

# Global Issues

## The Labour Movement in an Increasingly Authoritarian Hindu Nationalist State

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### Introduction

In May 2014, the Hindu nationalist Bharatiya Janata Party (BJP) came to power with an absolute majority in the Lok Sabha (general) elections in India, with Narendra Modi as the prime minister. The BJP is one of the hundreds of affiliates of the Rashtriya Swayamsevak Sangh (RSS), an extreme right-wing organisation founded in 1925 with links to European fascism and the goal of turning India into a Hindu Rashtra (Hindu nation). I wish to argue that the entire gamut of its policies, even those that appear to affect only minorities, women and students, for example, fragment and disempower working people while installing an increasingly authoritarian state, and thus have a negative impact on the labour movement. In other cases – for example, the ban on the slaughter of cattle in accordance with the Hindu nationalist agenda – millions of Dalit and Muslim workers and their families are affected directly, although this is not often pointed out. Finally, there are policies that have a negative impact on workers of all castes and religions. It is therefore incumbent on workers and unions to use the power they still have, before they lose it, to ensure that the BJP is voted out of power at the next elections.

### Background to the BJP Victory in 2014

The BJP's earlier stint in power, when it did not have an absolute majority but was the dominant party in the ruling National Democratic Alliance (NDA), made its hostility to workers' rights very clear. It ran full-page advertisements in newspapers alleging that formal employment (to which labour laws applied) was responsible for unemployment; and the Finance Minister promised to liberalise the use of workers hired through labour contractors ("contract labour") and to permit employers to dismiss workers and close down units with up to 1 000 workers with no questions asked – measures which would have destroyed unions and precipitated the remaining 7 per cent of workers in formal employment into the informal sector at one blow. In the run-up to the 2004 Lok Sabha elections, many unions were convinced that if the BJP returned to power, their future would be under threat. In this context, major left-of-centre unions campaigned against the NDA and urged the Indian National Congress (Congress Party) and other opposition parties to include labour rights in their manifestos, thus helping the Congress-led United Progressive Alliance (UPA) government to come to power (Hensman, 2010: 119–120).

The UPA abandoned overt attacks on existing workers' rights. It also significantly strengthened the bargaining power of rural workers in 2005 by enacting the National Rural Employment Guarantee Act (NREGA) in response to the demand for livelihood security by the

Right to Food Campaign. NREGA provided for at least one hundred days of employment per year to each rural household whose adult members were willing to do unskilled manual work. Campaigners insisted that the minimum wage for agricultural workers set by the state government should apply, and that if applicants failed to be given work within a fortnight of applying, the household would receive an unemployment allowance. The objective, apart from providing employment, was to boost rural development by building public works (roads, water management schemes, etc.). Where it worked, NREGA was “seen by many rural labourers as an opportunity for dignified employment” (Drèze and Khera, 2009: 11). Women in particular appreciated the chance to earn equal wages in their own names: an average of Rs 85 per day compared with agricultural wages of Rs 15–35. But there were also attempts to sabotage the scheme by government functionaries and contractors, who were furious about being denied the opportunity to take a cut out of development funds. One form this took was to delay or deny payments for work performed; another was outright violence, including murder, against NREGA workers and activists (Hensman, 2011: 246–250).

However, the absence of overt assaults on labour rights by the government did not mean that workers and unions were in a strong position. The very fact that only around 7 per cent of workers enjoyed rights that allowed them to challenge victimisation for joining a union or engaging in collective bargaining meant that, for the vast majority, even fighting for a decent wage opened up the possibility of losing their jobs – a dire prospect without social security. Lacking any proof that they had been employed in the first place, there was no possibility even to engage in the long, dispiriting legal battle to prove unfair dismissal. Furthermore, the fact that the clause in the Contract Labour Act prohibiting the use of contract labour in perennial and core jobs remained on the statute books did not mean that it was enforced; on the contrary, the labour departments of state governments and even the judiciary allowed employers to flout it with impunity. Nor was the right to form and join a union of one’s choice – always weak and only enforced when formal-sector workers had the bargaining power to do so – upheld by the government in any systematic fashion.

The Congress-ruled state of Haryana provided a striking example of these failings. When the workers of Honda Motorcycles and Scooters India in Gurgaon tried to form a union and get it recognised in 2005, around fifty union activists were suspended, the president and secretary of the union were thrown from a second-floor window, and the entire workforce was locked out. On 25 July 2005, thousands of Honda workers, their family members and employees of other factories staging a protest demonstration in Gurgaon were assaulted viciously by the police, with some workers being beaten unconscious (John, 2005; Mansingh, 2005).

