CHAPTER IV
STATE INTERVENTION AND MODERN DISCIPLINARY TECHNOLOGIES

This chapter contains an analysis of the institutional and social mechanisms through which the state intervened into the headload labour market and operationalised modern disciplinary technologies to alter the behaviour of the headload workers and to condition them to imbibe the given role models. Such interventions were aimed at reconstituting the personal and professional life of the headloaders.

In the 1970s the strength and spread of trade unionism among headload workers in the state were quite rapid and consequently the trade and commercial centres of the state witnessed violent scenes. This gave rise to a situation in which the state had to formulate legal rules and combine them with administrative apparatuses to bring the headload workers under its governance; they were not yet brought under any of the labour legislations till then.¹ Such a situation necessitated imposing restrictions on their market behaviour and to bring them in the fold of disciplinary regime.

The state realised that disciplining of the headload workers was impossible without a general improvement in their life world, consisting of personal, family, political and social relations. This realisation was also a consequence of the recognition of the fact that although there was an impressive

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¹ Headload workers had not come under any of the labour legislations such as the Factories Act, 1948 or Shops and Establishment Act, 1960 until the enactment of the Kerala Headload Workers Act, 1978 (Act 20 of 1980).
increase in their financial earnings/wages, due to unionised collective bargaining, their social life remained as it used to be. Their employer-unfriendly tactics were effecting negative impacts on the general economic progress of the state. The general discourse of development had been accusing the state of non-advancement of manufacturing industries in Kerala. All these factors influenced interventionist tactics of the state.

As we have noted in the previous chapter, trade unions affiliated to different political parties which effectively mobilised the headload workers, both in urban and rural areas, could ensure better working conditions, reasonable wages and security of employment for this category of workers. Yet, they failed to discipline the workers in accordance with the requirements of the modern economic development and did not pay serious attention to this matter. Therefore, the headload workers remained as an undisciplined and militant group who quarrelsomely confronted with their employers. In short, though union intervention was successful in mobilising headload workers and facilitated them with capability for collective bargaining, it failed to control them or enforce a code of conduct that responded to market mechanism.

In order to overcome this predicament caused by the free floating workers of a chaotic headload market, different bodies of the government such as legislature, executive, judiciary and market collectively functioned to bring a new order in the market. Their main objective was to 'discipline' the headloaders in the modern way so that the market mechanisms could function smoothly. This resulted in the enactment of the Kerala Headload Workers Act, 1978 (Act 20 of 1980). This juridico-political intervention into the market was indeed a landmark in the history of organised trade unionism and disciplining of the unionists.
4.1 Juridico-political Changes

The antecedents of the Kerala Headload Workers Act of 1978 can be traced from the year 1976, when the Kerala Headload Workers Bill was presented in the State Assembly. The speech made by the then Minister while presenting the Bill in the Assembly indicates the bitter experiences caused by the headload labour market and the severely felt need for governmental intervention. Since the Bill could not be passed before the Assembly Election of March 1977, it was presented again by the new Ministry and was referred to a Select Committee. The Select Committee after thirteen sittings with different concerned parties and persons came to the conclusion that there was a need to change the original draft.

The Bill, when it was first presented in the Assembly, covered only those headload workers who had a definite employer-employee relationship. This was very clear from the definition given to the headload worker in the Bill. In the Bill the usage 'headload worker' referred to

a person engaged directly or through a contractor in or for an establishment, whether for wages or not, for loading or unloading or carrying on head or person or in a trolley any article or articles in or from or to a vehicle or any place in such establishment, but does not include a person engaged by an individual for his private use.

Before passing the Bill of 1977, the Select Committee amended the definition and came out with a new definition. In the new definition (the new definition

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2 The Kerala Headload Workers Bill was presented in the State Assembly by Vakkom Purushothaman, the then Labour Minister of the Kerala Government. He narrated in the Assembly some incidents to show the inconveniences and humiliation caused by the headloaders to the customers in the state. (M. Sreenivasan, "Project Report . . . " Op.cit., p.134).


is incorporated in the Act and is given later) the Select Committee included the unattached (non-regular) category of headload workers who had no formal employer–employee relationship. Since the expression ‘private use’ was very wide in scope, the expression ‘domestic purposes’ was preferred. Among other changes proposed by the said Committee the most important one was the incorporation of a new chapter i.e., Chapter VI, in the Bill, which deals with the modus operandi for the constitution of Committees. Having realised the need to protect the interests of the headload workers who had no formal employer–employee relationship, the Select Committee recommended the constitution of a Committee for each area to function as the deemed employer. The office bearers of the Committee consisted of government nominees, and representatives of employers and headload workers. Besides the Committees, establishment of an apex body to co-ordinate different Committees was also suggested; this body came to be known as the Kerala Headload Workers Welfare Board (KHWWB) These two governmental bodies in effect substituted some of the expected roles of the unions. That is, through these bodies the government could extend its strings of power into the market and gain an opportunity to directly influence the headloaders. The functions of the Committee, as stipulated by the Select Committee, “shall be to pool such headload workers, to arrange and regulate their employment and to pay their wages, to take disciplinary action against them wherever necessary and to do all such acts which are necessary for the implementation of the Act and the Scheme”\(^5\). In fact, the newly incorporated chapter covers the matters regarding the constitution of these committees, the monitoring of their functions, the control and if needed, the supersession of the Committees by the Board etc.

