

The National Committee's Campaign for a Comprehensive Law for Construction Labour

Introduction

This is a study of efforts towards a comprehensive legislation for construction labour by an informal association of trade unions and others through a National Campaign Committee for Central Legislation on Construction Labour (NCC-CL). Although it was instrumental in preventing enactment in 1989 of a law which fell far short of its demands, NCC-CL has not so far succeeded in bringing about a comprehensive legislation that would provide for the regulation of employment, and a mechanism for workers' participation in its implementation. In fact, in 1995 a somewhat improved (but still, according to NCC-CL, fundamentally flawed) version of the Bill was adopted by the Indian Government through two Ordinances pending ratification by Parliament.

Genesis of NCC-CL

1985 Seminar

In November, 1985, a 3-day 'National Seminar' on the situation of construction labour and their legal protection was held at the Gandhi Peace Foundation, Delhi, with support from the Society for Participatory Research in Asia (PRIA), Legal Aid and Advice, and the Committee for Implementation of Legal Aid Schemes (CILAS). It brought together around 250 construction workers

from different parts of the country, trade unionists, lawyers, academics, NGOs and other organizations and individuals (including some Government officials) [26,27]. It was inspired by the Tamil Maanila Kattida Thozhilalar Sangam (TMKTS — the Tamil Nadu State Construction Workers' Union), Madras, one of the few strong, independent unions in a largely unorganized sector [5,15].

The deliberations concluded that the existing labour laws were ineffectual in safeguarding all but a small minority of labour because they were inappropriate to the peculiar characteristics of construction employment, and were therefore unimplementable. It was agreed that

- (a) a comprehensive draft legislation be prepared which would take into account the nature of the industry, guarantee workers' rights, and incorporate mechanisms for implementation through involvement of the workers themselves in regulation (a rudimentary draft had been discussed at the Seminar itself);
- (b) a nation-wide campaign be launched to mobilize construction workers, highlight their problems and project the alternative, comprehensive law for adoption [15,26,27].

NCC-CL

The immediate outcome was the formation of the National Campaign Committee for Central Legislation on Construction Labour. NCC-CL had no legal status. Organizationally too, it was unstructured. The Committee had no fixed membership, attracting individuals and groups depending on their availability and an implicit consensus regarding their association.

However, a core group initially drove NCC-CL. Most of them continue to be with it. The only concession to structure is in the designation of a Chairman, Convenor and Coordinator. From its inception, NCC-CL has been chaired by former

Supreme Court Judge V.R. Krishna Iyer, a leading public figure involved in several social reform causes who contributed to progressive legislation by the first Communist Government in Kerala in the 1950s, and to a reorientation of laws while at the Supreme Court. Its Convenor is R. Venkatramani, a Delhi-based Supreme Court lawyer specializing in labour laws (who had coordinated the Seminar preparations on TMKTS' behalf), and Vijayalaxmi (also his wife) is its Treasurer. Day to day matters were assigned to the Coordinator, Subhash Bhatnagar, a former researcher at the Indian Institute of Management, Bangalore and now a Delhi organizer of the Nirman Mazdoor Panchayat Sangh (NMPS) union. Others in the core group included Justice P.S. Poti, former Chief Justice of the Gujarat High Court; T.S. Sankaran, a retired civil servant who has been Additional Secretary in the Central Ministry of Labour and held high positions in the Tamil Nadu Government; D. Thankappan, a trade unionist who led the first takeover and revival of a major manufacturing company (Kamani Tubes, Mumbai) by a workers' cooperative, and who now heads the Centre for Workers' Management, Delhi; N.P. Swamy of the independent Karnataka State Construction Workers' Central Union; M. Subbu, General Secretary of TMKTS, Madras; and R. Geetha (who happened to be married to the latter), earlier also of TMKTS and now of NMPS. Geetha was an important motivating force, and secured the involvement of some of the other leading participants. At one step removed, a few leaders of the Central Trade Unions (CTUs) representing the bulk of organized labour in the country, in particular the All-India Trade Union Congress (AITUC), the Centre of Indian Trade Unions (CITU) and some others, have from time to time been associated with NCC-CL's deliberations. So have other groups and individuals such as the Nirman Mazdoor Sanghatan, Mumbai promoted by a social work institution, the Nirman Mazdoor Panchayat of Kanpur, R.K. Bhakt of the Bharatiya Mazdoor Sangh, and several NGOs such as PRIA.

The Context

Numbers

According to the 1991 Census, 5.43 million workers, constituting 1.95% of the total working population, are engaged in construction. Of these, nearly 10% are women [9]. However, it has been persuasively argued that the Census figures are an underestimate. K.N. Vaid, Director of the National Institute of Construction Management and Research (NICMAR), has estimated that employment in the construction industry exceeded 11 million even in 1982-83 [31]. His figures are based on the National Building Organisation yardstick that 3,100 mandays of unskilled labour and 1,300 mandays of technical and managerial work are generated for every Rs. 100,000 worth of investment, adjusted by certain assessments of the Planning Commission. In fact, the National Sample Survey of 1987-88 estimated the number of rural construction workers alone as 8.5 million [8]. Taking these estimates into account, and including those engaged in stone-crushing, quarrying and in brick and lime kilns and other such activities, NCC-CL suggests that there are around 20 million workers in construction, broadly defined. Moreover, the proportion of women appears to be much higher than reflected in the Census. Women constitute a substantial proportion of unskilled workers in particular.

Construction is the largest economic activity in the country after agriculture. Around half the Plan outlays relate to construction. This amounted to Rs. 936 billion over the 7th 5-Year Plan (1985-90). Another Rs. 728 billion were expected to be invested by the private sector over that period.

Existing Laws

At the start of the campaign, there was no legislation exclusively for construction labour. On the other hand, at least 29 Central enactments apply to some or all such workers as well as to others [1]. These include protective laws such as the Minimum Wages

Act, Equal Remuneration Act, Contract Labour (Regulation and Abolition) Act, Inter-State Migrant Workers' (Regulation of Employment and Conditions of Service) Act, and the Workmen's Compensation Act; and social security statutes such as the Employees' Provident Fund Act, Employees' State Insurance Act, and the Payment of Gratuity Act, among others. It is generally acknowledged that, where these laws are applicable, their implementation has at best been ineffectual, and at worst hostile to construction workers. In effect, most labour in the construction industry is unprotected. This is all the more striking as the Central and State Governments and parastatals are, directly or indirectly, the country's major employers of construction labour.

Features of Construction Employment

Apart from defective implementation, the existing laws are ineffectual because they are inappropriate to the distinctive features of employment in the construction industry [5,6,7,15,22,26,27]:

- ❖ most construction labour is not in regular employment, and undertakes work whenever it is available;
- ❖ much construction activity is executed through a long chain of contracts and sub-contracts; there is therefore no formal working relationship between the actual employer and the worker, each being invisible to the other;
- ❖ in contrast to most others, the construction industry itself is mobile while its product is static;
- ❖ the relationship between the immediate employer and the worker is usually temporary and short;
- ❖ most workers are forced to be peripatetic, and many are migrants. This is not entirely because of a geographical mismatch between available labour and available work: it is also because of the advantages of employing migrant labour, and is facilitated by the several layers of sub-contracting;

- ❖ even where the activity is of a regular or permanent nature, such as various maintenance works, the employment is of a casual character.

Lack of Organization

These characteristics have also made it difficult for construction labour to organize. Apart from some Departmental labour and the permanent work-force in large public sector undertakings engaged in construction, the vast majority, consisting mainly of unskilled and semi-skilled labour, is not unionized. Local efforts at unionization have been made, but they have not been significant except in the southern States of Tamil Nadu (mainly through the independent TMKTS), Kerala (through an AITUC affiliate), Karnataka (through a Union headed by N.P. Swamy) and independent organizations in a few parts of Maharashtra and Andhra Pradesh. Not surprisingly, it is in the first two States that some statutory protection and welfare measures have been provided in recent years specifically for construction labour. Mobilization and articulation of the needs of construction labour and other unorganized labour is one of the objectives behind the recent establishment of the National Centre for Labour, with which many of those involved with NCC-CL are associated [15,17,20].

“Comprehensive” Legislation Recommended

In the '60s, the National Commission on Labour constituted a Study Group to consider conditions in the construction industry. It found the situation of construction labour “appalling” in terms of living conditions, payment of wages, social security and safety. The Study Group’s 1968 Report [6] emphasized the need for a comprehensive enactment which, taking into account its peculiar features, would provide a framework for “decasualization” of employment and ensure safety, social security and welfare arrangements. This would necessitate the regulation of employment through registration of workers and contractors on the analogy of some other laws, notably for workers in the major

ports and docks and those engaged in loading, unloading and related work in the main markets of Mumbai (erstwhile 'Bombay') and other parts of Maharashtra State.

The Labour Ministry's Industrial Committee on Building and Construction Industry had, in 1965 and 1972, recommended a "comprehensive" legislation. However, only safety and welfare measures were envisaged rather than regulation of employment. In 1980, the State Labour Ministers' Conference also recommended a Central legislation relating to working conditions, hours of employment, payment of wages and safety measures.

In 1981, M. Kalyanasundaram, a Communist Member of Parliament (MP) and trade unionist from Tamil Nadu, and George Fernandes, a MP and also a prominent trade unionist, introduced Bills in Parliament relating to construction workers which went somewhat beyond this and were influenced by a draft prepared by TMKTS. Fernandes' Bill did not come up for discussion. Kalyanasundaram's Bill was debated in 1985 but, in keeping with the convention in respect of Private Members' Bills, was withdrawn on the concerned Minister's assurance that the Government was itself contemplating a comprehensive legislation.

Indeed, in February, 1985 the Labour Ministry had constituted a Tripartite Working Group for the Building and Construction Industry (TWG) consisting of representatives of the Government, builders' associations and trade unions. The TWG was to examine the difficulties in implementing the existing social security legislation and related matters, and suggest measures for improvement.

Under the Indian Constitution, both the Central Parliament and the State Legislatures are empowered to legislate on most matters relating to labour. Where there is a conflict, Central legislation overrides the relevant provisions of State Acts. However, such Central legislation is usually preceded by consultation with the State Governments.

