented activities; although, they have facilitated capability expansion amongst workers by allowing them access to methods of improving their own livelihood. These principles have maintained the credibility of the institution and stood them in good stead.

By way of criticism, one has little to offer but there are things to take note of in the book. Firstly, the author has a tendency to get repetitive with stories which are so numerous that they lose their impact eventually. Secondly, although numerous intelligent questions are raised by the author there is no attempt to answer them in full. Thirdly, in the chapter dedicated to reforms, one wishes that there was more by the way of suggestions, both for individuals and the state to implement, to ensure the amelioration of the situation of such women. An account of Bhatt's journey, though, a learning experience in itself; a further elucidation of her ideas for change would have made the book more thought provoking, as often it sinks into being a log of incidents in the lives of women, families and SEWA organizations. Lastly, with regard to the layout of the book, the pictures could have been used in a manner much more effective.

In conclusion, one feels compelled to comment on the inadequacy and often barbaric nature of the laws, and the manner in which they are implemented against the vulnerable. This forms a recurring theme in the book where most commonly the greatest obstacle to achieving equity between employer-employee relations is an uncooperative legislature and judiciary. This was specifically brought out with the story of the vendors, who are the main source of groceries to cities but who are considered illegal salespeople, encroachers and consequently penalized for the same. This sort of lack of understanding on the part of the state administration is disturbing

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and begs for change. However, what must be changed before the laws is the mindset of the people who frame and follow them and this can be done through the effective dissemination of information with regard to the plight of the oppressed through mediums like this book.

In that manner, this book is a valuable teaching tool for those who need to learn more about the working conditions of the unorganized sector, for those who need the unorganized sector to be made visible to them and also for those of us who feel a need to initiate change but don't know how. A must read. Definitely.