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# ALL INDIA TRADE UNION CONGRESS

## WORKING COMMITTEE MEETING

# REPORT

12, 13 & 14th JULY, 1996,  
New Delhi

A.I.T.U.C. WORKING COMMITTEE MEETING  
New Delhi 12-14th July, 1996,

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The Working Committee held its last meeting on February 17-18, 1996, in New Delhi. Among the issues which engaged its attention and on which certain decisions were taken after fairly long discussions were: 1) The Pension Scheme and amendments therein; 2) Working women and child labour. The third item, on the priority list, i.e. the issue connected with tenancy of premises occupied by the AITUC Centre could not be taken up due to lack of time.

The Working Committee had naturally stopped short of taking up any major programme of agitational activity extending beyond a very short period essentially due to evident proximity of general elections in the country. That the announcement of election dates will come virtually on the heels of the conclusion of the meeting, however, could not at that time be foreseen or expected. None the less there was realisation that elections in a situation marked with unprecedented social and political tensions created by the misrule of the Narasimha Rao Government were of crucial concern for the secular democratic polity and stability of the country. This led to the AITUC leadership at different levels dividing its attention between trade union tasks claiming priority on the one hand and preparing the working class as such to throw its weight in the titanic electoral battle in favour of secular democratic formations, including its own permanent class allies on the other. An initial analysis of the post-election situation marked by the dramatic emergence of a secular democratic platform, leading to the formation of the U.F. Government at the Centre with its CMP., has already been undertaken through the columns of the T.U. Record dated 20.6.96.

Briefly stated, the AITUC's assessment of the situation and the attitude the working class is called upon to adopt towards the U.F. Govt. is as follows:

The United Front has evolved as a consequence of the situation created by the 1996 poll-verdict, crystallising in the removal of the Congress from power at the Centre and frustrating the designs of communal reaction represented by the BJP to win a majority in the Parliament. The several political formations and groups, favoured by the electorate for their secular democratic and broadly progressive outlook, with some of them consistently pursuing a strong pro-working class and pro-people programmes and policies, felt that they owe it to the people and the country to form a coalition Govt. at the Centre under the United Front umbrella. The Common Minimum Programme of this

Front is born out of this concrete reality. In the given situation this Programme could not but be based on the common concerns and policy approach of a broad front pledged to fight for secularism, social justice, democratic political reforms, and self-reliant economic policies oriented towards solving the burning problems of poverty, unemployment, primary health care, illiteracy, etc. Though it does not in full measure reverse the anti-people policies of the Narasimha Rao Government, it does promise to move the country in the direction of providing relief to the deprived, oppressed and backward sections of the society through a poverty-alleviation package. The programme also promises enactment of a comprehensive law for protection of rights of agricultural workers, besides implementing land-reforms effectively. Strengthening of the Public Sector, and revival of sick industries and enterprises, recognition through secret ballot, and enactment of legislation to protect interests of construction and beedi workers are a welcome feature of the programme.

As an organised and leading social force the working class and their Trade Unions cannot but support these policies, simultaneously mounting pressure through various forms of propaganda, publicity, agitation and struggles to secure their faithful and effective implementation.

The programme however, also has shortcomings and loopholes, which the working class must take due notice of with a view to undertake counter measures. Caving in on policies of disinvestment, of induction of foreign capital in power, oil, telecom and railways, privatisation of Insurance Sector, etc. furnish concrete examples of negative features of the Programme which will have to be strongly resisted by the working class and their Trade Unions. To further this objective, the AITUC and other Central T.Uns backing the U.F., including if possible the INTUC, have to sit together and deliberate over all these issues to evolve a common stand and chalk out a plan of action. Dialogue and interaction with the Govt. should form a necessary part of such programme. In any case whenever and wherever necessary struggles have to be resorted to notwithstanding the workers' general support to the U.F. Govt.

In the situation immediately preceding as well as following the general elections the AITUC could not but confine its activities to certain trade union tasks claiming priority, including uninterrupted functioning of the Central office. The issue of incorporating certain major amendments in the Pension Scheme, as initiated by the AITUC with the concurrence of some of the other national T.U. Centres continued to be agitated at different levels. The Labour Ministry was compelled to hold repeated consultations with TUs on these amendments. Members of Parliament representing different political parties were also associated with some such consultations. The Govt. ultimately agreed to incorporate amendment in the Employees' Provident Fund Act enabling it to continue its contribution @ 1.16% to the new Pension Fund. It however continued to resist incorporation of some of the major amendments proposed by TUs on the ground that actuarial calculations did not for the present permit their incorporation.