State government collusion with employers in depriving workers of their legal rights was even more blatant at the Manesar plant of Maruti Suzuki India Limited (MSIL). When workers tried to register the Maruti Suzuki Employees’ Union in June 2011, the Labour Commissioner’s office informed management, allowed it to engage in victimisation of the employees trying to register the union, and refused to register it. On a second attempt, workers succeeded in registering the Maruti Suzuki Workers’ Union (MSWU) with the help of the Deputy General Manager for Human Resources, Avansh Dev, in March 2012. The MSWU presented a charter of demands but management refused to negotiate with them. On 18 July 2012, workers noticed a large number of newcomers wearing workers’ uniforms without name tags. A dispute broke out during the first shift when a supervisor abused a Dalit worker in casteist terms, and at around 7.00 p.m. there was a fire in which Avansh Dev died of asphyxiation, unable to escape because his legs had been injured with a blunt instrument. The police arrested 147 workers – many of whom were not even present in the

plant at the time – for murder, while the company dismissed 546 permanent workers and 1 800 contract workers without any internal inquiry or review by the Labour Department (International Commission for Labor Rights, 2013). Most of the workers charged with murder were later acquitted, but thirteen were sentenced to life imprisonment in March 2017, with their lawyers declaring they would challenge the judgment in the High Court (Bhatnagar, 2017). This case was notable for the huge support the Maruti Suzuki workers received from workers and unions throughout India.<sup>1</sup>

The UPA won the 2009 general elections, largely because of the popularity it gained through NREGA, but by 2014, accused of massive corruption by opponents who were in some cases just as corrupt, it lost catastrophically, and the BJP gained an absolute majority in Parliament. Prior to the election, the Indian National Trade Union Congress (INTUC), which was linked to the Congress Party, issued dire warnings about what would happen to union rights under the BJP, but there was no attempt by other trade unions to ensure that the BJP was defeated. This was understandable, but it resulted in an even worse situation for workers.

### **Labour under BJP Rule**

Many of the labour law changes which had been dropped when the BJP lost power in 2004 were reintroduced in BJP-ruled states, starting in Rajasthan and followed by Madhya Pradesh, Gujarat and Maharashtra. These changes included the proposal that employers would be allowed to self-certify that their workplaces conformed to health and safety norms without the need for factory inspections. As pointed out above, these changes undermine the rights to freedom of association and collective bargaining by pushing ever more workers into casual, contract and irregular jobs, which allows employers to victimise them with impunity. However, the labour law changes could not be pushed through at a national level, partly as a result of strong resistance by the trade union movement. Independent trade unions and the central trade unions minus the RSS-linked Bharatiya Mazdoor Sangh (BMS) staged two massive demonstrations involving around 150 million workers each on 2 September 2015 and 2 September 2016 (*India Resists*, 2016). While demands for a major hike in the minimum wage, employment creation and universal social security cover were not met, the demand that the proposed labour law changes be stalled was more successful.

An even more emphatic victory was scored in the struggle against government attempts to change the terms of the Employees' Provident Fund (EPF) scheme. The EPF is a retirement benefit to which both employees and employers contribute, but given the sporadic and insecure character of most employment and the absence of unemployment and other benefits, many workers are forced to make withdrawals from their EPF when they are made redundant, or are being victimised or in other emergencies. In February 2016, the government passed an ordinance decreeing that only the workers' contributions could be withdrawn in such circumstances, while employers' contributions could be withdrawn only when workers reached the age of 58. The budget also proposed to tax 60 per cent of EPF withdrawals, which had hitherto been tax-free. Finance Minister Arun Jaitley was forced to roll back the tax proposal in March after widespread protests from salaried employees. After sustained and militant protests, especially a strike by over 100 000 workers (mainly women) of

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<sup>1</sup> A meeting I attended in Bombay where MSWU representatives came to speak was packed. When an appeal for financial support was made at the end, there were generous donations, including from workers who were not themselves well-paid. The solidarity was palpable.

the Garment and Textile Workers' Union, the ordinance was also withdrawn on April 20 (*Union Power*, 2016: 3–4).

However, the government did succeed in pushing through the Child Labour (Prohibition and Regulation) Amendment Act in July 2016. This piece of legislation allowed children to work in so-called family enterprises and slashed the number of hazardous occupations in which children were prohibited from working. Given that a large majority of working children are from vulnerable groups like Dalits and Adivasis (tribals), the amendment makes it even easier to pull children from these groups into child labour, including hazardous occupations (Gupta, 2016). This points to a weakness of the trade union movement in India, which is to some degree able to overcome its fragmentation along party lines and come together over issues that have a direct impact on workers in the formal sector, but consistently fails to defend marginalised and oppressed sections of the proletariat.