\(^5\) *Ibid*, p.11.
After the revision by the Select Committee the Bill was passed in the State Legislative Assembly in 1978 and then it was sent for the President’s approval. The Act received the assent of the President of India on 28 August 1980, and as a result all the provisions of the Act came into force in the whole of the state from 20 May 1981.6

The purpose of the Act, according to its preamble, is “to regulate the employment of headload workers in the State of Kerala and to make provision for their welfare, for the settlement of disputes in respect of their employment or non employment and for matters connected therewith”7. The proclaimed objectives of the Act are: (a) regulation of employment, (b) provision of welfare measures and (c) settlement of disputes. The Act thus substantiates the point that the trade union movement could not accomplish these objectives although the same objectives had been included in the agenda of trade unions.

The Act contains 43 Sections in 11 chapters. The first chapter contains the title of the Act, the extent and commencement of the Act and the definitions of the important terms used in the Act. The following nine chapters contain different matters such as the appointment of conciliation officers, appellate authorities and inspectors, directives on the hours of employment and wage rates, recommendations to launch different welfare schemes for the workers, description of the nature and functions of the Board and Committees, details regarding the mode of settlement of labour disputes and penalties, and application of Workmen Compensation Act to the headload workers, details

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6 For details, see, notification appeared in Kerala Gazette Extra-Ordinary No.385 dated 19 May 1981.
regarding the maintenance of registers and records; penalties and procedures etc. In the final chapter miscellaneous provisions are detailed. What we can find is that, unlike the unionisation, governmental intervention formalised the mode and procedures of intervention beforehand and care has been taken to cover up the loopholes opened by the trade unions.

The two key terms – employer and worker - invoked by the Act need to be examined now. The Act defines the term ‘employer’ in the following manner:

1. . . in relation to a headload worker engaged by or through a contractor, the principal employer;
2. . . in relation to a headload worker who is not employed by any employer or contractor, the Committee constituted under Section 18; and
3. . . in relation to any other headload worker, the person who has ultimate control over the affairs, of the establishment in or for which the headload worker is employed and includes any other person to whom the affairs of such establishment are entrusted, whether such person is called an agent, manager or by any other name prevailing in such establishment.8

The Act defines a headload worker as

... a person engaged directly or through a contractor in or for an establishment whether for wages or not, for loading or unloading or carrying on head or person or in a trolley any article or articles in or from or to a vehicle or any place in such establishment, and includes any person not employed by any employer or contractor but engaged in the loading or unloading or carrying on head or person or in a trolley any article or articles for wages, but does not include a person engaged by an individual for domestic purposes.9

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8 Section 2 (i) of the Kerala Headload Workers Act, 1978.
9 Section 2 (m) of the Act.
The Act covers in its fold two categories of workers (a) those persons who are engaged directly or through a contractor in or for an establishment and (b) those who are not employed by any specific employer or contractor but by a number of them. In the first category, there is a specific employer-employee relationship and this category of workers is termed conventionally as 'attached workers'. The employee, in this case, cannot have multiple contracts with different employers and the employer does not change employees; in this sense the relationship is stable and more or less continuous although not permanent. In the second category of workers, there is no stable employer-employee relationship and it is termed as 'unattached workers'. In this case, multiple contracts system is possible and the employer can increase or decrease his labour turnover rate.

For the execution of the Act, it had to be supplemented with Rules. Therefore, without much delay, The Kerala Headload Workers Rules got promulgated in 1981 and it came into force on 20 May 1981. They were applicable to all establishments to which the Act was applicable. The Rules covered both attached and unattached headloaders and contained detailed directives to the Board and the Committees. They stipulated the procedures to be followed while establishing the Board and the Committees, their powers and functions, procedures for the revision and notification of wage rates from time to time, procedure and form for the registration of headload workers and for the settlement of disputes.

One of the modalities of the governmental interventions in the market was through the implementation of regulatory and welfare oriented projects. In fact, the very constitution of the Board and Committees was to execute such projects. So the governmental intervention combines regulatory and persuasive strategies.
We, now, turn over to the operationalisation of the new project, which is generically known as ‘The Kerala Headload Workers (Regulation of Employment and Welfare) Scheme’, 1983.