Preparing for the Campaign: Model Legislation

Preparations

Discussions between some of the NCC-CL activists following the Seminar of the previous November crystallized in a meeting of campaign associates, mostly those from the south, at Madras in May, 1986. The meeting focused, in particular, on the issue of approaching the Indian Parliament with a Petition (as provided for under the Rules of both its Houses), and the approach to the TWG set up by the Government the previous year and on which Geetha of TMKTS was a co-opted member and Sankaran (then associated with the Government's National Labour Institute) a 'Special Invitee'. The meeting also prepared for a National Workshop on construction labour.

That Workshop was held for 3 days in July, 1986 at Bangalore, the base of N.P. Swamy of the Karnataka State Construction Workers' Central Union. Since the Delhi Seminar and the formation of NCC-CL, a draft model legislation had been prepared, to which final shape had been given by Justice Poti. The objective was to present a specific, workable alternative for the TWG's discussions and Government moves towards comprehensive legislation. With its combined experience and expertise in law, labour administration and organisation, and its proximity to unions and other groups of construction workers, the core group of NCC-CL was well-equipped for such an exercise. Detailed studies of the existing laws had been undertaken to identify the extent to which they were relevant to construction labour and the reasons for their impotence. The Workshop was to discuss and validate the draft as the basis for the campaign. As with the Delhi Seminar, several construction workers participated in this process to ensure that loopholes were avoided, and that the legislation would be both functional and cover as many types of employment and work-sites as possible. Among others, the representative of the Indian National

Trade Union Congress (INTUC) — a CTU affiliated to the Congress Party — also participated. It was decided that the final draft would be the basis for NCC-CL's Petition to Parliament. It would be backed by a signature campaign, and also be put to the TWG.

The Model Act

The outcome of these exercises was a model legislation comprising a Construction Workers' (Regulation of Employment and Conditions of Service) Act, and a similarly entitled Scheme [21]. The main features of NCC-CL's model Act are:

- ❖ a broad definition of 'construction work' to include virtually all civil or structural work, as well as related stone-breaking, brick-making and brick kiln operations; and of 'construction workers' to include those involved in construction work as well as those engaged in ancillary or incidental activities;
- ❖ applicability to all such works regardless of the number of workers employed (unlike many other labour laws which apply to units employing more than a stipulated minimum number);
- ❖ tripartite Construction Labour Boards (CLBs) at the Centre and in the State Governments. The Central CLB would be an advisory and coordinating body. The State Boards would be responsible for the implementation of comprehensive Schemes, and local units would be constituted under them. They would consist of representatives of the Central and respective State Governments, and of employers and workers by election;
- ❖ workers' representatives would hold half the seats on each CLB and its local units, with Governments and employers sharing the remaining seats (on the logic that Governments were themselves major employers);
- ❖ the State Governments would formulate Schemes in line

with a model Scheme. They may deviate from the model Scheme in consultation with the State CLB and with Central Government approval, but not so that it would be less beneficial to the workers;

- ❖ Dispute Resolution Councils with the powers of a Civil Court;
- ❖ penalties for contravention.

The Model Scheme

The model Scheme, which the Act would prescribe, defines the nature, scope and functions of the CLBs and local units further. These include:

- ❖ compulsory registration of employers and “bonafide construction workers” on certain criteria, and a bar on employment of unregistered workers and on engagement by unregistered employers (and also on employment of registered workers by registered employers unless allocated by the CLB). This would constitute a pool of registered workers deemed to be employed by the Board on the employers’ behalf. Trade union members and workers certified by their employers or licensed contractors as having worked in the previous year would be eligible to enter the initial pool. Other applicants would be treated as “temporary workers” who would be eligible to enter the pool after putting in 360 days of work in a period of two years, provided work is available within the pool unit. These workers’ pools would operate unit-wise;
- ❖ requiring employers to obtain consent before commencement of work, and to provide estimates of current and future labour requirements to the extent possible;
- ❖ providing pool workers with more than one year’s standing (a) a guaranteed minimum monthly wage

(including dearness allowance), at a rate depending on the category of worker, for a prescribed number of days per month whenever work is not available for at least that many days. The CLB would fix the number of days for which wages will be guaranteed on the basis of the average monthly employment obtained by pool workers in the previous year, subject to a maximum of 21 days; (b) "disappointment money" in cases where the worker is sent to a work which cannot proceed and no alternative can be found, at half the applicable wage rate if the worker is relieved within two hours and the full rate if he is detained for longer; (c) "attendance allowance" of at least Rs. 2 for every day that a worker was available for work but for whom work could not be found, excluding those days for which the guaranteed minimum wage or "disappointment money" was paid;

- ❖ prescribing wages, allowances, overtime, rest intervals, holidays and other service conditions of workers after consulting employers' associations and workers' unions; and receiving monthly wages in advance from employers to meet workers' payments;
- ❖ for pool workers, formulating and implementing contributory provident fund and gratuity schemes; providing for group accident insurance; where there are difficulties in applying Employees' State Insurance Scheme (ESIS) benefits, ensuring medical facilities and maternity benefits in accordance with the Maternity Benefit Act;
- ❖ making payment to the workers of dues from the employers and the Board;
- ❖ allocating individuals or groups to works in such a way that the available workdays are equitably distributed among them, given the the number of workers in each category required by employers (pool workers having priority over temporary ones);

- ❖ exempting from registration permanent workers and the licensed contractors or construction companies employing them, provided the benefits to the workers are at least on par with those available under the Scheme;
- ❖ making arrangements for workers' training;
- ❖ prescribing norms and effecting promotions of workers within categories, and regulating transfers of workers between District units and inter-State;
- ❖ establishing creches;
- ❖ prescribing and/or ensuring implementation of safety provisions (specified in the model Scheme), and first-aid, drinking water and conservancy arrangements at work sites;
- ❖ inquiring into accidents, providing for compensation and insuring workers;
- ❖ administering a Welfare Fund to meet the cost of amenities, health, educational and other welfare measures, and recreational facilities;
- ❖ maintaining an administrative and enforcement machinery;
- ❖ to meet the financial costs of these requirements, obtaining from employers the following amounts: (a) construction levy (from principal employers) at 2% of the cost of construction (b) workers' monthly wages and allowances (c) contribution to ESIS, provident fund, gratuity and for maternity benefits (d) bonus and insurance contributions, and (e) contributions to meet the administrative costs of the CLB set-up.

The Scheme also lays down the discipline, work and other obligations of workers vis-a-vis employers and the Board.

Rationale

NCC-CL's proposed legislation is predicated on the belief that absence of a stable or continuous employer-employee relationship is primarily responsible for the failure of existing laws, and their inappropriateness to other features of construction employment. Existing laws are relevant to the more conventional, organized sectors. At the core of the model Act, therefore, is the device of the CLB: a permanent, tripartite institutional arrangement which would substitute for the missing employer-employee relationship, and provide a mechanism for implementation which would be effective because its beneficiaries — the workers — would be fully involved. Some of its elements were inspired by existing Central legislation for dock workers, the Maharashtra law for 'mathadi' workers, and the Tamil Nadu Manual Workers' Act — although the number of workers covered by the first two were quite limited, and the third had yet to be put into effect.

The Campaign

Early Activities

Armed with a concrete proposal, NCC-CL's activities intensified towards the end of the year.

In November, 1986, Krishna Iyer invited a group of MPs from different parties to discuss the construction workers' situation, and the model Act and Scheme. It included B. Satyanarayana Reddy, B.S. Ramoowalia, Ela Bhatt, Indrajit Gupta, K.P. Unnikrishnan, Narayan Chaube, S.P. Malaviya and Thampan Thomas. They were all known to him or others of the core group, and had an interest in workers' organizations — for instance, Gupta as AITUC General Secretary, and Ela Bhatt who had pioneered the Self-Employed Women's Association (SEWA) as a union of women in the informal sector. (Gupta would subsequently move another Private Member's Bill on the issue in Parliament.) It was hoped that this would be a step towards

building an active lobby in Parliament. Indeed, some other MPs such as George Fernandes, Chitta Basu and Hannan Mollah also took up NCC-CL's case; but future interactions remained ad hoc and the support could not be consolidated into concerted moves by the parliamentarians.

On the same day, Iyer led a NCC-CL delegation to the Labour Minister, and presented the model legislation to him. The Minister apparently said that his Ministry was preoccupied with legislation on child labour, which was at an advanced stage. Thereafter, however, he would attend to measures for the agricultural and construction workers.

Krishna Iyer also sent the model Act and Scheme to the States' Chief Ministers. He urged them to consider similar legislation in their respective States; and also to initiate Resolutions in their Legislatures under Article 252 of the Constitution to press the Central Government for an over-arching law. Generally sympathetic (though non-committal) replies were received from many Chief Ministers. However, there were no arrangements at NCC-CL to follow up this correspondence. In the absence of strong construction workers' organizations in most States, there was no pressure at that level either. In the few States where such organizations were significant, they were already engaged in efforts at bringing about improved legislation there, and were important promoters of NCC-CL.

During the month, the National Institute for Public Cooperation and Child Development, Delhi, a governmental institution of standing, organised a Seminar on Women Construction Labour in which some NCC-CL members participated. Although the Institute had experience in women's issues generally, it had little familiarity with the construction industry. NCC-CL took advantage of the platform, and the Seminar endorsed its model legislation.

Petition to Parliament

By this time, the Petition to be presented to Parliament

accompanied by the model legislation was ready. The Petition set out the context of employment in the construction industry, the condition of its workers, the irrelevance and failure of existing laws, and the consequent need for a legislation which would regulate employment, be self-enforcing, and incorporate welfare, safety and social security provisions. The idea behind the Petition was to apply pressure on the Government, directly through a (hopefully) favourable Committee report, and indirectly by sensitizing a wider circle of MPs.

