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When the Court Echoes the Market: Trade Unions, Class Bias and Corporate State

Devidas Tuljapurkar, WIRE, 7-2-2026

A remark blaming unions for industrial stagnation reveals the systemic – as opposed to accidental – weakening of labour rights.



A strike call in a bank in Varanasi. Worker and employee assertion is often demonised in India. Photo: PTI.

To say that the Supreme Court is not a repository of supreme wisdom is not a mere emotional reaction to certain recent events. It is a reflection of a political consciousness that recognises the class limitations of power structures; which understands how access to resources shapes the ability to weild power in society. This assertion about wisdom comes to mind in the present context due to a recent statement made by Chief Justice of India Surya Kant, while he was hearing a Public Interest Litigation (PIL) – Penn Thozhilalargal Sangam vs Union of India – on January 29.

The chief justice said, while hearing ten domestic worker unions' from across the country who sought minimum wages, that it was the trade unions that were largely responsible for stopping India's industrial development. However, the Supreme Court bench, of the CJI and Justice Joymalya Bagchi, declined to entertain the petition itself.

It would be a serious mistake to view the chief justice's statement about why industrial growth stalled in India as the personal opinion of an individual, for it reflects the changing class character of the Indian state as well as the rising dominance of neoliberal political economy within the judiciary. Indeed, judicial institutions are never class neutral. They function within prevailing socio-economic power relations, earlier as they do now.

Further trade unions have been declared obstructive of industrial progress before. In fact, it is an old mantra of neoliberal ideology. Since the 1980s, global policies of structural adjustment, privatisation and labour-market "flexibilisation" have relentlessly propagated this belief.

The outcome of these policies are also well known – widening inequality, jobless growth, precarious employment and the continuous devaluation of labour power.

In India, these tendencies have assumed a more extreme form. The welfare state envisaged by the constitution is gradually being replaced by a corporate-oriented state. The four labour codes, the so-called labour policy, the systematic weakening of MGNREGA (and its dissolution in favour of a non-rights-based approach) and the privatisation of the public sector are not isolated measures. These have worked in tandem, and together they constitute a deliberate strategy to dismantle the collective bargaining power of all workers.

This is the context in which we must assess the negative commentary about trade unions, emerging from the highest seat of the judiciary. This is not merely an ideological lapse – it is an indication of class bias.

The right to form associations is a fundamental right guaranteed under Article 19(1)(c) of the constitution. However, for the neoliberal state, such rights are recognised only under "market-friendly" conditions. That is, they are seen as acceptable only so long as they do not challenge the dominant capitalist framework.

Blaming labour struggles for industrial closures is a consciously manufactured misconception. Labour Bureau data clearly shows a steady decline in industrial disputes in India. To state it clearly, industrial closures are increasing even as labour resistance is shrinking. This reality itself directly contradicts the neoliberal theory that places the responsibility on the workers for industrialisation.

Instead, the real causes of industrial closures lie in the internal contradictions of the capitalist economy – its reliance on financialisation, market concentration, the decline of small and medium enterprises, falling effective demand and the dominance of speculative capital. India's experience with the Insolvency and Bankruptcy Code, for instance, and the massive tax concessions that are granted to large corporations through successive budgets, and the poor recovery of loans taken out by corporates from the public banking system are live instances of structural privileges extended to capital – the aforementioned access to resources shaping the contours of power.

That the statement – a mocking dismissal – was made in the context of a PIL seeking minimum wages for domestic workers also reflects class blindness regarding the social value of labour. Domestic workers, who are predominantly women, Dalits and migrants – constitute a large but invisible labour force in the Indian economy. Denying their labour recognition as "work" is then a shared characteristic – patriarchy does it, and the capitalist system backs it completely. That makes the court's observations more troubling.

The general strike of February 12, called by trade unions, farmer and agricultural labour leaders against the government's anti-worker and anti-farmer policies thus represents a collective resistance against these processes. It is not merely a struggle for labour rights – it is a political intervention against the class restructuring of the state. History makes it abundantly clear that democratic rights, social security and human dignity have never been granted from above. They have always been won through organised struggle.

The question before us today is simple: Will the judiciary stand with the Constitution of India, or will it stand with the market? In the conflict between labour and capital, will it pretend neutrality or recognise the reality of class relations? Democracy does not survive merely through elections. It rests on the dignity of labour.

If the government fails to provide a democratic outlet for worker discontent, the resulting social imbalance may ultimately lead to political instability. This has repeatedly been demonstrated throughout world history. Sri Lanka, Nepal, Bangladesh and Myanmar have witnessed mass uprisings driven by multiple factors, but a common underlying cause has been extreme economic inequality and massive unemployment.

In India, there is a growing gap between the government's claims based on official statistics and the lived reality of its people. This could happen because the credibility of official data has eroded. If the government, the judiciary and the bureaucracy begin to speak in one voice, the day may not be far when the Indian people too are pushed onto the same path taken by several other Asian countries.

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A narrative is being built up in our country that workers and trade unions are anti-growth and that they are the hurdle.

These are meant to support the Government's agenda to liberalise labour rights in favour of "Ease of doing business".

Join the 250 million workers to express your protest against this narrative. Join the Strike on 12th Feb. 2026. ..... AIBEA .....

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