A number of meetings, conventions and discussion sessions with the participation of leading cadres of other Central T.Us viz. INTUC, HMS, BMS, TUCC and certain independent workers' organisations, were organised by the AITUC in cooperation with these organisations to pressurise the Govt. to accept amendments in the Pension Scheme in order to make it acceptable to all sections of the workers including those falling in the higher wage-brackets. The main among these were indexation of the scheme, abolition of ceilings, substantial increase in the rate of interests on the Pension Fund deposits held in the so-called "Public Account", abolition of ceiling, etc. Countrywide observance of an "Amend the Pension Scheme Day" was organised culminating in a joint rally at the Parliament on 1st of March '96. A joint delegation comprising representatives of AITUC, HMS, BMS and TUCC met the then Finance Minister, S. Manmohan Singh, demanding enhancement in the rate of interest on Pension deposits from 8% to not less than 12% so as to increase the Pension fund to fully meet the workers' expectations expressed through the various amendments proposed by TUs.

Despite unfortunate persistence of difference of opinion on the demand of the CITU and UTUC(L.S.) for Pension as a third benefit and wholesale exercise of individual option as insisted on the employees in higher salary brackets, the persistent pressure

built up around the amendments suggested by us along with some other major national T.U. Centres, did yield some results with the then Labour Minister, Mr. Venkat Swamy, announcing acceptance of some of the amendments insisted upon by TUs, including the reduction of review interval from 3 to 1 year, etc. But some of the major amendments like indexation of the Scheme, abolition of ceiling on contributions as well as corresponding benefits, substantial increase in Pensionary benefits conforming to the huge accumulations in the Pension Fund, etc. were not agreed to. The struggle for securing the acceptance of these major amendments in the Pension Scheme to make it acceptable to all sections of workers remains to be carried forward. Efforts to bridge the differences among majority of T.U. Centres and CITU and UTUC (L.S.) have to be pursued vigorously. In the new situation, a bit more favourable than before combined pressure from T.U.s is quite likely to yield the desired results. The new Govt. at the Centre must in our opinion be persuaded or pressurised as the situation may demand, to have the enabling provision incorporated in the E.P.F. Act and adopted in the coming session of the Parliament. This should be accompanied by restarting discussions and negotiations on the Pension Scheme so as to evolve a solution acceptable to all sections of employees.

#### Activities connected with abolition of Child Labour, etc.

In this period the AITUC continued to pursue seriously the work among women workers and the campaign for abolition of child labour. Enlisting the assistance of ILO, the AITUC has almost gone ahead of other CTUOs in developing the campaign against Child Labour by organising a series of seminars, workshops, etc. in different states. A report on this aspect of our activities, as prepared by their main organiser, Com. Amarjeet Kaur, is being presented separately.

#### NTC WORKERS' MARCH

Organised under the banner of the Joint Action Committee of Textile Workers' Unions, NTC workers from different parts of the country held a big demonstration on the Parliament House, demanding implementation of the Tripartite agreement on rehabilitation of NTC units. AITUC-led unions from several states participated in the demonstration quite in strength. A joint deputation of the Action Committee met the Labour and Textile Ministers, demanding withdrawal of reference of several

subsidiaries of NTC to the BIFR, and immediate measures to put the tripartite settlement in operation. However, no progress in the matter has so far been made except securing a long adjournment of hearing before the Board by the holding company. Our Textile Unions must intensify the campaign for implementation of the settlement, especially in view of complications introduced due to installation of the Shiv-Sena-BJP Govt. in Maharashtra.

#### CONSTRUCTION & BUILDING WORKERS' REPRESENTATIVES MEET

An important meeting of the Executive Committee of All India Confederation of Building & Construction Workers was organised in Madras on 22-23 June, 1996. Over 60 representatives of construction and building workers from different parts of the country participated in the meet. After deliberating on the contents of the proposed central Bill for building and construction workers, it was decided that the Govt. should be pressurised suitably in order to have certain vital amendments incorporated therein before it is adopted by the Parliament. Deliberations of the meeting were guided by some of the AITUC leaders from the Centre.

