



A STUDY ON THE ROLE OF LABOUR LAW IN SEPARATION OF TELUGU STATES: A LEGAL ANALYSIS

AUTHOR – THOTA RAGHAVENDRA, STUDENT AT ALLIANCE SCHOOL OF LAW, ALLIANCE UNIVERSITY, BANGALORE

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Abstract

Telangana struggle wasn't a struggle which started overnight. The history and aspects which lead to the separation of the two telugu states and the formation of 29th state of India, goes back to the British period in India. This paper tries the history of the Telangana struggle for a separate state and the agreement between the states of Hyderabad and Andhra. And how did the fight built up during early 1980s and early 2000s, which lead to the formation of Telangana state in 2014. The paper also, gives a legal perspective on one of the main issues and aspects of the struggle, which is regional discrimination in employment opportunities. And also talks about the pre-recruitment discrimination laws and the need for them in India.

Introduction

India is a combination 29 states and 7 union territories. Telangana state is the very recent and newest state among all others, it was separated from Andhra Pradesh and formed a brand-new state in 2014. The separation of Telangana state from Andhra Pradesh was not an overnight miracle and as many of the general public says, "an unnecessary separation of states and reforming a new state". After the independence, the formation of most of the states in India were language based. Even the Andhra state was separated from madras state in 1953 on the demand for a separate state for all Telugu speaking people. Then Andhra state also merged the Hyderabad state, which is present Telangana. During the formation of this new Telugu state called Andhra Pradesh, both the leaders of Andhra state and Hyderabad state have discussed on some conditions if they are going to be in one state and agreed on them. In 1960s, the struggle for a separate state has started due to the disagreements between the leaders of Andhra. And also, the issue regarding the agreement

they signed during the merge of Andhra and Hyderabad. The struggle for Telangana state started in 1960s and was cooled down in mid 80s and in most of the 90s due to the unbiased leadership of the state CM NTR. After him the unbiased treatment towards the people of Telangana started again and the struggle for a separate state has begun once again. In 2014, Telangana got its own state. The reason for separate state are many, but in this paper, we will be discussing about the employment aspects and how the graduates of Telangana were not given equal opportunities for employment and how the labour laws were failed in partly stopping a state separation.

Research question:

1. What was the gentlemen's agreement between Andhra state and Hyderabad state?
2. What are the histories and backgrounds of both Hyderabad state and Andhra state and how did it impact in separation of Telangana?

**Research problem:**

1. How did the labour laws of India failed and were partly a reason for the separation of Telangana state in 2014?

Hypothesis:

The conflict of employment opportunity and regional discrimination in providing employment opportunities in Andhra Pradesh (before 2014) can be settled with the help of regulations of Labour law.

Scope and objective:

- To know the reasons behind the separation of Telugu states in two.
- To know what is the gentleman's agreement between Andhra and Hyderabad state.
- To know the struggles of Telangana people during the fight for separate state.

Literature review:

G Haragopal, The Telangana people's movement: the unfolding political culture, Economic and Political Weekly. This special article is a genuine, authentic paper on Telangana struggle moment. This article will give us a at the history of the struggle and outcome of the struggle and how did Telangana succeeded in getting a separate state. The article can be explained as a presentation of complex and multi-dimensional subject of separation of states told in a comprehensive, and systematic manner. This article also gives explanation of articles with related case laws and their judgements relating to preventive detention.

Gentlemen's agreement of Andhra Pradesh (1956). This document is a combination of conditions and rules, which were agreed by both the telugu states to merge into one state, Andhra Pradesh. The document provides every condition which has been both the states before merging together into one.

Rama S Melkote, E Revathi, K Lalita, K Sajaya and A Suneetha, The Movement for Telangana: Myth and Reality, Economic and Political Weekly. The

article is a combined work of various authors about the Telangana movement. The article is a commentary on the various social, economic and political matters and reason, which lead to the movement of Telangana. The commentary tries to provide a view on how and why the Telangana movement has started.

Methodology:

The following research paper is developed by the secondary data through books, online articles and blogs. The following research paper is based on separation of Telangana state and what is the role of labour law.