Each of the two Houses of the Indian Parliament has a Petitions Committee with a membership reflecting the party composition. It was felt that an appeal to the Lok Sabha — the directly-elected 'House of the People' — rather than to the indirectly-elected Rajya Sabha or 'Council of States', would be more appropriate to the issue. A more practical consideration was that the Lok Sabha was thought to have more Members with labour interests.

At the end of November, 1986 a NCC-CL delegation comprising Justice Poti, Sankaran, Venkatramani, Geetha, Subbu and Vijayalaxmi, accompanied by the two MPs Indrajit Gupta and Ela Bhatt met the Lok Sabha Speaker with an advance copy of the Petition and the model legislation.

Over the previous six months, various construction workers' organizations, individual activists and other supporters had begun to collect signatures in support of the Petition. Around 400,000 signatures were collected, mostly from Tamil Nadu, Kerala, Andhra Pradesh, Karnataka and Maharashtra where organizations were stronger. On December 5th, 1986, around 2,000 construction workers, mostly representing organizations from Bhagalpur and other parts of Bihar, the All-India National Building Construction Corporation Employees' Federation, Swami Agnivesh's Bandhua Mukti Morcha involved with bonded labour, the Central Public Works Department Mazdoor Union from Haryana, the Karnataka State Construction Workers' Central Union, the AITUC-affiliated and more radical-left construction unions of Maharashtra, the Rajasthan Shramjeevi

Sanghatan, Tamil Nadu's TMKTS and the Nirman Mazdoor Panchayat from Kanpur in Uttar Pradesh, marched to the Boat Club (the traditional site of rallies to Parliament). A delegation formally presented the Petition to the Chairperson of the Lok Sabha's Petitions Committee.

In January, 1987 NCC-CL was prominent at a Seminar on construction workers at the Nirmala Niketan College of Social Work, Mumbai. Nirmala Niketan had set up a voluntary organization ('Nirman', i.e. 'construction') which had promoted a union and provided assistance to construction workers. Nirman approached NCC-CL in connection with the Seminar: at that time, Thankappan of NCC-CL was in Mumbai and had yet to move to Delhi.

NCC-CL met at Delhi in February, 1987. It was decided to hold a Workshop at Delhi in April, and also to observe 2nd March as 'Demands Day', involving rallies and presentation of memoranda, mainly at Delhi since Parliament would be in session and attention might be more easily drawn. However, the event was not a success. There was virtually no organization of construction workers in or around Delhi to do the necessary groundwork and mobilize a substantial presence.

Tripartite Working Group Discussions

The Tripartite Working Group for the Building and Construction Industry constituted by the Government in February, 1985 under the Labour Ministry's Additional Secretary had been working through this period. It had set up three sub-groups, one of which was to examine the possibility of having Labour Boards. The TWG had senior representatives from the Central and State Governments, some builders' associations and five of the CTUs. Geetha of TMKTS was a co-opted member thanks to her standing as a campaigner for construction workers and other connections. Sankaran, retired but a consultant for the Government's National Labour Institute, was a Special Invitee. The TWG was significant since it was understood that its deliberations were linked to prospective legislation.

In separate interactions with NCC-CL, the CTU representatives on the TWG had, at least nominally, agreed to support the NCC-CL formulation including its centre-piece, the tripartite Construction Labour Boards to regulate employment and implement other features. However, the CTUs were basically concerned with the unionized permanent work-force of large construction companies and parastatals rather than (with a few exceptions such as the AITUC-affiliated Kerala and Andhra Pradesh unions) the mass of construction workers who were unorganized and the few attached to independent unions. Where some representatives did evince interest, it remained peripheral to their unions and did not percolate further. Some CTU representatives were enthusiastic while others were lukewarm. As with officials in Government, some may also have felt that the structure advocated by NCC-CL was cumbersome and difficult to operationalize, especially since their own expertise on systems of construction employment affecting most such workers was limited. The builders' organizations may also have played on these doubts. Others may have thought that any legislation would be an advance over the existing situation, and could be improved upon in the course of time.

A draft Report was put to the TWG in May, 1987. Notwithstanding the apparent consensus among the workers' representatives, the impression that they had yet to agree on a common stand was apparently given at the meeting by the Hind Mazdoor Sabha (HMS, one of the CTUs)'s representative. Workers' views on the draft were, therefore, to be represented at the next meeting.

A so-called bipartite meeting was held later that month at Mumbai, unknown to other members, between the builders' representatives and the HMS and INTUC members. The meeting produced a common view on legislation which sacrificed the main elements of NCC-CL's proposal. As the builders had been urging, it was confined to some statutory welfare and safety arrangements to which the builders were ready to contribute. It accepted the mechanism of CLBs to implement the welfare provisions, but not

for registration and allocation of workers or other regulation of employment. Obviously, this suited the latter. The stand of the workers' representatives at that meeting gave rise to serious misgivings among NCC-CL and the other CTU members. The actions of the HMS representative were even more surprising since he had been on the National Commission on Labour's Study Group which had recommended decasualization of construction employment in the '60s. He was also a leader of the Transport and Dock Workers' Union, and was thus familiar with the tripartite arrangements for regulating employment at the major docks which had influenced NCC-CL's model. Moreover, some sanctity was given to this proposal by the Labour Ministry by circulating it as an annexure to a revised draft Report.

This was opposed by Geetha and the other CTU members. After outlining the debate on CLBs, the TWG sub-group had in the meanwhile reported its inability to come to a consensus on the issue. In November, 1987 all the workers' representatives (including INTUC, but in the absence of HMS) furnished their agreed views — which were along the lines of NCC-CL's proposal — to the TWG Chairman. In January, 1988 the builders' representatives communicated their strong opposition, reiterating the so-called bipartite proposal. Consequently, the TWG became abortive on the issue of the functions to be assigned to Boards, and its Report does not seem to have been finalised.

Convention at Madras

In June, 1987 TMKTS organised, in support of NCC-CL, a 2-day Convention at Madras with a broad range of participants extending beyond worker-activists and their immediate supporters. The Convention was intended to draw attention of the Central and State Governments, other trade unions, women's organizations, builders and the public to the need to regulate employment in the construction industry. The idea of a national-level federation of independent construction unions was also considered. NCC-CL met thereafter to plan its future programmes.

In July, TMKTS organized demonstrations in Tamil Nadu, with the support of AITUC and others, for the formation of tripartite Boards.

AITUC Conventions

In July, 1987 AITUC's Kerala State Construction Workers' Federation, an active NCC-CL associate, held a Convention. Although this was in connection with a safety project in which India had been collaborating with the International Labour Organisation (ILO), some NCC-CL members were also associated, and wider legislation was one of the issues discussed. The following month another, smaller AITUC construction union in Punjab held its Convention at Talwara which also broached the issue.

NCC-CL Meetings

NCC-CL met at Delhi in early April, 1988. It decided to organize a post-card campaign directed at the Prime Minister. These would draw the attention of the Prime Minister's Office if they were sent in large enough numbers and reached around the same time. The first week of June was fixed as the target period.

In September, NCC-CL held a meeting at Bangalore with a large number of supporters and the help of the Karnataka union to discuss happenings in the TWG and progress on the Petition. This had been, as is usual, slow; but by now the Petitions Committee had completed preparatory work such as calling for the comments of the various Ministries concerned. From time to time, Krishna Iyer and others had been meeting MPs, including a few Committee Members.

Efforts to Organize Delhi Workers: NMPS

The inability to mobilize grassroots actions in Delhi (and in northern India generally) which would provide visibility to the campaign in the country's capital was a major constraint. NCC-CL's base had been, as a result, confined largely to the southern States. Moreover, as a much publicized public interest litigation

in the Supreme Court regarding the treatment of local and migrant construction workers engaged in building work for the 1986 Asian Games had revealed, their condition even in Delhi was abysmal. In order to fill the vacuum, NCC-CL Coordinator Subhash Bhatnagar and his wife Nirmala initiated a local union, the Nirman Mazdoor Panchayat Sangh (NMPS) towards the end of 1988. (Geetha would eventually organize its unit in Tamil Nadu after leaving TMKTS.)

The Government Bill

On 5th December, 1988 — coincidentally, the second anniversary of NCC-CL's Petition to Parliament — the Labour Minister introduced the Central Government's version of a comprehensive legislation in the Rajya Sabha. NCC-CL was taken by surprise: it was not aware that the long process prior to a Bill's introduction — drafting, consultation with other concerned Ministries, vetting by the Law Ministry, discussion and approval by the Cabinet — had reached such an advanced stage; the TWG had yet to submit its report; and, as the Labour Ministry was well aware, its own Petition drawn up around a model legislation was before the Petitions Committee.

The title of the Government Bill was deceptive. Although it was called the 'Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Bill', it had in fact no provision for regulation of employment. In place of the implementing CLBs envisaged by NCC-CL, the Bill provided merely for tripartite Advisory Boards to which the Central and State Governments could refer matters for advice. Registration of employers was envisaged, but not of workers. The Bill basically addressed matters of health and safety; there were also some provisions relating to payment of wages and the application of the Workmen's Compensation Act. Although such provisions specifically for construction workers were an advance, in NCC-CL's view the Government Bill did not touch the basic requirement of employment regulation through a statutory tripartite mechanism or any other self-enforcing device.

Without it, its provisions could not be implemented in the absence of a stable employer-employee relationship. Moreover, it was to apply only where 50 or more workers were engaged, and 'construction work' was narrowly defined. Thus, the Bill was not comprehensive and did not address the fundamental issues of the construction workers; its safety provisions, even if enforceable, would not apply to the majority of construction workers, even on a narrow definition. Although NCC-CL was open to discussion on details of its model legislation and the phasing of its implementation (starting, perhaps, from a few major cities as had been done in the case of the Employees' State Insurance Scheme and some other labour laws), it believed that no compromise was possible on the basic principles of its draft without jeopardizing workers' interests. Its assessment was that passage of the Government Bill would make it much more difficult to achieve a truly comprehensive and appropriate legislation in the foreseeable future.