4.2 Regulative Regime and Welfare Schemes

The overall objective of the Scheme was regulation of the headloaders’ behaviour through the extension of welfare schemes to persuade them to imbibe alternative behavioural patterns.\(^\text{10}\) Specifically, the Scheme aimed at regulating and distributing the employment of headload workers in the areas to which the Scheme was specifically made applicable. The government formulated two more welfare schemes for attached group of headload workers and scattered group of headload workers in 1995 and 1999 respectively. But, as our study covers only the unattached group of headload workers and the regulation of their employment and welfare, the study is confined to the Kerala Headload Workers (Regulation of Employment and Welfare) Scheme, 1983. We may begin with the composition of the bodies that implement the Scheme.

4.2.1 The apex body

As mentioned earlier, for the successful implementation of the Scheme of 1983 and for ensuring the proper administrative actions including control of the Committees, the government has established the Kerala Headload Workers Welfare Board. The Board is a tripartite corporate body consisting of fifteen

\(^{10}\) Section 13 of the Act empowers the government to make one or more Scheme or schemes for any employment or group of employment in one or more area or areas. The Kerala Headload workers (Regulation of Employment and Welfare) Scheme, 1983 was made by the government under this section.
members with equal representation of the employers, workers and the government. Yet, the government has an upper hand in the Board as it is the government, which nominates all the members in it. One among the members becomes the Chairman of the Board. The term of office is fixed as three years from the date of notification in the Gazette. In the organisational set up the Chief Executive heads the administration of the Board. The Board exercise supervisory, regulatory and administrative powers and it is accountable to the government for the successful implementation of the Scheme and for the efficient supervision of the Committees.\textsuperscript{11}

4.2.2 The local bodies

The Board takes initiative to set up the Committees which operate at the local level. When the Board finds that there are sufficient number of employers, workers and business activity in an area where the Scheme has to be implemented, it sends a proposal to the government with its recommendations. The government after due consideration of the proposal, may appoint a Committee for the area.\textsuperscript{12}

\textsuperscript{11} Rule 15 in The Kerala Headload Workers Rules, 1981, specifies the mode of appointment and powers of the Chief Executive. He shall be an officer of the Labour Department not below the rank of a Joint Labour Commissioner. He shall be a member of the Board nominated as one among the five members of the government. The Board has two branches – the Finance branch and the Administrative branch. Rule 16 provides for the appointment of a Finance Officer in charge of the Finance branch. He shall be an officer not below the rank of a Deputy Secretary of the Finance Department. As per subsequent government orders, a Secretary is appointed. He shall be an officer not below the rank of a Deputy Labour Commissioner of the Labour Department as in charge of the Administrative branch of the Board. The Kerala Headload Workers Welfare Board is the state level institution to administer and implement the various schemes formulated by the government from time to time as per Section 13 of the Act. When we construe Section 18 (9) of the Act, Rule 14 and Paragraph 4 of the Scheme, it is clear that the Board is having supervisory, regulatory and administrative powers and is responsible to the government in the successful implementation of the Scheme and the efficient supervision of the Committees.

\textsuperscript{12} Section 18 of the Act empowers the government to set up a Committee for the implementation of the Scheme.
Though the Board is an apex body, which is accountable to the government for the implementation of the scheme, the Scheme gets operationalised and functionalised by the Committees. The Committee is also a body corporate and it consists of utmost 15 members nominated by the government of whom two-thirds shall be the representatives of the employers and the headload workers in equal numbers. The Committee has a chairman and a convenor and their term of office is two years.

The functional responsibilities of the Committees are: (1) pooling of the headload workers who are not employed under any fixed employer or contractor, (2) regulation of their employment, (3) payment of wages, (4) taking disciplinary actions whenever necessary and (5) taking all other necessary steps for the implementation of the Act and the Scheme. Therefore, we can state that it is the Committee which directly operates the workers and it is this agent that unleashes disciplinary measures on individual headloaders.

4.2.3 Economic mediation

The Committee collects the due wages of the workers from the employers and distributes the same among the workers. Besides the actual wage, the Committee collects 25 per cent of the total wage as ‘employers’ levy’ and from the wage share 10 per cent is diverted as ‘workers’ levy’. In this way we can characterise the Committee as a body with non-market oriented redistributive system. The ‘workers’ levy’ goes to the Terminal Benefit Fund of the workers and the total amount in the account of the workers will be disbursed at the time of their superannuation. A share of the revenue appropriated by the Committees

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13 Section 18 (8) of the Act.
goes to the Board and another share to the Welfare Fund of the workers. The
details are the following. From the ‘employers’ levy’, a portion, i.e., 2 per cent of
the total wages of the workers and one rupee per worker per month, goes to the
General Fund of the Board. The Board has a General Welfare Fund,\textsuperscript{14} in which
the Board, the Committee and workers contribute Rs. 10 each per month. The
workers make all their financial contributions to the Board through the
Committee. Other sources of income of the Committee are the registration fees
paid by employers, interests on deposits, and loans or grants from the
government, if any. Interest on deposit money and loans and grants of the
government, if any, are other sources of income of the Board.