Hyderabad state and Andhra state: post-independence

Both the Telugu states are very different from each other in terms of the culture and the way of living. The regions of Hyderabad state and Andhra state must have a common language of communication or a common literature to practice, but when it comes to the lifestyle, the culture and the standard of living are very different from each other. There are few things which are common with both regions but it couldn't help the Andhra Pradesh state to be a single telugu state. One main speculation or reason for the differences between these two telugu dominate regions of India is, that during the British empire period in India, the Hyderabad state was under the control of nizam rule and where as Andhra state was part of then madras state and it was under control of East India Company.

Hyderabad state

Hyderabad state, then princely state of south-central India that was centered on the city of Hyderabad. It was founded by Nizam al-Mulk, who was under the Mughal emperors shadow and acting ruler of the Deccan region of India from 1713 to 1724. After 1721, he has become an independent ruler and founded the dynasty of the nizams of Hyderabad. By the time, the Hyderabad state was surrounded with kingdom like then Mysore state, Marathas, and British empire. Also, nizams lost some of there territory



to the Marathas. Then nizams decided to be ally of the British empire. With this alliance of British, nizams helped the British empire and had their support in keeping the Hyderabad state intact.

By the beginning of 1800s Hyderabad was surrounded, except in the west, by territory owned by or dependent upon the British. Nizam Ali Khan in 1798 was forced to enter into an agreement that placed his country under British protection, becoming the first Indian prince to do so. His independence in internal matters, however, was confirmed.

In 1918 Nizam Mir Usman Ali was given the title "His Exalted Highness," by the British empire and they also stated that they have retained the right to intervene in the matters of Hyderabad state in case of any misrule. Hyderabad remained a peaceful, but somewhat backward, princely state as the movement for independence gathered strength in India. Hyderabad's Muslim nizams ruled over a population that was predominantly Hindu.

India got its independence and also got partitioned in 1947. Then ruling nizam of Hyderabad state was elected to resume independent status for the Hyderabad state, rather than joining Indian subcontinent. On November 29, 1947, he signed a standstill agreement with India to last one year, and Indian troops were withdrawn. Difficulties persisted, however; the nizam continued his efforts to assert his autonomy, India insisted that Hyderabad join India, and the nizam appealed to King George VI of Great Britain. On September 13, 1948, Hyderabad was invaded by India, and within four days Hyderabad's accession to India was achieved. After a period of military and provisional civil government, a popular ministry and legislature were set up in the state in March 1952.

By the end of 1956, the state of Hyderabad has started to exist administratively under Indian constituency. The Hyderabad state was divided on bases of linguistic features among the states of Karnataka, Maharashtra. And the telugu

speaking district became Telangana, which later merged with Andhra Pradesh.

Andhra State

Today's Andhra region was under the rule the great Vijayanagar kingdom. Most part of India were conquered by Mughals, but this part of India remained untouched by the Muslim rulers. The European traders began to involve themselves in Indian politics in the 17th century, and the British empire took control of most of the northern part of India and were under the British empire rule. In south British empire made an alliance with nizams of Hyderabad, giving protection to their kingdom or domain against the rivals, in exchange for their help. The British with the help of nizams took control of coastal Andhra districts which was merged into the of the state of Madras. Thus, the major part of the Andhra country came under British rule, part of what then was the Madras Presidency. The Telugu-speaking Telangana region, however, remained under the nizam's dominion of Hyderabad.

When the Indian nationalism and fight for freedom started during the 19th century, the Andhras took a place at the forefront of the movement. Great Andhra Leaders such as Kandukuri Veeresalingam were main pillars in this social reform. In the struggle against British rule, the leaders of Andhra played a vital role. The people in Andhra state showed Pride in their historical and linguistic achievements and this lead them for asking a separate provision for the people of telugu. After the independence in 1947, like every other state in India even Andhra got divided according to the administration bases. In 1950 the southern part (Rayalaseema) and eastern part (Hyderabad state) of Andhra portion was incorporated into Madras state, and Hyderabad state was on its own with parts of present Maharashtra and Karnataka. The Andhras' demand for separate state for telugu speaking and this fight for separate state became so insistent that, when the central government refused to comply, a leader named, Potti Sriramulu, fasted to death in 1952.