Petitions Committee Report

As it happens, NCC-CL was called to tender evidence before the Petitions Committee at December-end. It submitted a detailed critique of the Government Bill as a supplementary memorandum [22]. NCC-CL was represented at the Committee's hearings by Krishna Iyer, Sankaran, Venkatramani, Geetha, Bhatnagar, Vijayalaxmi and a few others, with mainly the first two addressing the Committee. Prior to the meeting, Iyer and others had also informally briefed some of the Members.

On 25th July, 1989 the Petitions Committee presented its Report to the Lok Sabha, shortly before the Government Bill was to be voted on. This followed frantic lobbying of MPs by Iyer and others to ensure that the Petition would not be overtaken by events. In its Report [16], the Petitions Committee concluded that

"The proposed legislation should not only be comprehensive enough to cover the entire gamut of the problems and rights of the construction workers but at the same time it should be

ensured that it is brought on the statute book without any avoidable delay...There can be no two opinions about the scope and intent of the proposed [NCC-CL] legislation...It is for the Government to ensure that the legislation which is finally enacted encompasses all the above features [tripartite CLBs, etc.] to the extent practicable. The Committee, therefore, recommend that the Bill pending in Rajya Sabha be withdrawn and a fresh comprehensive Bill be introduced so as to cater to the long-felt demands of a hitherto neglected segment of the working class."

In the Committee's opinion, NCC-CL had

"done considerable useful work at the grassroot level to organise the construction workers with a view to enabling them to demand Central legislation as a right to provide security of employment and other social welfare measures."

The Report added that

"since [NCC-CL] has done a good deal of pioneering work in this area and formulated certain proposals after in-depth study of the problems...it would have been appropriate if [NCC-CL] had also been invited by the Ministry for consultations and discussions on the proposed legislation...Even now the representatives of [NCC-CL], which is headed by an eminent person like Justice Krishna Iyer, may be invited for an exchange of views on the scope and objects of the Bill and how these can be best attained."

This was significant in the context of the Labour Secretary's statement to the Committee that

"Our structure of tripartite consultations is a fairly well-set pattern. Accordingly, ten national trade unions were consulted [while preparing the Government Bill. NCC-CL] is not a part of them, being an ad hoc body. We are rather helpless in this respect."

Consequently, the Bill was not immediately proceeded with by

the Government, though it remained pending with Parliament for consideration and could be revived at any time.

What Next?

A few days later, a meeting of NCC-CL was held in Delhi at which the Report of the Petitions Committee, as well as the draft TWG Report which was expected to be presented shortly (the final meeting of the TWG having been held in May) were discussed. It was decided that efforts should focus on mobilizing support against the Government Bill and seeking comprehensive legislation, making use of the Petitions Committee's recommendations. Taking advantage of its experience in organizing an effective signature campaign, another such exercise was to be undertaken, this time on a larger scale. Since national elections were approaching, the campaign would also approach the political parties to take up the issues on their platform.

A further meeting at Madurai in Tamil Nadu in September decided to enlarge the signature campaign to include, besides construction workers and unionists, citizens prominent in social, cultural, and professional fields, and political party leaders and legislators at the Centre and in the States. The signature campaign started in earnest in November, 1989.

Bill Deferred

In late 1989, a new Government had been installed following elections. A few of its Ministers were believed to be sympathetic to labour in the unorganized sectors, including Fernandes who had himself moved a Private Bill on the subject in 1981. NCC-CL hoped that it would be better disposed towards the measures it was advocating, although Krishna Iyer in particular believed that a consensus among all parties was both necessary and possible. Taking into account the adverse Report of the Petitions Committee, the perceived complexion of the new Government and most likely also the voices from different parts of the country galvanized by NCC-CL, it was felt that the Government Bill could

be treated as having been deferred indefinitely. It did not, at any rate, pose an immediate threat. The neutralizing of that Bill has been a major achievement of the campaign.

Efforts for Comprehensive Law Resume

NCC-CL met the new Labour Minister from time to time. He seemed supportive, and suggested that his Ministry would work towards a wider enactment. In February, 1990 the Labour Ministry organized a National Seminar on construction workers to which Krishna Iyer (and, after some effort, other NCC-CL activists also) were invited along with representatives of the CTUs, builders' associations and others. NCC-CL was able to brief the CTU representatives so that both took a common stand. It also suggested that, in view of official doubts about its practicability, a law along the lines suggested by NCC-CL could be tested in a few major cities and refined on the basis of experience there. The Labour Minister announced that a revised Bill would be presented to Parliament in its Budget session, and is said to have assured NCC-CL that the Bill would provide for the tripartite Boards that it had envisaged. Indeed, it is believed that such proposals were later framed by the Labour Ministry and seriously considered at the highest level.

By March, the signatures collected since November had been compiled with a memorandum seeking comprehensive legislation. No one has counted the number of signatures; but on eye estimate there were very many more than even the 400,000 that had supported the presentation of the Petition to Parliament. It was hoped not only that this would have an impact on policy makers; it was also intended to make many outside the workers' movement aware of the issues. In order to maintain pressure on the Government while the Parliament was in session, NCC-CL organized a march of around 20,000 workers on Parliament on 30th March, 1990 with a memorandum for the President accompanied by the signatures. The Government deputed the Labour Minister along with Fernandes to receive the memorandum. But no revised Bill was in view.

Official Conferences

The Central and State Labour Ministers' Conference was held at Delhi in April, 1990. Significantly,

“there was general agreement that the Central Government should bring legislation to give protection to workers in the building and construction industry. The legislation should cover employment, wages, safety, social security, etc., and should also have enabling provision for setting up Construction Labour Boards as and when called for [9].”

The Indian Labour Conference — a more broad-based tripartite forum including employers' representatives and the CTUs in addition to Government representatives — followed immediately thereafter. It did not go into specifics, but “there was a general consensus on bringing a Central legislation in respect of construction labour [9]”.

The same month, the Planning Commission organized a Convention on the 8th 5-Year Plan (which was being formulated) and the Construction Industry. It brought together major construction agencies and contractors, builders' associations and the CTUs. NCC-CL was not invited. Not surprisingly, the thrust was on safety and welfare. In fact, this reflected the influence of the builders' lobby, which was well-organized. The presence of the CTUs was not a major obstacle, since for many CTUs the issues of unorganized labour in general and of regulation of construction employment in particular were not critical, and they could be satisfied with improvements on the safety and welfare fronts which they understood better. The participation of the CTUs in the consensus, which was in effect the builders' position, gave it more strength.

The following day, Thankappan, Venkatramani and others of NCC-CL addressed a press conference to criticize the manner in which the Planning Commission's Convention had been conducted, ignoring the construction workers themselves and their organizations, and the measures proposed in consultation

with them which the Convention did not address.

National Federation

In May, a meeting was held at Bangalore for discussions on a possible National Federation of Construction Labour. The idea had been floated mainly by TMKTS and N.P. Swamy, whose Karnataka union would be an important supporter. NCC-CL was looking to the future: in the event of their formation, it would be important to ensure that the workers' representatives on the CLBs and local units had no agenda other than a commitment to construction workers. In the tripartite system which informed most official fora, the CTUs were established as workers' representatives. They were more or less aligned with different political parties — INTUC with the Indian National Congress, AITUC with the Communist Party of India, CITU with the Communist Party of India (Marxist), and so on — and, generally, had been peripherally concerned with labour outside the construction industry's small permanent and organized work-force, or with the independent unions (i.e. those not affiliated to them). Thus, the National Federation was intended as a formal association of independent construction unions which would give them greater leverage in the composition of the CLBs and help avoid their takeover by the CTUs. Eventually, a National Federation (NFCL) was established at Bangalore in December, 1991. It appears that its activities in support of construction workers as a federation have been limited; it was, however, actively involved in the formation of the National Centre for Labour which has brought together the main groups involved with workers in the unorganized and informal sectors [17,20].

Further Actions

At a meeting in September, 1990 NCC-CL discussed the Government's failure to fulfil its assurance to introduce a comprehensive Bill in either the Budget or the monsoon sessions of Parliament. It was decided that more visible actions needed

to be undertaken at Delhi and elsewhere in November.

Accordingly, a few thousand construction workers undertook a 'dharna' (sit-in and demonstration) outside the Labour Ministry at Delhi. NCC-CL associated a number of prominent outsiders: Communist Party leader Farooqi, Janata Dal MP Suryanarayan Yadav, CITU President Puran, Swami Agnivesh of the Bandhua Mukti Morcha and B.K. Prasad of the Central Public Works Department union and the National Federation of Trade Unions, among others. On the same day, workers participated in rallies and 'dharnas' outside the Governors' Houses in their respective State capitals. There was a good response at some places — Tamil Nadu, Andhra Pradesh, etc. However, the turnout in most States was ineffectual for the usual reason: most States had hardly any effective groups.

EPF Scheme Amendment

Earlier, in October, the Labour Ministry amended the Employees' Provident Fund Scheme to provide entitlement of construction workers to provident fund from the first day of their employment itself. This indicated some greater attention in the Ministry to matters relating to construction workers; but it was of no consequence to the majority of construction labour for the reasons already mentioned. It would, in effect, benefit only the work-force of major companies. Here, too, there is a provision for exemption which some NCC-CL members allege is liable to abuse.

All-India Convention

In February, 1991, NCC-CL considered a suggestion to hold an all-India Convention of construction workers as a prelude to a nation-wide agitation. It was also decided that a quarterly campaign newsletter would be published from April onwards, so as to disseminate information to workers' organizations and strengthen contacts with a wider audience of institutions, groups and individuals who could help build opinion and influence policy.

The newsletter did not materialize for want of funds. However, a 2-day Convention was held at Delhi in July. Apart from worker-activists from various parts of the country, the Convention drew representatives of the CTUs and the independent unions in order to consolidate the consensus on NCC-CL's proposed legislation, and to go into greater detail on operational aspects.

New Government

At the same time, a delegation of NCC-CL members met the new Labour Minister. In June, 1991 a new Government had assumed office at the Centre. The Labour Minister was a prominent INTUC union leader from Tamil Nadu. He was believed to be effective, and sympathetic to the unorganized sector. Indeed, he was already aware of many of the issues. His assurance, therefore, prompted optimism (inspite of NCC-CL's unhappy experience of earlier assurances). Krishna Iyer was also able to brief the new Prime Minister.