The Board receives no government contribution for the implementation of
the Scheme. We have observed that the Board and Committees receive their
income from the workers and the employers; that is, the governmental
intervention into the market is made possible through the revenue from the
agents of the market itself. Smoothening of the headload labour market is
institutionally done by the state but such intervention is realised through
redistributing wages and profits. Smoothening of the market benefits primarily
the employers; formalisation of work through the Committees benefits the
workers. The workers’ benefits are bonus and bonus advance, holiday allowance,
educational grants and other welfare supports. The employer and the worker

\textsuperscript{14} In addition to the General Fund, the Board is also maintaining a General Welfare Fund. After realising the inadequacy and the lack of uniformity of the welfare measures adopted by the various Committees, the Board has decided to set up a General Welfare Fund for extending more welfare measures to the headload workers. Accordingly, Kerala Headload Workers (General Welfare Fund) Regulation, 1987, came into force from 1 April 1987. The objects for which the Fund may be utilised are also specified in the Regulation, 1987, which include welfare measures, health measures, provision of recreation facilities and the provision of water and sanitary facilities, rest shelters etc.
together contribute the amount needed for such beneficial programmes. Again, they together pay the administrative cost of the Committees and the Board. This shows that once a headloader gets registered in the Committee, he gets posited in a financial network, which is ultimately to help the worker and employer. This also creates thriftiness among them. This is one of the means through which wage employment and behaviour of the workers are formalised. Other forms of formalisation through the implementation of the Scheme need to be discussed. As we have described the disciplinary institution, this is the apt time to move over to the exercise of discipline.

4.3 The Concept of Disciplinary Technologies

We have repeatedly stated that the formalisation of labour processes through the institutional apparatus aims at bringing order to the chaotic labour market. Formalisation also involves alteration of the attitude and behaviour of the headloaders through either regulatory or persuasive strategies. This apparatus of formalisation employs some of the modern disciplinary techniques to control and mould headload workers at their work site as well as outside it. In terms of governance they activate restrictions from above and inculcate the ideology of restraining oneself.

Discipline produces subjects and ‘docile’ bodies.\textsuperscript{15} Discipline increases the economic utility of the forces of people and diminishes them in terms of political obedience. The modern societies are often characterised as disciplinarian, in which people are congregated and made to act in a new way.

According to Foucault, disciplinary power requires and develops four procedures for the control and use of men: (1) distribution of individuals in space (enclosing, controlling, arranging and placing individuals in space) (2) ordering in time (subdividing time, programming an action and decomposing a gesture etc.) (3) composition in space-time (the various ways of constituting a productive force whose effects have to be superior to the sum of elementary forces that compose it), and (4) distribution of individuals within a network of values and normalising judgements (inciting people to imbibe or relegate some or other values). The disciplinary apparatus "dissociates power from the body; on the one hand, it turns it into an 'aptitude', a 'capacity', which it seeks to increase; on the other hand, it reverses the course of the energy, the power that might result from it and turns it into a relation of strict subjection". No more can we identify technology in the relations between men and things; it can be deciphered in the relations between people.

We can now move on to examine how the state intervention in the labour market with a view to bringing order in the market employs disciplinary technologies to create decent workers. Though Foucault has put forward a general theory of the growth of disciplinary power, his analysis of the constituent elements of disciplinary power has direct relevance to the study of the capitalist labour process. The set of strategies suggested by Foucault cannot be applied fully to all conditions and at all times. Based on the specificities of the category of individuals to whom the set of strategies is employed for disciplining,

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16 Ibid, pp.141-169.
17 Ibid., p.138.
certain modifications and additions to the schematisation suggested by Foucault are required. There are different disciplinary techniques at work and we have schematised them, but they are not independent of each other; there are several overlaps among them.

4.3.1 Convergence and surveillance

An essential requirement for effective governance of foot loose individuals is making them to converge at specified sites. Such congregations enable the institutional set up to have better surveillance over them. In other words, the workers who are congregated in a particular work site give themselves better visibility, which in turn makes their governance more efficient and economical. “Discipline sometimes requires enclosure, the specification of a place heterogeneous to all others and closed in upon itself. It is the protected place of disciplinary monotony”\(^\text{19}\). Headload workers were a category of informal workers scattered across different sites. Their work sites were scattered, absorbing headloaders in small and large numbers. They gave maximum visibility in the different markets spread across the state. Therefore, it was essential to bring them under a formalised institutional site for effective governance. The Act was enacted, mainly, to serve this purpose.