The government finally agreed to the people's request and gave them a separate state, on October 1, 1953, Andhra state, which included the Telugu-speaking districts of the former Madras state to the south. That action paved the way for the formation of linguistic states throughout India, beginning in 1956 and continuing into the 21st century. Through the States Reorganization Act of 1956, the state of Hyderabad was split up, and its Telugu-speaking districts were joined to the Andhra state on November 1, 1956, to form the new state of Andhra Pradesh.

Gentlemen's agreement between Hyderabad state and Andhra state

After the telugu struggle for separation of Rayalaseema and Coastal Andhra from madras presidency and demand of a separate telugu state was a success, it back came the first linguistic state in India and paved the way for linguistic states in India. There is still Telangana region in Hyderabad state, which is still not included in Andhra state in 1953. After the Andhra state officially formed in 1953, the leaders of Andhra also wanted merge the Telangana region with Andhra state to become a single telugu state. But there was a big difference between these two regions. As the Andhra state was under Madras presidency, which is under British rule. Whereas Hyderabad state was under nizam rule. Hyderabad state was not under direct British rule. Instead, Hyderabad state had its own separate law during nizam period. This difference in control between these two telugu speaking regions lead to many differences in them. Differences like, English was the official language of Madras Presidency, where as it was Urdu for Hyderabad state. Also, Telangana was a backward region when compared to Andhra state. The proposal for one telugu state was also accepted by the Telangana leader and then CM of Hyderabad state Burgula Ramakrishna Rao and he gave a green light for this amalgamation with Andhra state.

As the Telangana leaders accepting the merger proposal, Andhra assembly passed a resolution on November 25, 1955 promising to safeguard the interests of Telangana and to avoid any kind of future conflicts between these 2 different but similar region, an agreement was drafted between Telangana leaders and Andhra leaders on February 20, 1956 to merge Telangana and Andhra with promises to safeguard Telangana's interests. A "Gentlemen's Agreement" was then signed by Bezawada Gopala Reddy and Burgula Ramakrishna Rao to the effect.

The Agreement

The agreement between Telangana and Andhra leaders and its sole purpose is to protect the interest of the people of Telangana region. The agreement signed by both the state leaders have aspects like, Single Regional Standing Committee which says, once the state get merged become one whole state named Andhra Pradesh, from then both regions will have single law in implementation and single legislative body and single administration for the entire state. As regions of Telangana are backward when compared to the regions of Andhra, for this reason and faster development of regions in Telangana and for more convenient reasons and in few specified matters the Telangana area will be treated as one region. For the Telangana region there will be a Regional Standing Committee of the state assembly consisting of the members of the State Assembly belonging to that region including the Ministers from that region but not including the Chief Minister⁷⁸. The agreement also included about the position of Urdu language in the region. This may seem a simple demand from the Hyderabad state but it had more significance to be included in the agreement. Urdu language was a important part of Hyderabad state and the people lived in Hyderabad state. This is because all records in the region of Hyderabad state were kept only in Urdu. Urdu was a compulsory subject in

⁷⁸ Gentlemen's agreement of Andhra Pradesh (1956)



Hyderabad state and almost all educated people knew Urdu like people know English today. Also, most of the legislative and administrative works were done through the medium of Urdu. So, it is hard for the people of Telangana state to adopt to a new language, so in mean time Urdu will be used as alter. Just like the political power in legislative and administrative aspects of the state were shared between both the regions. Even all the resources, expenditure, any financial aid from the central should be shared among both the states. with these aspects and also few other minor aspects maintained in the agreement and both the leaders of both the regions have agreed and signed the agreement. Which lead to the amalgamation of Telangana and Andhra into Andhra Pradesh.

Telangana struggle and Breach of the Agreement

After the signing of the agreement and the merger of 2 states into one single telugu state, Hyderabad city became the new capital of the Andhra Pradesh (Telangana, Costal Andhra and Rayalaseema). In 1969, an agitation began to start in Telangana region as people started to protest and raise their voice over the failure to implement the Gentlemen's Agreement between the Hyderabad state and Andhra state during the merger and also other safeguards properly. After this new uprising and protest by the people of Telangana, things started to heat up in the state. A Telangana leader named Marri Channa Reddy started a campaign Telangana Praja Samiti for the cause of a separate state. The agitation of lack of implementations of the agreement was intensified and turned violent with students in the forefront of the struggle and about 300 of them were killed in violence and police firing that ensued.