Importance of Workers' Training

The Convention was followed by a Workshop organised by NMPS in collaboration with Habitat Polytech, an organization promoted by two of the main Central parastals involved in construction: the Housing and Urban Development Corporation (HUDCO) and the Delhi Development Authority (DDA). The subject was the role of trade unions in skill formation and low-cost technology in the construction industry.

Training and upgradation of workers' skills is one of the responsibilities of the CLBs in NCC-CL's model legislation. One of the features of construction in India has been its generally poor quality. The reasons include — apart from inadequate enforcement of quality standards in material and at work sites, and siphoning of funds — poor skills and knowledge, and the absence of arrangements for enhancing workers' capabilities. In response to perceptions, not limited to officials, that the administrative and other costs involved in its proposed CLB mechanism would significantly increase construction costs,

NCC-CL has argued that these would be more than compensated by improved construction quality and lower maintenance costs. These would result from effective restrictions on malpractices, improved transparency and the upgradation of skills consequent to statutory regulation by a tripartite body, with training as one of its responsibilities. Training also has an important gender dimension in an industry in which women are confined to unskilled work (and where 'unskilled work' itself is actually quite skill-intensive), with no opportunity for upward mobility [2,5,15]. Workers' training is, therefore, to NCC-CL and its associates, an important need.

Considering What Next

In November, 1991 NCC-CL decided to present a memorandum to the Prime Minister and conduct another signature campaign. The memorandum would also be presented to the Chairman of the Petitions Committee since its recommendations had yet to be fully implemented by the Government. By this time, the Labour Minister had resigned, to the disappointment of some in NCC-CL. NCC-CL also considered whether, in order to increase visibility and impact, it could organize a strike at construction sites nation-wide with support from the CTUs in March next, while Parliament was in session. In view of the difficulties in achieving the mobilization and coordination required, and the consequences in the case of a poor response (which, as we have seen, was likely at most places), this was eventually rejected. Instead, a rally at Delhi was planned for March, following a campaign in February of post-cards to the Prime Minister.

Debate on Internal Organization

Another important issue discussed was the structure and organization of NCC-CL itself. NCC-CL was a loose, informal conglomeration, held together by a consensus facilitated by personalities everyone looked up to — Krishna Iyer, in particular — and to which construction workers' unions in a few parts of

the country lent strength. The lack of an organizational structure enabled more free-wheeling interaction, with various groups and individuals going in and out of NCC-CL deliberations and activities, and allowed a large independent space to its constituents. The absence of a formal hierarchy minimized the risk of domination and exclusion, and allowed associates to flower in their own directions. On the other hand, it made decision-making, wider organization and implementation problematic. In the absence of a corporate status, regular funding was difficult, and even a small staff for servicing NCC-CL had not been possible. The need to give a more formal shape to the association was, therefore, being increasingly felt.

This might have been pursued further were it not for the CTUs. Establishing a formal organization and hierarchy implied that the CTUs would have to come together under someone else's direction — a situation that, aligned as each CTU is to one or the other of the main political parties and for reasons of their own standing, they would be unlikely to accept. For NCC-CL, involvement of the CTUs, howsoever tepid, is critical. CTU representatives — initially, often the same individuals who attended the TWG meetings on the CTUs' behalf — participated in many of NCC-CL's deliberations and activities. A few construction workers' unions affiliated to them — e.g. in Kerala — were active associates. NCC-CL members also had other interactions with the different CTUs. Even though, as unions, the concern of the CTUs for unorganized construction workers was limited, they were not unsympathetic and had no cause to oppose NCC-CL. A few CTU leaders were even enthusiastic, and contributed to NCC-CL at least in their personal capacity. Most importantly, CTU involvement was essential because of their official recognition as the main spokesmen for workers in the country. They also provided access to the mainstream, organized labour movement. As such, it was felt that any arrangement that might jeopardise the CTUs' participation would be counter-productive to the campaign. It is not clear, however, to what extent the possibility of organizational

alternatives that might strengthen NCC-CL's functioning without alienating the CTUs were seriously explored.

Rally

The construction workers' rally was held at Delhi on 26th March, 1992. Several MPs, including former Minister Fernandes, participated. It was sizeable, but had to compete for attention with the various other demonstrations held while Parliament is in session.

Builders' Stand

In May, the Builders' Federation of India conducted a Seminar at Delhi on the welfare of construction workers to which several Ministers and senior officials of Government, the construction parastatals and builders were invited. Although, as a strategic move, a few dissonant voices such as Swami Agnivesh were heard, the discussions focused on welfare and safety arrangements to the exclusion of employment regulation.

The builders are well-organized, and several prominent political figures have been associated, nominally as 'Patrons', or more closely with them. It is also said that the builders' lobby has, for obvious reasons other than sheer size, a strong influence well beyond the construction 'industry'. Comprehensive legislation of the kind envisaged by NCC-CL was, clearly, not in their interest. They have, therefore, opposed it on the grounds that (a) there were already many laws applicable to some or all construction labour which made the conduct of their trade complicated; these needed to be brought together; yet another legislation touching on the same matters was unnecessary, and would create more confusion; (b) the institutional arrangements and benefits proposed in NCC-CL's draft legislation were cumbersome, over-extensive, inflexible and unworkable; (c) they would substantially increase construction costs; this would lead to a reduction in construction activity which would impact on employment; (d) further legislation, if any, needed to

address only safety and welfare arrangements. Seeing that the trend both in the Government and outside was towards some additional statutory safeguards for construction workers, the builders put forward suggestions on safety and welfare as a basis for fresh legislation [1,32]. It was perhaps felt that it would be in their interest to offer some concessions so that the basic structure of the industry would be left untouched. This may also have coincided with the genuine feeling among some builders that improvements in these aspects were called for. Builders' organizations were, therefore, amenable to the establishment of a Welfare Fund. We have seen that, in the TWG, builders were even willing to accept tripartite CLBs as implementing mechanisms provided their functions did not include regulation of employment. As with NCC-CL, the builders must also have anticipated that legislation along these lines would postpone indefinitely the prospect of a truly comprehensive enactment.

National Commission on Rural Labour

The National Commission on Rural Labour, set up by the Government in 1987 with several MPs, economists and administrators, finalised its Report in 1991. Incidentally, the Commission also appointed Sankaran to head a study group on matters relating to economic and social security. With regard to rural construction labour, the Commission, after reviewing the stands of NCC-CL and the unions as well as the builders in the TWG, concluded that although further legislation was necessary to ensure security of employment, safety and welfare, "the regulation of employment by the [proposed tripartite Construction Labour] Boards may not be a feasible proposition". On the other hand, while proposing legislation for home-based rural workers, the Commission recommended tripartite Boards to administer a Scheme which would regulate recruitment and entry, and "allocation of registered home-based workers to employers or contractors" — a recommendation glaringly inconsistent with its position on construction labour [8].

Labour Ministers' Conference

Labour Ministers met again at Delhi in August, 1992. The Conference appointed a Committee of State Ministers (chaired by the Minister from Maharashtra) to consider the recommendations of the National Commission on Rural Labour relating, among other matters, to Central legislation on construction workers [10]. Eventually, because of several changes in incumbent in Maharashtra, the Central Labour Minister took the initiative to have the recommendations examined with the Committee Members. This completed a long series of consultations with the States which was necessary for a revised Bill. It was coloured by the fact that the Report of the National Commission on Rural Labour did not favour the basic feature of NCC-CL's proposal.

Introspection and Tripartite Dialogue

In the absence of an effective organization, the lack of a favourable response from the Government (although indications would be given from time to time that a comprehensive legislation might be introduced in the succeeding Parliament session), a split in the TMKTS in 1993, Geetha's preoccupation with the establishment of a NMPS unit in Tamil Nadu, and other factors, NCC-CL was relatively dormant at this stage. With the failure of the TWG to produce a consensus Report and the realization of the strength of the builders' lobby, it was felt that a separate dialogue with the builders might be advisable so as to enlarge the area of agreement on proposed legislation. In May, 1993, a national Consultation was initiated by NCC-CL and the Friedrich Ebert Stiftung (a German funding agency) to revive the tripartite dialogue between NCC-CL, the builders' representatives and Government officials. The first such attempt did not evoke much response. There would be some limited progress later on, particularly on the details of welfare, social security and safety proposals.

Efforts to resume the dialogue were revived in 1994. In

preparation, NCC-CL met at the end of November. This involved discussion on the pros and cons of NCC-CL's draft as against the earlier Government Bill, the attitude to be taken on possible safety and welfare legislation as against a more comprehensive effort, and the stand on the Builders' Association of India's proposed enactment which covered safety and envisaged a welfare fund with employers' contributions. 2-day tripartite discussions were held immediately thereafter.

National Commission for Women

The National Commission for Women, a statutory body, undertook, in 1994, a public enquiry at Madras and other places on women in the unorganized sector. Krishna Iyer was coopted to the legal bench of the enquiry. Geetha was prominent among the activists who facilitated the enquiry. As a result, NCC-CL's proposal for tripartite CLBs was taken up by the National Commission onto its agenda as a mechanism through which legal safeguards could be extended to women construction workers. However, this was only one of a wide range of women's issues with which the Commission was concerned.

Durgapur Seminar

In April, 1995 a National Seminar was held at the steel town of Durgapur in West Bengal under the aegis of the National Safety Council to consider legislation for construction workers. The Seminar was attended by several leaders of the CTUs (particularly of unions such as AITUC and CITU since the left parties were in power in the State), MPs associated with the labour movement, State and Central Labour officials, some NGOs, and representatives of NCC-CL. The Central Labour Minister and West Bengal Ministers also visited the Seminar. Seminar documents set out the background of efforts towards comprehensive legislation. The abortive Government Bill of 1988 and the text of a Private Bill moved in Parliament in 1992 by Hannan Mollah, MP and trade unionist, were circulated as the basis for discussion. That Bill was in some respects similar to

NCC-CL's model legislation, but there were differences. T.S. Sankaran of NCC-CL circulated a critique of its provisions. The Seminar discussed the main aspects of appropriate legislation, including NCC-CL's proposal, with a view to effecting improvements and building a consensus. It was eventually agreed to rally around NCC-CL, while its model law would continue to be refined.