At this juncture we can elaborate the procedures and processes of converging disparately distributed headload workers. The first process is to identify individuals as ‘headloader’\(^\text{20}\). For this, given sets of workers are to be differentiated from the general mass and termed as headload workers by the


\(^{20}\) Section 25 of the Act.
authority, in our case, the Assistant Labour Officer of the Labour Department. As a proof of identity as a headload worker, the workers receive 'identity cards' issued by the same office. Only those with such identity cards can enter into the enclosure, that is, the headload labour market; self-registration with the Department is a minimum condition for the entry. Moreover, one should have a past which attests that one has been a headloader. In this way the informal entry of headload workers into the market is formalised through controls.

We can also state that this procedure of registration is not only the need of the State to congregate the workers, but it turns out be the need of the workers as well. Registration is not imposed on them but it works as an enabling factor. Registration becomes a gate pass issued by the government for the free-floating workers to enjoy certain utilities and the continuum between the government and market is ensured through the increased utility.

With the restrictions imposed on the mobility into the market, the worker's identity as a headloader got consolidated. Further, a new binary division also came into existence. That is, 'outsiders' got differentiated from the 'insiders'; this reduced the fluidity and blurred boundary between them and also the confusion born out of the amorphous identity of the headload worker. As the identity got formalised and entry into the market got controlled, the sporadically conflicting relation among them gradually diminished. Another reason for this diminution is that, when workers get registered, they are allotted fixed areas to work in; one is not to transgress its boundaries. Formalisation takes place through distributing the headload workers across occupation, markets and localities.

There is a second stage of registration, which converges the already registered headload workers into more micro-enclosures. At the first stage of
registration itself the total pool of the card holders is differentiated into three, namely, attached, unattached and scattered. The Scheme targets only the unattached card holders. These card holders are distributed at different work sites or 'pools' identified and notified by the implementing functionaries of the Scheme. Once a worker is registered at the micro-enclosure, movement outside it for work is difficult to take place. As a general principle continuity of the location of work site is ensured when the registration procedure gets introduced.

The question that comes to our front is how the number of registered headload workers is determined. There can be increase, decrease or replacement of the workers brought into the surveillance of the Scheme. Every year a list of the number of workers required on account of retirement on superannuation, death, disability, resignation, removal and expansion of the Scheme is prepared during the month of March. On the basis of the list applications are invited to fill the vacancies from headload workers who have already become registered card holders. The convener of the Committee scrutinises the suitability, seniority and capability of the applicants before finalising the list. The selected headload workers then receive their identity cards of the Scheme. It is a procedure aimed at knowing the individual, mastering him and using him.

In short, the first registration/formalisation renders fixity to the worker's identity as a headloader and the second one brings a section of individuals among them within the micro-enclosure or the target area of the Scheme as a beneficiary. The disciplinary mechanism employs the strategy of selective convergence by filtering certain willing individuals out of the mass of the headload workers and placing them as beneficiaries. The size of the headload population, relation between workers and governmental apparatus etc., are brought under surveillance and control.
4.3.2 Distribution of workers in space

Disciplining the workers proceeds from their distribution in space; that is, the stipulation or assignment of each worker a place and position in the work site. Till unionisation there was no fixed distribution of workers in space; it was the individual worker independently or he in consultation with others working at a particular site who determined the place of work. Since unionisation there was a move to fix the spatial distribution, but positioning of headload workers at different work sites was, to a great extent, more or less arbitrary. But as the Scheme got unfolded, distribution of workers in space became fixed and a regulated affair. As mentioned earlier, once an area is notified as a Scheme area, its boundary is fixed and only the Committee has the power to make necessary changes in the distribution of the pools and subdivide it into as many groups as are needed.

As there was no uniformity in wage rate and volume of work in different pools, inter-pool mobility had to be restricted. Trade unions restricted free entry into the labour market and prevented inter-pool mobility. This got reinforced since the Scheme. Therefore, the Scheme stipulated that any "... employer requiring the service of the headload workers shall from time to time intimate the Convener the number of workers needed by him and the Convener shall allot such number of registered workers for work for that employer"\textsuperscript{21}. This distributive act was to be carried out by the Convener, but the pool leaders also undertook this duty for the Convener. Such a disciplinary move was to prevent possible skirmishes among the 'insider' headloaders and between 'insiders' and 'outsiders'. Such a system of control and supervision attempted to maximise

\textsuperscript{21} Paragraph 21 of the Scheme.
advantages and reduce inconveniences. The spaces were partitioned and distributed among the card holders to deploy themselves and they were spelt out beforehand.\footnote{Section 2 (j) of the Act.} A separate Schedule was included in the Scheme, which spelt out thirteen partitioned sites.\footnote{The Schedule contains the following establishments. Iron and Steel markets or shops, cloth or cotton markets or shops, grocery markets or shops, railway yards and goods sheds, establishments employing workers for loading or unloading of goods and other operations incidental and connected thereto, vegetable markets (including onions and potatoes markets), establishments employing workers for loading unloading and carrying of food grains and such other works incidental and connected thereto, bus stands, boat jetties, landing places of country crafts, forest supply and sale coupes, timber and firewood depots, quarries, markets (including fish and meat markets) and factories employing workers: which are not covered by any other entries in this Schedule, Rubber, Tea, Coffee, or Cardamom plantations where workers are employed or engaged for loading and unloading timber or wooden logs in or from, or to a vehicle, trolley or cart, Establishments employing or engaging workers for loading or unloading Liquified Petroleum Gas Cylinders in or from, or to a vehicle.} Such definition of possible operational sites and positioning of the headload workers on defined space was a technique by which greater control over them were exercised.