Another example of this failure is the lack of a concerted trade union response to the BJP's ban on the slaughter of cattle and eating of beef (much of which, in India, consists of buffalo meat) in accordance with its Hindu nationalist agenda. This has had dire consequences for Muslim and Dalit workers, who, due to the caste system, which classifies contact with dead animals as polluting, have been pushed into the meat and leather industries, and who also rely on beef as one of the cheapest sources of protein in their diet.<sup>2</sup> Cow slaughter was already banned in many states, but now the slaughter of all cattle has been made illegal in BJP-ruled states like Maharashtra, throwing hundreds of thousands out of work; when the BJP won the elections in Uttar Pradesh (UP) in 2017, the same thing was done there. To make matters worse, the ban is being used by thuggish vigilante groups linked to the BJP through its parent organisation, the RSS, as a licence to assault, torture and lynch Muslims and Dalits, whom they accuse of cow slaughter without any evidence whatsoever (*Indian Express*, 2016). Most shockingly, in many instances the police have registered cases against the victims; the perpetrators, even if initially arrested, have been let off; and Prime Minister Modi has been silent in the wake of the atrocities (Taseer, 2017; Naqvi, 2017).

The New Trade Union Initiative (NTUI), a federation of independent unions, did organise a protest against the beef ban (Khan, 2015), but by and large these targeted attacks have not received much of a response from the trade union movement. When in July 2016 self-styled cow-protection vigilantes tied Dalit leather workers to a vehicle and flogged them for hours in public with the collusion of the police in Una (Gujarat), it was the Dalit Atyachar Ladat Samiti, led by Dalit activists from Gujarat, which organised a Dalit Asmita Yatra through Gujarat, urging Dalits to stop removing carcasses of cows from public places as they were expected to do by caste Hindu society. One of their leaders, Jignesh Mewani, urged Dalits not to discriminate between Dalit sub-castes. He also called for Muslim–Dalit unity, and Muslims did indeed join the march (Dhar, 2016). This is the kind of initiative the trade union movement might have been expected to take, but they did not. It is significant that the inspiring and successful wage struggle of women tea garden workers in Munnar (Kerala) against their employers the Kanan Devan Hills Plantations in September 2015 was in some ways equally against the leaderships of the powerful local Communist Party-affiliated and Congress Party-affiliated unions. The women kept them at a distance from their action, forming their own organisation, Pembillai Orumai (Women's Unity). There is a caste and ethnic dimension in this case,

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<sup>2</sup> Many Muslims and Christians in India are Dalits who have converted to these religions in the hope of escaping the oppression and exclusion meted out to them by the Hindu caste system. B.R. Ambedkar, himself a Dalit, led a movement of conversion to Buddhism.

too: the women were mainly Dalits from across the border in Tamil Nadu, and thus looked down upon in terms of caste and ethnicity as well as gender (Raj, 2016).

One of the most devastating attacks on the working class by the BJP government was the sudden demonetisation of Rs 500 and Rs 1000 notes – 86 per cent of the cash in circulation – announced by Prime Minister Modi on 8 November 2016. The professed reasons were to combat “black money” (on which required taxes had not been paid), corruption and counterfeit currency. None of these reasons made sense. Counterfeit currency was a minuscule proportion of the cash in circulation, no more than 5–6 per cent of black money was in the form of cash,<sup>3</sup> and corruption continued uninterrupted, with bribes being exacted in gold and then in the new currency. The worst victims were the poorest of the poor – informal workers who were paid their daily wages in cash, hundreds of thousands of whom lost jobs and tens of millions (especially women) who lost their wages and meagre savings (NTUI, 2016). Over one hundred people lost their lives, including at least eleven bank employees who died as a result of the increased stress and work pressure. The non-BMS trade unions did protest against demonetisation (*Daily World*, 2017), although not on a sufficiently large scale to challenge the government’s narrative successfully.

When it became clear that none of the proclaimed goals of demonetisation would be realised, Modi shifted the goal to digitalising the economy as a way of formalising the informal sector (Reddy, 2017). As someone who has long argued for formalising informal labour (Hensman, 2011: Chapter 6), I find this astounding. The most obvious way to do this would be to register all informal labour and bring it within the purview of labour legislation. Instead, demonetisation resulted in massive job losses and even more massive wage losses for informal workers. This is analogous to eliminating poverty by exterminating the poor!

This is just a small sample of labour struggles that have taken place since Modi came to power. It is clear that, although under attack, workers and unions have by no means stopped fighting for their rights, and have in a significant number of cases been successful. However, this may change in the not-too-distant future.