After all the bloodshed and lots were killed during these protests and struggle, then the leaders setup a talk regarding the issues. Many rounds of talks with leaders of the two regions, after all the civilized discussions between the

leaders of both regions, then Prime Minister Indira Gandhi came up with a plan in 1969. But Telangana leaders rejected the plan and the protests continued under the name of Telangana Praja Samiti. In 1972, Jai Andhra movement started in Andhra-Rayalaseema regions as a counter to Telangana struggle. These struggles and counter struggles and few misconduct happened for almost a year. On September 21, 1973, a political settlement was reached with the Centre and a 6-point formula put in place to satisfy the people of the both the regions. Even after these tries from centre didn't totally control the situations between these 2 regions. In 1985, the employees from Telangana region started to raise their voices over the wrongs and unfair activities been done against them in appointments in the government departments and complained about 'injustice' done to people of the Telangana. These struggles for a separate state were went down and both the regions were intact with each without any conflict and reason for this is then Telugu Desam Party government and their head N T Rama Rao garu. He brought out a Government Order to safeguard the interests of Telangana people in government employment. Under his rule the struggle for a separate state was nowhere to be seen. That was till 1999.

In 1999, Congress, which was an opposition at that time was demanding for creation of Telangana state. This move by the congress was entirely with a political agenda to give some trouble to the ruling party of that time TDP (Telugu Desam Party). But it might have don't done any major damage as the situations between both regions were under control and running smooth. But this was not for so long. After NTRs political down fall and death. TDP was taken over by Chandra Babu Naidu. From here, a new chapter has begun in the story of Telangana struggle. As when Kalvakuntla Chandrasekhar Rao, who was a part of TDP and started see the changes in cabinet. He realized that the situations are getting back to where they are started. Also, he was not happy over denial of Cabinet berth and majority of the



cabinet was with Andhra leaders in the Chandrababu Naidu government. So, KCR (Kalvakuntla Chandrasekar Rao) walked out of TDP and launched Telangana Rashtra Samiti on 27 April, 2001.

As a political move to tackle TDP government with the political agenda the pressure for a separate state was applied by Telangana Congress leaders. With this the Central Working Committee of Congress sent a resolution to the then NDA government asking for constitution of a second States Re-organization Commission to look into the demand of a separate state for Telangana. This was a failure and Telangana didn't get a separate state. The proposal was rejected by the then Union Home Minister L K Advani saying smaller states were "neither viable nor conducive" to integrity of the country.

On the other hand, TRS was still a small pedal among huge rocks, but it started to gradually build itself and the movement for a separate state. As the TRS is growing with time and building them, Congress came with an offer to forge an electoral alliance with TRS and they have promised to create Telangana state. With this, the Congress came to power in 2004, both in the state and at the Centre. TRS became part of the coalition governments at both places. But the dream of a separate state was still to be seen. From the political downfall and death of NTR to TRS coalition with congress, many things were happening. The regional discrimination in appointing or giving employment opportunities for Telangana people has started again. Even the development of cities and towns were not as accurate as the urban regions in Andhra region. Other than Hyderabad no other urban area was well developed in Telangana region. The distribution of natural resources and the political participation for the leaders of Telangana was also very less.

There was a delay in the making of the separate state, this was because congress ignored their promise to the TRS. As a result, TRS quit the coalition governments in the state and at the Centre in 2006 and continued their fight for

separate state independently. In 2008, TDP changed its stance in matter of separate state for Telangana and announced their support for new state for Telangana. But still there was no answer from the central. As there was nothing from central, TRS leaders started an indefinite hunger-strike in 2009 and demanding for the creation a separate state for Telangana. With This the Centre gave their reaction to the situation in Telangana region and gave an announcement on 9 December, 2009 that it was "initiating the process for formation of Telangana state". Still, they just spoke the word and nothing was done. As the matters were cooling down with struggle the Centre announced on 23 December, 2009 that it was putting Telangana issue on hold. With this announcement, the protests started again across Telangana region with some students taking their lives for a separate state. The more delay for the decision of separate states, the more lives were sacrificed.