Government Announcements

In the same month, the Labour Minister again announced that legislation for agricultural labour and construction workers would be introduced in the next Parliament session. However, the session passed without any such Bill. With national elections due in early 1996, Government spokesmen stated in September, 1995 that a few important measures in favour of labour might be effected through Ordinances without awaiting the convening of Parliament. These would include a 'comprehensive' Bill for construction workers [25]. The announcement coincided with the appointment of a new Labour Minister, himself a trade unionist.

Further Efforts

In August, 1995, a series of 'dharnas' were held at Delhi and several State capitals. These were preceded by workers' conventions, following which Krishna Iyer wrote to legislators and State Chief Ministers. Sympathetic acknowledgments were received from the Central Labour Minister, the Chief Ministers of Gujarat and Karnataka, and some MPs.

The Ordinances

The President of India is empowered to promulgate Ordinances which have the force of legislation on urgent matters when Parliament is not in session. These lapse unless replaced by Acts within six weeks of Parliament convening. In October, 1995 two Ordinances were issued. It was expected that in the ensuing winter session of Parliament they would be followed by revised Bills to replace the earlier Bill whose consideration had been

deferred since 1988.

The first Ordinance bears the same title as the earlier Bill. Indeed, as its Preamble makes clear, its structure and provisions are also virtually identical, with some significant variations. The second Ordinance is entitled the 'Building and Other Construction Workers' Welfare Cess Ordinance'. As compared to the earlier Bill, these Ordinances incorporate the following additional features:

- ❖ a cess on employers or contractors upto 1% of the construction project cost, and an enabling provision for Central Government grants or loans to finance welfare and social security provisions;
- ❖ State-level 'Building and Other Construction Workers' Welfare Boards' with equal representation from Government, builders and workers by nomination by the concerned State Governments;
- ❖ a welfare fund administered by the Boards for those workers who opt for registration (on payment of a monthly contribution) — registration being compulsory for contractors but not for workers;
- ❖ provision of temporary accommodation in certain cases at work sites by employers and contractors;
- ❖ locus standi to voluntary agencies, among others, to file complaints in the Courts against breach of the statutory safety, social security and welfare provisions.

Although these are improvements over the earlier Government moves, and the Labour Minister specifically mentioned the efforts of NCC-CL at his press conference announcing the decision, the Ordinances do not incorporate the basic features of NCC-CL's proposal — regulation of employment through compulsory workers' registration and allocation by the Boards, 50% representation to workers, no numerical restriction on application of the legislation — without which it argues that no

measures are implementable. Moreover, the rate of cess is said to be inadequate to finance the Boards' requirements.

In contrast with the comments and criticism of the CTUs in respect of another Ordinance affecting labour issued at the same time, there was hardly any media coverage of NCC-CL's critique of these two Ordinances before or during the winter session of Parliament.

At the end of October and early December, NCC-CL delegations met the Labour Minister and his officials regarding the Ordinances, and was seeking MPs' support for amendments. The delegations were accompanied by some leaders of the CTUs and a few MPs. The National Commission for Women lent support in a letter to the Labour Minister. The latter is said to have assured the delegations that three changes would be considered at the time of moving the Bills in Parliament: the establishment of tripartite CLBs, removal of the restriction on applicability to a minimum of 50 workers, and removal of exemption clauses in the Ordinances. R. Geetha from Madras, Madhukant Patharia from Mumbai and Vishnu Shukla from Kanpur were brought in to assist in lobbying MPs in December. However, as it happens, much of the Parliament's winter session was taken up by a dispute relating to another issue, leaving little time for anything else. Since the Bills could not be taken up, Ordinances were promulgated again in January, 1996.

Campaign Within A Campaign: Tamil Nadu (and Kerala)

Construction workers' unions, few and far between in most parts of the country, are fairly strong in Kerala and Tamil Nadu. Their advocacy efforts are important in themselves, and also have a bearing on the national campaign.

Kerala Construction Workers' Federation

In Kerala, many construction workers belong to AITUC's Kerala

Construction Workers' Federation (KCWF) (as well as some other unions), led by a committed group of unionists such as Sujanapriyan and others. The construction industry has been quite active in Kerala owing to large investments by Keralites returning from the Persian Gulf. KCWF has supported NCC-CL's campaign since the Delhi Seminar in 1985 to which it was invited.

KCWF's advocacy for statutory protection for Kerala construction workers predate NCC-CL. From the outset, it has viewed registration of all workers as a basic requirement, and has provided photo identity cards to its members. Although it has not succeeded in bringing about wider legislation, its efforts since 1981 have resulted in statutory welfare and insurance measures which are an advance over arrangements in most other States. It secured an Accident Relief Scheme for construction workers in 1982. In 1984, it contributed to the setting up of a State Commission to consider introduction of a Welfare Fund. Although the Commission's Report was not immediately acted upon, KCWF was eventually instrumental in the passage in 1989 of the Kerala Construction Workers' Welfare Fund Act under which tripartite Boards were set up. However, these have been facing operational problems.

TMKTS in Tamil Nadu

Construction workers' campaigns have been more effective in Tamil Nadu [2,3,4,5,11,12,13,14,15,18,29,30]. In the '30s, guilds of some categories of workers in the construction industry — masons, carpenters, etc. — were formed to safeguard wages and employment. They were the first formal organizations of the non-permanent work-force, but did not include unskilled workers. This ultimately aggravated divisions among the workers and restricted upward mobility, leaving a legacy of disunity. These guilds did not survive long. A masons' organization emerged in the '70s, but failed to reach out to other categories and evolve a coordinating structure. Efforts by CITU, and by others through slum organizations, were also unsuccessful.

In 1979, a severe shortage of cement and steel resulted in a slump in building activity and large-scale unemployment of construction workers in Tamil Nadu. This led to spontaneous demonstrations at Madras and other places. A union of skilled and unskilled workers and 'mistreries' (skilled masons and gangmen) was built on this foundation, helping to organize for governmental intervention to ensure their livelihoods. M. Subbu and R. Geetha, husband and wife, were prominent among the organizers. By 1983, the union had mobilized a large number of workers in demonstrations, picketing and hunger strikes. However, one section (including Geetha and Subbu) split to form the TMKTS, charging some office-bearers with undemocratic functioning and financial irregularities. The new union would eventually attract most of its parent's members.

TMKTS is an independent union not affiliated to any political party or CTU. It has local, taluka, District/town and State-level units with elected representatives at each level. Registered in 1983, its active membership is around 40,000. However, for its agitational programmes it claims access to well over 100,000 workers, including seasonal, peripatetic and other workers who have not become formally unionized. Organization has been facilitated by the fact that, at some places such as the State capital Madras, there is a fairly stable concentration of construction workers in the slums. Unionization is, therefore, on an area or settlement rather than work-site basis.

The original union and TMKTS' demands had included institution of a committee to fix minimum wages; medical facilities under the Employees' State Insurance Scheme; financial relief in case of fatal accidents, and general accident insurance; creches; reservation in housing constructed by the Slum Clearance Board; and the provision of free implements. Awareness programmes were undertaken on the various laws applicable to construction workers.

With the realization that a comprehensive law specifically for construction workers was necessary, the union also brought

together lawyers and worker-activists in 1981 to prepare a model Bill. The draft included several social security, wage and dispute resolution provisions, as well as a welfare fund for housing, medical care, creches and educational facilities for workers' children. However, how such legislation could be implemented given the nature of employment in the industry remained somewhat unclear. The solution, through the device of tripartite CLBs, emerged in 1985 from the Delhi Seminar promoted by TMKTS (at which it was also decided to set up NCC-CL). TMKTS' objective was a Central law and, pending that, a State legislation in Tamil Nadu. Its 1981 draft was circulated to the Central and State Governments, MPs and State legislators. One version was introduced by MPs M. Kalyanasundaram as a Private Bill in the Rajya Sabha, and G. Fernandes in the Lok Sabha, the same year. As mentioned earlier, the former was withdrawn after an assurance by the Central Government in 1985, while the latter was not debated.

In 1982, the Tamil Nadu Manual Workers' Act was passed. The sustained mobilization of construction workers since 1979 was a contributory factor, although the Act was not limited to them alone.

In 1983, as demanded by the workers, a Committee was set up by the State Government to fix minimum wages in the construction industry. The State Government also introduced the Tamil Nadu Building and Construction Workers' (Conditions of Employment and Miscellaneous Provisions) Bill which extended the provisions of various existing enactments to construction workers, provided for creches and other amenities at work-sites, and enabled application of safety norms. However, it did not take into account the shifting employer-employee relationship; it applied only where 50 or more workers were employed; it defined construction work narrowly, and excluded non-contract, railway and some other types of works; it envisaged tripartite Boards which were only advisory in nature and on which workers would be in a minority, and there was no provision for workers' participation in implementation; it

provided for the registration of contractors but not of workers; it restricted the employment of women beyond certain hours, thus depriving them of overtime incomes. TMKTS set up a committee under Krishna Iyer, who had had contacts with some of its organizers, to suggest improvements in the Bill. Krishna Iyer wrote to the State Labour Minister, and TMKTS sent the Government the recommendations of the Committee. A State-wide campaign was launched against the Bill. It reached its climax at a massive gathering of workers at Madurai in February, 1984. Shortly afterwards, the Governor's address to the State Legislature indicated that the Government would present an amended Bill which would provide for registration of all construction workers, include compulsory insurance and (one of the earliest union demands) provide Rs. 10,000 from the Chief Minister's Relief Fund in the case of fatal accidents pending statutory compensation claims. Nevertheless, the agitation, including picketing, rallies, and hunger strikes, continued.