## **Installing an Authoritarian Hindu Rashtra**

In addition to direct assaults on working people, the BJP government has taken measures that attempt to install an authoritarian, ultra-Hindu-nationalist state. Environmentalists objecting to coal mines or nuclear power plants are denounced as “anti-national” and seditious, as are all those who refuse to shout the slogan *Bharat Mata ki Jai!*, which portrays India as a Hindu goddess, or to stand up when the national anthem is played in a movie theatre, with such charges leading to arrest and detention in many cases. Non-governmental organisations working for social justice and justice in criminal cases have been targeted and deprived of foreign funding. A determined effort was made to undermine the independence of the judiciary by giving the government more power to appoint judges; when this was successfully resisted by the Supreme Court, Modi’s government retaliated by refusing to confirm appointments proposed by a collegium of judges, leading to ever-longer waiting times for citizens desperate for justice (Jaffrelot, 2016). On the pretext of protecting women from sexual harassment, Muslim men who fall in love with Hindu women are accused of waging a “love

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<sup>3</sup> Cash as an asset lost value due to inflation, unlike assets like gold, real estate and foreign currencies, which were preferred by black money hoarders.

jihad”, and “anti-Romeo squads” of both police and vigilantes harass and attack young people for even having a cup of tea together (Sethi, 2015; *The Citizen*, 2017). Academic independence has been assaulted by appointing unqualified RSS ideologues to head universities and research institutions: people who play a key role in “disciplining” students and lecturers who disagree with the ruling Hindu nationalist ideology propagated violently by the RSS student wing, the Akhil Bharatiya Vidyarthi Parishad (ABVP). This has resulted in suicides of some nonconformist students and violent assaults on others, after which the victims are the ones arrested and jailed for being “anti-national” – part of a broader attack on freedom of expression that holds the threat of punishment over anyone critical of Modi or the government (Deb, 2016; *MSN News*, 2016).

At first sight it may appear that these measures have little to do with labour. Only on reflection does it become apparent that an extreme right-wing regime which persecutes minorities, outlaws dissent, tries to dictate what people may or may not eat, say, wear, write or do, and whom they may or may not go out with, love or marry, is a terribly hostile environment for the labour movement. It is therefore critically important to build solidarity links between the wide variety of actors being targeted by the state.

An impressive demonstration of such solidarity occurred when the sanitation workers of the Kachra Vahatuk Shramik Sangh (KVSS) in Bombay,<sup>4</sup> affiliated to the NTUI, collected Rs 10 000 to pay the fine levied by Jawaharlal Nehru University (JNU) on Kanhaiya Kumar, a leader of the JNU Students Union, after the latter had been assaulted, charged with sedition, jailed and finally released because the charges were proved to be fabricated. The KVSS is a union of *safai karamcharis* (sanitation workers) engaged in sweeping the streets, collecting garbage, working at dumping grounds, and cleaning drains and sewers – jobs which according to the caste system are relegated to those right at the bottom. They had been fighting for years for workers to be employed directly by the Bombay Municipal Corporation (BMC) instead of being employed through contractors and paid just half the minimum wage, and for other facilities and benefits including proper health and safety equipment, lacking which sanitation workers, especially those cleaning sewers, regularly suffer fatal accidents. On 6 January 2017, in a return gesture of solidarity, Kanhaiya Kumar attended a rally of the KVSS in Bombay in support of their demands. The rally was also addressed by Jignesh Mewani, who was organising a similar agitation of sanitation workers in Gujarat (Johari, 2017). On 7 April 2017, the KCSS finally won its case against the BMC in the Supreme Court, and its general secretary, Milind Ranade, invited supporters to a celebration rally in Azad Maidan on May Day.

## Conclusion

The extremely fragmented character of the trade union movement in India, with the central trade union federations affiliated to political parties, is an even greater disadvantage in the present circumstances, when one of the largest federations is linked to the BJP, the very party engaged in repressing all opposition. Despite this impediment, workers have not given up fighting, but have been engaged in a large number of struggles, big and small, a significant number of which have been successful. Other sections of the population, too – students, for example – have been fighting to

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<sup>4</sup> The name of the city was changed to Mumbai (after the Hindu goddess Mumba Devi) by the Hindu nationalist Shiv Sena following the anti-Muslim pogroms following the demolition of the Babri Mosque in December 1992. Some of us, therefore, prefer to use the old name.

defend rights to freedom of expression, association and peaceful assembly, which are increasingly under assault.

These mounting assaults on democratic rights in general pose a threat to the labour movement, and demands more concerted action from the non-BMS trade unions. To begin with, they need to forge solidarity links with one another as well as with other sections of the population who are resisting the authoritarian transformation of the state into a Hindu Rashtra. As long as the BJP regime remains in power, the situation can only deteriorate. Therefore, unions need to repeat the kind of initiative they took in 2004, and put pressure on all opposition parties to form a united front to oppose the BJP in forthcoming elections, especially the general elections of 2019, and campaign and vote for that united front. Whatever government comes to power, workers and unions will have to fight against it, but it would be far preferable to put in power a government against which they have a good chance of winning, rather than having a government that is determined to smash them.

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