4.3.3 Distribution of workers in occupational matrix and time scale

Headload work normally means loading and unloading of goods, but this category of work is far from homogenous, and contains highly differentiated jobs and skills. The effort and skill needed to carry out these jobs differ significantly; so also the wage receivable from each of them. The stigma attached to each one of them also differs considerably. This differentiated distribution of jobs and mobility between them had been a matter of contest and caused confusion. It was important to reduce the confusion and, therefore, each pool was expected to specialise in a particular type of job.

Though in each pool there was work sharing and wage sharing, resulting in the equality in the distribution of income among the pool members, there were
inequalities between the pools. This made inter-job mobility problematic. In order to resolve the problem, as we have observed in the case of distribution of individuals across space, the distribution of the headload workers across the spectrum of jobs was made fixed as a disciplinary measure. In fact, the Scheme followed the practices that had already been brought into the market by the trade unions. What the Scheme attempted was to further formalise these by legalising the fixity of the already existing distribution. This, in turn, reduced the possibility for tussles among the headload workers.

Strict imposition of time table and practice of work rotation were other measures to bring order in the market. For this purpose, clock time was divided up. First a working day was defined as twelve hours between 7 a.m and 7 p.m. This was defined as a normal day’s work time. As normal work time was defined in this way, the remaining twelve hours of the day was defined as non-normal work hours and higher wages could be gained by working during the non-normal working hours. The wage difference was fixed as 1:1.5. The economic advantage of taking up work during the non-normal working hours was an attraction, but no one was free to choose one’s working hours. Moreover, for a given piece of work a given number of labour power is required. Even if there are excess labourers in a pool, they are not employed once the required number of labourers for a specific work is employed. They would be employed when some other piece of work becomes available. The underlying idea of this technique differs from the notion that idleness is negative and thus the technique increases productivity. Work sharing, unless managed well, is vulnerable to indecisiveness. It introduced a new economy of the time of work. With the serialised work sharing carried out by the Committee uneconomic use of time got very much reduced.
4.3.4 Technique of participatory governance

With the launching of the Scheme, it was expected that making workers or their representatives participate in the governance of the workers would reduce the feeling that others were governing them. When one is party to one’s own destiny there is no one to blame for failures except oneself. Till the formation of the Board/Committee the main technology of governance was to constitute formalised bodies to control the headloaders from ‘outside’, and in such bodies there was no role for the workers. Formalisation of governance of the headload workers through the Scheme attempted to eliminate the feeling of restriction and domination. When the idea of participatory governance was introduced, it was expected to create a sense of belonging to the body in which they were members.

By making the workers participate in the governance, effectiveness of disciplining was increased. This was mainly due to two reasons. One was the feeling of the workers that their status was lifted to a higher level as they were equally placed in the governmental apparatus along with those who used to govern them from above and also with the representatives of their employers. This added to their self-esteem and their social image. Workers had usually recognised themselves as those destined to have a place only at the lower strata of social hierarchy. As a consequence, they maintained an attitude that they had nothing in the governance of their own future and never nurtured the thought that they would be able to participate in the governance. But an opportunity of self-governance was thought to keep their heads high. The composition of the office bearers of the Board/Committee reveals that the participation of the headloaders in the self-governance did have the potential to pave way for their
self-disciplining. The other reason was that workers thought that as they also had a role in the governing body, it would be a just podium to make their voices heard and an opportunity to redress their grievances in an amicable manner.

4.3.5 From arbitrariness to fixity

Before the implementation of the Scheme, trade unions used to make agreements with the employers in markets, but there were many instances of the violation of such agreements. Headload workers were accused of demanding exorbitant wages for their services if their demands were not satisfied. The wage determination often culminated in quarrels. Hence, the major disciplinary step for moulding the workers was the fixation of the wage rate for each type of work.

The Scheme proposed to fix the wage rates payable to the headload workers. The Board was entrusted to fix the wages, taking into account the general changes in the cost of living index and the general wages. In response to the Board’s proposal, the government notifies the wage rates for the benefit of the employers and workers. Before the introduction of the procedure of notification, the arbitrariness, despite the existence of a wage schedule, was such that arbitrary wage bargaining continued to be the mode of wage determination. With the new procedure, both the card holders and the employers became answerable to the governmental institutions for not following the notified wage schedule.