#### JUTE FEDERATION

The first Conference of All India Federation of Jute workers was held in Raigarh, M.P. between 7-9th June 1996. Besides regularising its organisational set up, the Conference approved an eight-point demand-charter, and decided on a phased programme of agitation and action to compel the Govt. to take effective long-term measures to put this important traditional industry on the right track. Our Secretary, Com. Gobin Karar along with Com. Debasish Dutta and comrades from M.P. took appreciable initiative in organising the Conference. The programme includes the organisation of a massive march of Jute workers to the Parliament.

#### TUR

A brief "status" report on TUR will be given separately. It has to be admitted that despite repeated exhortations and decisions, and notwithstanding comparatively better performance of the journal in terms of quality as well as coverage,

we have not yet been able to realise its potential for much wider circulation in terms of increase in the number of subscribers to both Hindi as well as English editions of TUR. Unless this is taken up as one of the prior tasks and efforts intensified not only to increase the number of subscribers but also to secure advertisements to augment its delicate finances, all our efforts to build it up as a leading T.U. Journal will come to nought.

Need to fulfil certain accepted organisational tasks

That majority of State Committees have not yet geared themselves up to fulfil some of the important organisational tasks is apparent from the fact that repeated circulars from the Centre concerning drive for fresh affiliations, weeding out of non-functioning affiliates and ensuring payment of affiliation dues from non-paying but functioning unions, etc. have hardly been responded to. This is an absolutely essential organisational task especially in the background of repeated defaults on the part of our State Committees and affiliates in the past verification exercises.

Inclusion of AITUC representative in delegation to the I.L.O. Conference.

The Congress Govt.'s persistent and calculated practice of excluding the AITUC as well <sup>as</sup> CITU representation on delegations to ILO Conference was to a certain extent set right by the U.F. Govt. in its first positive step towards undoing the wrong. As already reported in the latest issue of TUR Com. Joshi was nominated by the Govt. as an adviser to the Indian Workers' delegation on AITUC's recommendation. His departure to Geneva got unduly delayed due to technical formalities on the Govt.'s side. However the very fact of his being registered as a member of the Indian Workers' delegation representing the AITUC will be helpful to the organisation. Participation in various activities, including meetings, consultations, seminars, etc. organised by the ILO in the present global situation acquires special importance which has to be kept in mind. The Conference adopted an important Convention for protection of rights of home-workers. A brief report on the deliberations of the ILO Conference is being published in the TUR.

AITUC representatives' pre-budget discussions  
with the Finance Minister and the Prime Minister

A high-level delegation led by the AITUC General Secretary held discussions with the Finance Minister and the Prime Minister of the newly installed U.F. Govt. A somewhat detailed memorandum was presented to both containing AITUC's views on different aspects of the socio-economic situation prevailing in the country, together with concrete suggestions as regards the measures the Govt. must take to tackle the burning issues confronting the working people and mass of the toiling people in fields and factories.

While appraising the general orientation of the Minimum Common Programme of the U.F. Govt. positively, the memorandum pointedly criticises certain negative features thereof. Contents of both the memoranda have been published in TUG recently.

Coordination with Parliament Members

It has been felt that there has been lack of coordination between the AITUC Centre and members of Parliament friendly to the working class movement, in particular the AITUC. This shortcoming has to be overcome if the cause of the working class and its trade unions is to be advanced taking advantage of the present situation with U.F. Govt. at the Centre. The AITUC Secretariat has given thought to the problem. A suitable mechanism has to be evolved as early as possible so as to ensure closer identification of friendly members of the Parliament with the working class movement, which in turn will prove helpful in resolving some of the major problems the solution of which mainly lies with the Central Govt. rehabilitation of the so-called sick industries and enterprises, being one of them.

AITUC - HMS merger

We have had several rounds of consultative meetings with the HMS leadership at apex-level the majority of whom give the impression of being committed to the idea. Coordination Committees comprising representatives of our STUCs and of corresponding HMS bodies have already been set up in several States, while some others are on way to establishing such coordination. In a few cases delay in response either from

HMS or from STUC has been reported, though both appear to be intent on establishing contact.

The AITUC Centre has taken the care to keep all the national Trade Union Centres and major Federations of workers/employees informed about the progress in merger parleys with the HMS, making it clear that the proposed merger is conceived as a step to create favourable environment for further organisational consolidation of the movement, without in any way affecting relationship with other Central T.U. organisations. Such response as has so far been forthcoming is encouraging. If and when the idea of merger is concretely realised along the conceived lines, it is bound to serve the purpose of strengthening pro-unity trend among the mass of the workers and their trade unions including the Central Trade Union organisations. This in turn could not but lead to their joining efforts to take the process of organisational unity forward.