After seeing how out of the hand situations were in Telangana region, the centre then formed a five-member Committee in 2010, headed by former judge Srikrishna, to look into statehood demand. The Committee submitted its report to the Centre on 30 December, 2010. After many struggles and many movements like, the Million March, Chalo Assembly and Sakalajanula Samme (general strike) from 2011 to 2014. During this period the fight for a separate state was on full force and also, MLAs belonging to different parties quit from their Houses in support for the Telangana struggle. And also, the MPs from Telangana giving their support for the struggle and separate state. With all this backing and support from across the Telangana region, the Congress government (then ruling party at central) made Union Home Ministry to convene an all-party meeting on December 28, 2012 to find an "amicable solution" to the crisis. With many meetings and constant reminding from the leaders of Telangana, central announced that Telangana is a separated from Andhra Pradesh and id now the 29th state of India.



Relation between Telangana struggle and labour law

The reasons and aspects for the struggle of a separate state for the people of Telangana were many like, regional discrimination for employment opportunities, giving lesser importance to the Telangana leaders in legislative proceedings of the state, distribution of natural resources among the both regions, minimal effectiveness in developmental program for Telangana regions, lesser cultural and historical exposure about Telangana state and many others. But when it comes to where did the struggle really come up and people started raising their voices for a separate state was, when the government failed and employees and graduates from Telangana region started to raise their voices over the injustice happening in the matters of appointments in government departments and complained about 'injustice' done to people of the Telangana region. There was clearly a regional discrimination been displayed against the Telangana employees and graduates.

The display of the regional discrimination was the main problem. The Constitution of India clearly states that, "The State shall not discriminate against any citizen on the grounds only of religion, race, caste, sex, place of birth or any of them." The constitution of India may have stated that discrimination is wrongdoing. But Indian provisions lacks a comprehensive and codified anti-discrimination laws which can regulate the employers and work places as well as gave some idea of compensation for victims of discrimination at work place. So, as there are no direct laws for the discriminative offenses, the only option to deal with discrimination is to take reference from other laws which deals with the aspects of discrimination or somewhere related to it. According to the experts, Discrimination against an individuals can occur at two stages. Firstly, pre-recruitment. In this stage the employer may reject the candidate who has all the potential and have all requirement but gets rejected on the bases of gender, religion, caste, place of birth, marital

status, pregnancy etc., and secondly, post-recruitment discrimination. This includes lesser pay compared other employees in same position, fewer benefits and other aspects based on the same grounds as the pre-recruitment.

It is important to observe that the Industrial Dispute Act prohibits commission of certain 'unfair labour practices', which include discrimination against employees and workmen or every person who has been defined under this act. These provisions and laws in Indian labour law are mostly useful for the post-recruitment discrimination. Whereas, the main issue with the Telangana struggle was with pre-recruitment discrimination paced by many Telangana graduates and employees in government sector. When with the existing provisions on discrimination in employment aspect, we cannot help people much. Even for the post recruitment discrimination there are no direct laws to people who are victims of discrimination. But with time there have been new laws and provisions coming and trying to get faster justice in aspects of post-recruitment discrimination. But in matter of pre-recruitment discrimination there are no direct provisions to tackle injustice happening to the people in this aspect. Even after the lawmakers witnessing the struggle for Telangana state and the reasons behind it and many deaths of students and graduates for it, even after almost 40 years all the struggle by many Telangana employees, students and graduates, there are no direct provisions related to pre-recruitment discrimination.

In 1980s and early 2000s, if the government and lawmakers looked into this struggle for a separate state in a legal perspective and analyzed the reasons for the separation and how they can be solved in a legal way. If the government took this issue and gave a solution in a legal way, India could have had direct provision dealing with discrimination in workplace in pre-recruitment and post-recruitment. Also, there would have been no lives loss of the many Telangana employees,



students and graduates and partly stopping the separation of Andhra Pradesh and Telangana.

Conclusion

The struggle for a separate state by the Telangana people was for asking their rights as an Indian citizen. It was more than just political agenda and power game among politicians, it was about the life's of many employees, unemployed graduates, students and their futures. The separation of Telangana state can be a example of how our lawmakers lack in seeing and solving it in a legal perspective. If the lawmakers opted a legal way to solve the issue raised by people of Telangana during their struggle for separate state, then On 2nd June 2014, there would have been still 28 states in India and also new and direct codified provision for discrimination in workplace, including the laws for pre-recruitment.

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