There was no proposal to unify wages but only to fix them by taking into consideration the local specificities of the economy. Therefore, wage fixation and periodic revisions became a sensitive issue in the formalisation of labour and employment relations. This reduced arbitrariness and engendered conflicts
between employers and employees. Indeed, this was one of the instances of formalisation of the informal.

Giving fixity is not confined to the wages demanded but to the payment of wages as well; that is, fixity does not target the headload workers alone but the employers as well. If an employer violates the notified wage schedule, the governmental institutions can effectively intervene in the market. If the headload worker becomes a victim of such violations, then he, or an official of the union of which he is a member, can furnish a complaint to the Conciliation Officer and request the Officer to issue needed directives to the employer to pay the prescribed wages. If the employer fails to follow the directives of the Conciliation Officer, the matter is to be reported to the District Collector. The Collector is supposed to take action for the recovery of the due wage from the employer as if it were an arrear of public revenue due on land. The introduction of these procedures exemplifies the tendency to insist on regularity and fixity in the employer response towards the headloaders’ rights to just wage.

As headload work is a collective endeavour, it necessitates the practice of wage sharing among workers. Equal sharing of the earnings among those who are involved in the work is an ideal. Yet, as the workers differ with respect to their relative powers and positions, discriminatory sharing is possible. This arbitrariness in wage sharing has the potential to create conflicts among the workers. With the unionisation, the extent and magnitude of this anathema of discrimination got reduced and with the implementation of the Scheme such incidents became rare. As a consequence equal sharing of the earning among the workers in same action became normalised.

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25 Section 11 (I) of the Act.
The formalisation of wage sharing took place by replacing on the spot wage payment with monthly wage payment system through the deemed employer system. A brief discussion on this replacement is worthy to make, as the new system has the potential to create far reaching influences on the behaviour of the headloaders not only when they are in the market but also when they participate in other social and economic processes. The monthly wage payment system is of particular significance as the employer does not directly pay the wages to the workers but pays it only through the Committee. The Committee collects the wages from each employer everyday along with the welfare levy at the stipulated rate.

The wage sharing is based on the labour expended by each worker. That is, the total earning of the pool per day is equally distributed among those members of the pool who were present at the work site on the particular day. But this is only an accounting system. The daily earning of an individual is not given to him on that day but is distributed on a monthly basis. Of course, in the context of contingency, advance is provided. This has far reaching effects on their consumption pattern and propensity to save. We will take up this issue in detail in the forthcoming chapter. What is to be underscored here is that, their daily life style and flow of wages got formalised and this makes them more determinate. Moreover, every registered employer (employers who want to employ the headloaders have to register themselves as deserving employers with the Committee) deposits in advance an amount approximately equivalent to the anticipated weekly wages, in the account of the Committee. The advance wage payment doubly ensures wage payment by the employer.
There exists a governmental directive to the employers that they should maintain registers and records of the workers engaged by them. Such a system of account maintenance was entirely new to the normal employment practice in which there was no such need. Systematic documentation of the work carried out by each individual and the wage due to each, also enables formalisation of the wage flow from the employer to the worker. When the work of a day is over, the employer prepares the ‘work card’. This is a document which makes payments transparent and dispute free as the work card includes the name of the employer, name of workers, volume of work done, amount of wages and levy payable. The employer makes the work card in triplicate, sends two copies to the Committee, and keeps one copy with him. The convener of the Committee keeps one copy of the work card with himself and returns one copy duly attested to the worker. Such a documentation system prevents any possible indeterminacy regarding wage payments. This system formalises the financial flow from the employer to the worker through the Committee.

4.3.6 Disciplining through conflict resolution

We have observed elsewhere that the relation between the headload workers and their employers became severed by aggressive collective bargaining and display of militancy. As the Act aims at formalising employment, it evolves mechanisms to reduce direct encounter between the workers and employers. If a dispute exists or is apprehended, the Assistant Labour Officer who has the jurisdiction over the area can hold conciliation conferences. If settlement is not arrived at, he refers the issue to the Conciliation Officer, who shall be an officer of

26 Rule 26 and 27 in the Rules.
the Labour Department. He/she takes a decision on the disputed issue, but his
decision is subject to appeal before the Regional Joint Labour Commissioner, who
is the appellate authority. The appellate authority, after giving the parties an
opportunity of being heard, shall take a decision or the appeal with in a period of
two weeks from the date of the receipt of the appeal. Above all, the government
can directly interfere in the dispute and resolve it, if it is found necessary to do so.

A headload worker shall be entitled to be represented in any proceedings
under the Act by the representative of the trade union to which he is a member,
or by the representative of the federation of the trade union to which the trade
union is affiliated; and if he is a non-member of trade unions any headload
worker of the same establishment can be authorised to represent him.27 Similar
provisions are given to the employers to authorise their persons to represent them
in the proceedings under the Act.28

When a matter of indiscipline is reported to the Committee, the Chairman
authorises an officer to investigate the case. If the alleged act of misbehaviour of
the worker or employer is established, the accused may be awarded punishment
such as warning in writing, suspension from work or cancellation of registration.
In this case, the state activates its policing function. The Scheme does not
stipulate any definite punitive measures against a guilty employer. So while
militancy of the workers is confronted by the state with punishment, misbehaviour of the employers is left outside its purview.