It has been more or less agreed in principle between the HMS leadership and AITUC Secretariat that: 1) no parallel/rival union in any industry or service should be floated henceforward; 2) that areas of parallel/rival activity or conflict between the affiliates of the two organisations should be clearly identified and steps taken forthwith to halt hostile activity against each other, preparatory <sup>to</sup> evolving a mechanism to bring about harmonious relations and coordinated activity between them; 3) that a time-bound programme of completing the merger process at least at union/federation level be adopted with active intervention, wherever necessary from the apex or state level coordination committees; 4) that a joint meeting of Working Committees of two organisations be held on the 14th July, 1996, in New Delhi, with the purpose of discussing and deciding the norms or principles governing the modalities of merger at different levels; (5) A joint convention preparatory to the final unity conference be held before the year is out; 6) that the twin remaining important matters relating to a) the name/style and flag of the merged organisation, and b) the international affiliation, be continued to be discussed with a positive mind so that they do not come in the way of achievement of the proposed merger.

The AITUC Secretariat has had a series of discussions on the various issues emerging from the aforementioned tentative decisions. In its opinion the process of merger of units at the plant/establishment/industry level should be carried out along the following lines:

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In case the proven membership of the concerned rival units bears the ratio of not less than 1:5 to each other, the one having lesser membership should be entitled to have the office of President, with the other (major one) getting the office of General Secretary. The other offices, including membership of other leading bodies, Working Committee/General Council, etc. should be divided on pro-rata basis, provided the smaller entity gets post of at least one Vice-President and one Secretary.

In case, however, the membership of one of the unions happens to be less than 20% of the others' membership, then it should be entitled to have only one Vice-President's office besides one post of Secretary. Both the President as well as General Secretary's office will go to the union enjoying 80% or more membership. Membership of other leading bodies will, as before, be decided on pro-rata basis.

As regards the method to be adopted to ascertain the Membership strength of the two sides, it may have to be different in different cases. Subject to mutual agreement the basis could be provided by the Membership recorded in the Annual Returns submitted to the Registrar of T.U.s. In the alternative the number of subscribers on the membership registers maintained by each side could also be adopted as the criterion of relative membership-strength of the unions concerned, subject again to agreement between the parties. Failing an agreement on none of the above proposals, relative strength of the two sides would have to be determined through secret ballot, taking their combined membership, as exhibited on their membership records as one single constituency. This should not exclude any other method that may have to be adopted for the purpose.

Apart from the general approach on the issue of modalities or procedure of merger outlined above, there are cases, which it has to be recognised, involve federations in some of the major sectors, mainly Ports & Docks, Road Transport and Coal, where it would perhaps be necessary and advisable to directly involve their leadership in deciding the basis and procedure of merger. Towards this end joint meetings of leaders of these organisations will have to be arranged so that they can be enabled to come to agreed solution on all relevant aspects of merger.

Merger talks have gone on for nearly 5 years. They have now reached a stage where they have to be concretised in terms of a definite phased but time-bound programme marking an unmistakable advance towards merger. Bold, though cautious, steps have to be suggested from our side so that the other side is compelled to come out openly with reservations, vacillations or undecidedness, if any, entertained by them. Otherwise the AITUC would get exposed to ridicule, or suspected of frivolous conduct or dealings. This Working Committee must, therefore, unequivocally spell out its intentions in favour of merger in terms of proposals outlined above, or proposals it considers more appropriate in respect of their concreteness. We must not allow the 14th instant joint meeting of Working Committees of the two organisations to disperse without adopting a decisive attitude in favour of merger in terms of concrete and time-bound steps in that direction.

Working Committee meeting of the AITUC

July 12 -14, 1996, New Delhi.

Working Women

In the Working Committee meeting held on February 17-18, 1996, at Delhi, We had noted that the objective of AITUC....

It was decided that AITUC Centre with assistance from CTUC and ILO will help the State Committees in training women activists to take up leadership responsibilities in organising women into the trade unions. The AITUC-CTUC workshop which was scheduled to be held for women activists in Punjab had to be postponed due to general elections as per State Committee's request. Now that workshop has been proposed to be held as per dates agreed upon with CTUC in the end of August. Another three-day workshop for women is planned to be held with assistance of CTUC for women activists in Goa in the last week of September.