In spite of assurances, a modified version of the Bill which did not incorporate these measures was passed in October. This provoked further demonstrations and picketing at Madras and in the Districts, during which many workers were arrested. These actions did not lead to changes in the Act; but, at the end of October, the State Government set out an insurance scheme with some workers' contribution (which was seen by TMKTS as inadequate). It also announced the payment of Rs. 5,000 from the Chief Minister's Relief Fund in the case of fatal accidents. This was raised to Rs. 10,000 in 1986, but a ceiling of income for eligibility was fixed. TMKTS agitated against both the insurance scheme as well as the new proviso. The latter was deleted in March, 1989. The amount was again enhanced to Rs. 20,000 in 1993 after further agitation.

TMKTS initiated the events which led to the formation of NCC-CL in 1985. It was also, as the strongest of the country's independent construction workers' unions, a major source of support to the national campaign. In different ways, Subbu, and Geetha in particular, have been among the driving personalities

behind NCC-CL. Although TMKTS' own union activities continued during this period, its involvement in the national advocacy campaign became increasingly important, and there must have been a risk of this threatening more focused advocacy at the State-level. Although TMKTS had from time to time been raising the issue of implementation of the Tamil Nadu Manual Workers Act, for example through processions and demonstrations at District Collectors' offices in 1988, at the close of the '80s it decided to favour State-level advocacy. The Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982, which included building and construction workers, had some potentially powerful enabling provisions: formulation of a Scheme to include regulation of employment through registration of employers and workers, their work terms, and general welfare arrangements; a fund for social security and welfare payments; health and safety measures; and tripartite Boards with equal representation for the State Government, employers and workers. The Act could be applied at different places by notification. However, insofar as construction workers were concerned, the Act had nowhere been notified and thus remained inoperative. There was also no provision for a levy from employers to finance the fund envisaged under the Act, or other measures. From 1990 onwards, therefore, notifying the application of the Act, the preparation of a Scheme, and an amendment to provide for a levy from employers became a focus of TMKTS' actions.

Responding to a series of agitations and lobbying by TMKTS, the Labour Minister declared, in September, 1991, the State Government's intention to implement the Act. This was followed by another assurance in the Legislature in April, 1992. In July, TMKTS organised dharnas on this and other issues, culminating in a demonstration at Madras by 30,000 workers who presented a memorandum to the Chief Minister and Labour Minister. The latter assured the workers that action would be finalised by the end of September. With no further movement, TMKTS representatives, along with Krishna Iyer, met the Minister in

October. Processions and picketing followed the next month. In February, 1993 many workers were arrested while blocking roads; and at the end of March, work on a large number of public construction sites was halted by a strike.

These actions were widely covered in the press. They culminated in an amendment to the Manual Workers' Act to enable the imposition of a levy from builders. Agitations continued for the drawing up of a Scheme and implementation of the Act, with dharnas, demonstrations and picketing outside the District Collectorates and the State Secretariat in Madras, including a public meeting attended by several legislators and former Ministers. In November, 1994, details of the levy were announced. By January, 1995, the State Government had notified the application of the Act to the three main cities of Madras, Madurai and Coimbatore, constituted tripartite Boards for them, and announced a Scheme. One of these cities was in the Chief Minister's own District. Because of its tactical value, it had been an important agitational centre for TMKTS. The Scheme for the three cities provides for registration of workers, sets up a Welfare Fund, and ensures provision of creches, group accident insurance, provident fund, and pension. Although it falls short of the Scheme suggested by TMKTS in 1990 (along the lines of NCC-CL's model Scheme), and agitations to expand its scope and apply it to the entire State continue, the Tamil Nadu arrangements provide some of the framework appropriate to effective legislation for construction workers. In the long term, this is likely to be an important support for NCC-CL's advocacy at the national level. On the other hand, a new dimension has been added in Tamil Nadu, with various construction workers' unions owing allegiance to CTUs and political parties being floated to capture workers' representation on the Boards.

Another event in Tamil Nadu with ramifications for NCC-CL took place in mid-1993. This was the resignation of Geetha from TMKTS, and her involvement in setting up a unit of the Delhi-based NMPS in Tamil Nadu. Geetha had headed TMKTS' women's wing, an important section given the number of women

workers (particularly in Madras) and the disadvantages they faced even within the deprived constituency served by TMKTS. Her departure was ostensibly provoked by differences with other leaders on TMKTS' approach to gender issues. A more personal dimension seems to have added to the separation, and her husband Subbu continues to be TMKTS' General Secretary. The fact that Geetha has had to devote time to organizing the new NMPS unit has detracted from her role in NCC-CL. The split seems also to have resulted in tensions between some of NCC-CL's key personalities, particularly since its Convenor and Coordinator are both associated with NMPS.

The Stakeholders

Advocacy for NCC-CL's version of comprehensive legislation has to take into account the opposition or ambivalence of the following important stakeholders.

Builders

Builders would oppose it since large, unaccounted returns are facilitated by the existing system of construction work, including the exploitation of labour through large-scale casualization, a complex chain of intermediaries and a peripatetic work-force. The major builders are well-organized in various associations and federations. These have a common approach to unorganized labour, and considerable influence. As an example of their respectability, some political figures associated with them nominally or otherwise have from time to time been appointed to high office (including Ministries particularly concerned with construction). Smaller contractors may be more dispersed and less organized, but locally they too often form a nexus with official agencies and others for whom they undertake work. Regulation of employment, and welfare and social security measures on par with those in the organized sector, if effectively enforced, would ensure payment of prescribed wages and other benefits to workers, and force a transparency in operations which would eat into margins. Restriction on entry into the industry

would itself compel higher wage rates. Moreover, the proposed dispensation would make it easier for workers to unionize. Although builders would therefore favour the status quo, they would not be averse, some on account of genuine conviction and others as a matter of strategy, to contributing to improved welfare and safety arrangements provided no regulation of employment, greater administrative control and enhanced transparency is involved.

Governments

The Central and State Governments and many of their parastatals have a major stake since they are, directly or indirectly, the single largest category of construction employers in the country [31]. As we have seen, construction draws a substantial proportion of public investment. On the other hand, the state is enjoined by the (non-enforceable) Directive Principles of State Policy of the Constitution (particularly Articles 42 and 43) to safeguard workers from exploitation. In their collective attitude towards the model legislation, therefore, the Central and State Governments have to reconcile conflicting considerations:

- ❖ as the major clients, paymasters and employers, they will be hesitant about arrangements which might substantially increase construction costs;
- ❖ they will be concerned, both qua Government and qua employer, about the administerability of the proposed measures, particularly if these would introduce rigidities which might affect the progress of works (through the intervention of the CLBs in the allocation of labour);
- ❖ they may also, qua Government, be concerned about the effects on employment which restrictions on entry (implied by the model Scheme) would have in a major employment sector, particularly at a time of increasing liberalization and deregulation in the labour market and other spheres of economic activity;
- ❖ whether or not there is a nexus between some individual

politicians and decision-makers and builders, the latter are well-organized to canvas their views with Government, while construction workers are not;

- ❖ on the other hand, unorganized as they are, construction labour forms a very large potential constituency; a substantial improvement in conditions would meet considerations of social justice and might provide political mileage.

Central Trade Unions

The CTUs, aligned more or less closely with different political formations, represent a major section of organized labour across all industries. Since they do not have a direct stake in unorganized labour, their attitude towards comprehensive legislation (and NCC-CL as its sponsor) would tend to be apathetic, were it not for the following factors:

- ❖ for the CTUs, any institutional arrangements which would facilitate unionization and involve representative bodies could be utilized to expand their own base; to that extent, they would favour such arrangements provided they are able to dominate them;
- ❖ for the same reason, they would be wary of the independent unions associated with NCC-CL, which they see as competitors;
- ❖ individual CTUs would also view each other as rivals for this turf; the united front that needs to be presented on the demand for legislation therefore becomes difficult to sustain;
- ❖ many individual CTU leaders might be sympathetic to NCC-CL's proposals because of their own predilections towards a particularly disadvantaged section of labour; however, the extent to which they would subordinate their organizations to more systematic support to NCC-CL is likely to be limited (even though some unions affiliated to the CTUs have been very supportive).

Allies and Sympathizers

Construction labour, in whose interest the model law has been formulated, is numerically a very large constituency. However, with the exceptions noted earlier, it is mostly unorganized. There are also divisions between different categories of construction workers owing to the way in which employment has been managed. Most construction labour is probably unaware of the proposals on their behalf, particularly in the north.

There may also be a significant number of opinion-makers among lawyers, academics and other professionals, legislators, the media, developmental and support NGOs, individuals and groups working with other informal and unorganized labour, and many other types of institutions which might support, with varying degrees of commitment and impact, the proposed legislation.

The Campaign Assessed

The effectiveness of NCC-CL's campaign depends on the extent to which these elements can be neutralized, won over, mobilized or otherwise managed in its favour. The following features emerge from a review of the campaign.

The Proposal

From the outset, NCC-CL has conducted its campaign around a concrete proposal in the form of a model law rather than in general terms, so that the debate would be sharply focused. The model law is comprehensive in that it addresses the main requirements of the workers. Its mechanism for employment regulation would also introduce transparency in the industry and enable the organization of labour. At the same time, it does not overextend itself to wider, more polemical issues which might affect the workability of the proposal. It has been formulated by persons with long experience of labour laws, labour administration, unionization and the situation of construction workers. To the extent feasible, its formulation has

been a participatory exercise involving feedback and validation by many construction workers themselves. These factors have contributed to the appropriateness and credibility of the model law.

Its Presentation

In comparison with existing labour laws, the abortive Government Bill and the more extensive Ordinances, the measures envisaged in the model legislation appear to be cumbersome, unwieldy and overbureaucratic. This is perhaps unavoidable if the proposal is to be genuinely comprehensive as well as self-implementing. However, these characteristics demand a correspondingly greater sophistication in presentation so as to address the genuine concerns of policy-makers as well as potential sympathizers — namely, the administerability of the provisions, and their impact on costs, employment and smooth progress of works. NCC-CL's advocacy would also have to take into account the trend towards economic 'liberalization' and deregulation which is apparently in conflict with the 'closed shop' implied by its proposal. Although NCC-CL has cogently argued the rationale behind the proposed arrangements, little attention seems to have been given to the question of how best to project them.