When we go through the provisions of the Act and the Scheme together,
it may be realised that the de facto authority to settle disputes is entrusted to the

27 Section 23 (1) of the Act.
28 Section 23 (2) of the Act.
Labour Department and all matters of indiscipline among the workers and the employers are left with the Committee for a fair and suitable decision.

When the state intervenes in the headload labour market through its Schemes, it differentially combines different modes of control and exercise of authority. Perhaps this is because a trace of militancy is still continuing, although not at every site, and this calls forth the exercise of authority from above. Whatever be the mode of control, what accompanies them is a movement from arbitrary labour and employment relations in the market towards more formalised relations.

4.3.7 Strategy of persuasion

It is time now to recapitulate a common thread that connects different modalities of disciplining the workers. One thing common to all of these is that one way or the other the end outcome is to place the workers within a field of disciplinary regime; that is, to congregate them within a formalised domain in such a way that the surveillance of the state on them is maximised, to make them immobile beyond the limits of the space, job and value allotted to them and to make them follow a routine dictated by the partitioned time. To make the restrictions and provisions effective and economical, strategies of giving incentives and punishment and combination of the two at different proportions are combined.

State intervention in the headload labour market may be regarded as ‘the stick and the carrot policy’, i.e., a policy that puts restrictions on the workers and offers them rewards. The Scheme offers a package of welfare programmes, which covers health of the worker and his family, housing, education of children, old age security, bonus and festival advance, loan facilities, terminal benefits etc.
The peculiarity of the Scheme is that it takes into consideration not only the worker but his family members as well. Further, most of these measures are similar to those extended to the more privileged workers in the rolls of the formal employment contracts. With these incentives the government expects the workers to imbibe the modern idioms of life, particularly those of the middle class. In other words, the stereotype of the modern-educated man is projected to them as a model to be followed and replicated.

4.3.8 Self-transformation and technologies of the self

It is clear from the above discussion that persuasiveness has come from the government, that is from ‘outside’ the workers or their unions. From outside, it persuaded the workers to follow certain new norms, etiquette, values etc., which in general, opened a potential in front of them to choose a different life world. The persuasiveness was such that it was at the same time effective and affective. Either as a consequence of it or as a simultaneous process, there was another realm of disciplinary process. In this process persuasiveness did not originate from the government or unions, that is, it no more emanated from any ‘outside’ body. This was a realm where the ‘technologies of the self’ operated. A brief discussion on this point seems to be appropriate here. Technologies of the Self refer to something, “which permit individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality”\textsuperscript{29}.

\textsuperscript{29} Martin H Luther, \textit{et. al. Technologies of Self: A Seminar with Micheal Foucault}, London, Tavistock, 1988, p.18.
The excerpt suggests the way this technology operates and what it permits. Primarily it is an activity that centres on the individual selfhood in transforming oneself. This is unlike the restrictions and persuasion that come from outside to remould the personality and behaviour of the individual. No external body, neither the government nor the unions, need to force or persuade the headloaders to reform or discipline themselves. The workers themselves effect these functions and gain the result. This is the most effective and economical way to refine and reform individuals.

The points made here may be elucidated with the aid of certain anecdotes and examples. During our field visits we observed certain changes in the workers, which were the consequence of the functioning of the technologies of the self. With regards to their presentation of themselves in public there was a remarkable change. The headload workers were a section of people who were never concerned about how others would think of them; for instance, about their dress or use of language. But, as the technologies of the self began to work on them, their self-esteem increased. As their concern with what others would think of them became intense, they began to be careful about their display or projection of the self in the public sphere. They began to imitate the modern educated middle class.

Still other elucidative examples are the changes that were effected on the consumption behaviour and the propensity to save. Workers began to restrain themselves from indulging in certain consumption habits and to imitate the consumption pattern of the middle class. The most pronounced change was their newly gained initiative to educate their children as a means of social mobility. We can state that, in the realm where technology of the self operates, discipline
is normalised in the ‘inside’ of the workers. Here, without any persuasiveness or force from outside, one disciplines oneself, as one is a subject of oneself. There is nobody acting on them, but they act on themselves.

Formalisation of the informal labour market, which we have analysed here, involves placing and positing the workers or the objects of power relations in an altered space. The disciplinary regime operating in the labour market has the potential to alter the workers substantially. If we consider such alterations as the desired objectives of good governance, then one may be tempted to conclude that through formalisation of the headload workers, or through implementing the Welfare Scheme, the conduct of the headload workers and their response to social needs, have positively changed.