Interactions with Government

Since legislative proposals emanate basically from the Central Government (and the State Governments in respect of State laws), NCC-CL's campaign is directed at the Government. Apart from building pressure through street-level mobilization, the involvement of CTUs, and other means, any such campaign must engage in systematic interaction, formal and informal, with the concerned political executives and bureaucrats. This is essential in order to identify, inform and activate influential individuals within Government who might be sympathetic, keep track of developments and enable appropriate reactions, meet the concerns of different Government agencies and personalities,

and refine arguments. Occasional encounters with the Labour Minister and a few others and the presentation of memoranda do not amount to the concerted canvassing that is necessary. Apart from the Labour Ministry, NCC-CL would have to target the Ministry of Urban Development (whose stand is important because of its involvement in construction). Interaction with other bodies such as the Finance Ministry, the Department of Women and Child Development, the Planning Commission and the Prime Minister's Office might also have been useful. Not only Krishna Iyer and Sankaran (a former senior civil servant himself), but also many others associated with NCC-CL have some access to senior officials. However, many are not based in Delhi. None work with NCC-CL full-time. All are engaged in other activities and causes. Consequently, and in the absence of an organizational structure, NCC-CL's interactions with Government have been quite desultory. It was caught off-guard by the introduction of the Bill in 1988, and was, seven years later, unclear about the internal happenings in the Government as they related to the Ordinances.

NCC-CL's main proposals appear to have been seriously considered on at least two or three occasions at high policy levels. Immediately following the Petitions Committee's Report, and even before the installation of a new Government in 1989, the then Labour Minister appeared to be broadly inclined but there was strong opposition from his own senior officials on grounds of practicability, as well as from some of the other Ministries with whom consultation was necessary, which NCC-CL did not take systematic steps to counter. On another occasion when NCC-CL's formulations were revived within the Government and faced the usual doubts, an inter-Ministerial group examined the working of Kerala's more limited Welfare Boards in 1992 (the only ones in existence at that time exclusively for construction labour). The group found that most workers were not registered with those Boards, and that there were several other problems in implementation. NCC-CL had strong grounds for arguing that, apart from the fact that such an assessment

was premature since the Kerala Boards had been in existence for only two years, the problems lay not in concept but in design. Had NCC-CL been able to develop more systematic contacts, it would have been aware of the developments and been able to present a rebuttal. As it happens, its case seems to have been lost by default. NCC-CL also needed to act on the fact that construction-intensive Ministries — Urban Development, Railways and Defence, for instance — would be likely to resist even the kind of limited advances contained in the Ordinances. More recently, the case against regulation of employment through Boards appears to have been strengthened with some concern with the functioning of even the more manageable arrangements for port and dock workers which had influenced NCC-CL's proposals. As we have seen, in spite of the involvement of Sankaran (albeit on a different aspect) with the National Commission on Rural Labour, NCC-CL did not engage the Commission. The Commission eventually found against the concept of employment regulation through Boards for construction labour (while recommending it for home-based workers).

Grassroots Support

NCC-CL's proposals affect several important actors with strong and conflicting interests. If it is to be effective, therefore, advocacy cannot be restricted to backroom contacts with a few political executives or officials. Grassroots support needs to be mobilized and become sufficiently visible. It must have an agitational potential and draw in a substantial number of workers so that the campaign can display its strength. However, the characteristics of construction employment make it particularly difficult to bring together large numbers in agitational programmes, and even to generate awareness. Apart from a few areas in the south, where local unions have provided visibility, it has not been possible to demonstrate much support. This is essential to countervail the opposition or ambivalence of policy-makers and other key players. For tactical reasons, this is particularly essential in the country's capital and surrounding

areas where the ability to mobilize has been the weakest. This weakness has severely limited the campaign's effectiveness. Without greater and more visible grassroots support, the precondition for successful advocacy on the issue is unlikely to be met, and adoption in the future of the kind of legislation demanded by NCC-CL is doubtful. The situation at the national-level may be contrasted with that in Tamil Nadu: it should be no surprise that it is there that a significant advance has been achieved (even though it falls short of workers' demands).

Mobilizing Workers

NCC-CL has been acutely aware of this shortcoming. Overcoming it is one of the main challenges before construction workers, and will be a long-term process. That the process has begun is evident from the massive participation in signature and post-card campaigns, although they cannot substitute for large, coordinated street-level actions. NCC-CL's associates have been active in building construction workers' organizations in various parts of the country, and bringing them onto a coordinated platform. One such effort is the establishment of NMPS in Delhi, although it has yet to acquire strength. In 1991, the National Federation of Construction Labour (NFCL) was set up as an apex body of independent construction workers' unions. More recently, in 1995, the National Centre for Labour (NCL) was established as a federation of workers' formations in the informal and unorganized sectors, including construction labour [17,20]. NCL fulfils some of the criteria for recognition as a CTU (membership of more than half a million in at least four States, etc., which seem to be satisfied even if only two of its constituents — Ela Bhatt's SEWA and the National Fishworkers' Forum — are taken into account). The construction labour campaign will be considerably strengthened if it is able to find a place in the Indian Labour Conference and other fora along with the existing CTUs. The extent to which these organizations are able to mobilize and represent increasing numbers will determine the degree to which the demand for comprehensive legislation for construction workers is seriously considered. They will also have

to contend with internal divisions and competing pulls and pressures.

Relations With CTUs

The support of the CTUs on behalf of organized labour is also critical to NCC-CL. Experience with the CTUs has, however, been mixed. On the whole, their involvement has been lukewarm, even where a few leaders have been consistent in support. In fact, NCC-CL and the independent unions have had to be wary of CTU attempts to appropriate the issue and project themselves as construction workers' representatives. Happenings in the TWG, the Durgapur Seminar, and the jockeying in Tamil Nadu following the constitution of Boards there, are cases in point. The difficulties in eliciting more tangible support from the CTUs have constrained the campaign. Although NCC-CL has had contacts with some local construction unions connected with the CTUs such as KCWF in Kerala, there are several other such unions with whom NCC-CL was not in touch until recently, and who were unaware of the campaign in spite of the familiarity of many of the concerned CTU leaders with NCC-CL: an AITUC-affiliated union in Andhra Pradesh (which has subsequently provided active street-level support), artisans and related unions affiliated to CITU and UTUC in Kerala and, indeed, long-standing INTUC-affiliated unions there which head the State's Boards.

Legislators

The campaign acquired momentum by approaching the Petitions Committee of the Lok Sabha — a use of this Parliamentary forum that would be emulated by other groups such as the National Campaign for Housing Rights (with the drafting of whose Petition Krishna Iyer was also associated). NCC-CL was well-equipped in terms of expertise to effectively petition the Committee, and to elaborate its stand at the 1988 hearings. The Committee's Report commending NCC-CL's model law and urging the Government to withdraw its Bill was an important

source of support and propaganda. It provided legitimacy to NCC-CL's demands. NCC-CL and its constituents also inspired Private Members' Bills relating to construction labour. In connection with the Petition and subsequently, NCC-CL members interacted with several MPs, including some not connected with the labour movement. However, these efforts have been sporadic and ad hoc. Consequently, no sizeable, active support group has emerged in Parliament.

Canvassing Other Support

Although some NGOs and other institutions, and lawyers, academics and other professionals have been associated off and on with NCC-CL's deliberations, it has had a limited outreach to other opinion-makers. As far as the media is concerned, national coverage of construction workers' issues in general, and of the campaign in particular, has been minimal. Even influential periodicals oriented towards such issues could hardly be tapped: a review of the *Economic and Political Weekly*, for example, since 1985 would bear out this observation. Others with whom contacts might have been worth exploring are the multilateral institutions, particularly agencies such as the International Labour Organisation (ILO) even though it usually works through the Government and the CTUs.

Networking and Information Dissemination

Related to this is the need for a network of interested individuals and organizations not necessarily directly involved with labour. Media coverage cannot substitute for a system of information dissemination which could sustain a network and inform a wider circle, perhaps through a newsletter or bulletin. NCC-CL plans for such a publication did not materialize for want of funds.

Organization

Many of the campaign's shortcomings can be attributed to the amorphous nature of NCC-CL. It has not gone beyond being a platform on which people come together according to their

interest and availability at different points of time. This has resulted in difficulties in obtaining regular funding because NCC-CL has no formal status. It affects decision-making and communication, allocation of responsibilities and accountability. Staffing arrangements to service and follow up the activities have not been possible. This has had some advantages, as we have mentioned, and may have been appropriate in the early stages; but, on balance, the lack of structure has become a drag on NCC-CL's effectiveness. NCC-CL has accepted this limitation partly because of considerations relating to the involvement of the CTUs with the campaign; but there appears to be a need for rethinking, and to attempt an organizational design which would not alienate its allies. The fact that this situation has persisted is all the more paradoxical as almost every member of NCC-CL's core group has excelled, in his or her own sphere, at building and managing organizations.

Personalities

In spite of these limitations, NCC-CL has managed to keep the issue of construction labour alive, and to hold itself together. The recent Ordinances seem to have galvanized NCC-CL into more systematic efforts reminiscent of its early phase. An important factor in maintaining NCC-CL through ups and downs has been the personality of its Chairman. Krishna Iyer's bonafides are beyond challenge; he has no axe to grind beyond the cause itself, and has no attachment to any group or interest within it. His contacts and public stature provide NCC-CL with access and some visibility. He has been able to bridge differences and articulate a consensus in NCC-CL's functioning. However, Geetha's preoccupation with Tamil Nadu has to some extent deprived NCC-CL of one of its driving personalities, and her rift with TMKTS has led to an undercurrent of tension, particularly as TMKTS and NMPS are rivals in Tamil Nadu, and NCC-CL's Coordinator and Convenor are both with NMPS. The Coordinator himself was involved in a serious accident which affected his contribution at an important time. However, these and other personalities comprising the core group have provided intellectual

substance to the campaign, and have helped in widening the organizational constituency of NCC-CL through the establishment of NFCL and NCL. What is missing are individuals who can devote much more time to organizing the campaign, lobbying, following up contacts and systematizing a wider network.

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