We had decided to hold two regional conventions for working women, in Bangalore for Karnataka, Kerala, Tamilnadu, and Andhra Pradesh, the other one at Bombay for Maharashtra, Goa, Gujrat and Madhya Pradesh. None of these could be organised. In the meanwhile we had been talking to ILO for some assistance for these workshops. It has been agreed upon, even though it will be small help but it will be otherwise beneficial to do it along with ILO. These two-day convensions must be organised within next three months.

We propose that the rest of the State Committees in the meanwhile should proceed for planning state level initiatives for organising working women conventions/meetings/seminars in the coming six months.

Anganwadi workers' federation conference is still pending which has been agreed to be hosted by Nagpur Committee AITUC. Sooner the better if the dates could be finalised in this Working Committee.

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ON CHILD LABOUR

In the last Working Committee we had reported about the successful holding of the national workshop as launching of AITUC-ILO Project on Child Labour and the tasks were taken to hold state and industrial workshops in the months of March to June.

The following activities could be accomplished in the progress of this project implementation.

A.P. State Workshop held on February 25,26,27, at Hyderabad with participation of 38 delegates from seven districts attracting wide publicity in print and visual media. Dr. Mahavir Jain from NLI Labour Commissioner, Hyderabad, and renowned Justice and other dignitaries from A.P. participated.

Kerala State workshop held on 9-10-11 March at Thrissur inaugurated by Mr. M.P. Joseph, National Co-ordinator, ILO-IPEC, Dr. Mahavir Jain from NLI, Addl. Labour Commissioner, Justice Krishna Iyet and other dignitaries participated in deliberations. Thirty two trade union leaders from Beedi, coir, fish peeling, tile, construction & hotel industries participated. The media attention was very good.

The next workshop in the series was held in Patna on March 15-16-17, inaugurated by Mr. A.P. Verma, Director, NLI, participated by 58 comrades representing unions in beedi, stone crushing, construction, hotel and restaurants, handloom, powerloom, jute, (stitching) readymade garments. Apart from this representatives of women federation, students federation, kisan sabha, journalists and two NGO's were also there. The other dignitaries who addressed the gathering included Mr. Vyasji, former Labour Commissioner and present Transport Commissioner, Bihar; Mr. Subhash Sharma, Labour Commissioner; Dr. Shakeel from health sector. This workshop also got good media attention.

Then followed Tamilnadu Workshop held in Madras on 18,19,20, March inaugurated by Com. Amarjeet Kaur, Secretary, AITUC, and addressed by Mr. A.P. Verma, Director, NLI; Labour Commissioner, Mr. S.U. Samudram, Jt Director, Field Publicity Directorate and other dignitaries from judiciary and academic life and NGO Sector. There were 40 participants representing match & fire works, construction, hosiery-textile, banking sector, beedi, hotel industry, anganwadi workers etc.

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The next in the series was Madhya Pradesh State Workshop. held at Bhopal from March 30 to April 1, with 66 participants from 24 districts representing beedi, construction, mines, small factory workers hotel & restaurants, agriculture workers union, teachers unions, anganwadi workers. Dr. Mahavir Jain, NLI, Justice Gulab Chand Gupta, for Chief Justice, Haryana & H.P., Shri Amar Singh, Labour Commissioner, Addl. Labour Commissioner, representatives of Child Welfare Council, educationists and NGO representatives addressed the participants. The newspapers and T.V. media gave good coverage.

Due to elections we had to abandon our State workshops till the middle of May.

Then 18 to 20th May, three-day workshop was held for Rajasthan AITUC activists at Jaipur inaugurated by Dr. Mahavir Jain participated by 40 comrades representing industries such as stone crushing, stone quarries, construction, shops establishment, gems & diamond cutting and polishing, small factories of metal and plastics, anganwadi workers, agricultural workers and banks etc. Mr. M.P. Joseph, Co-ordinator, ILO-IPEC, Justice Vinod Shanker Dave, Labour Commissioner, Addl. Labour Commissioner, journalist union leader and NGO representatives also participated in the deliberations. The press gave wide publicity.

The next workshop in the series was held at Kanpur with participation of 50 activists from 9-districts and from various sectors such as carpet, metal industry, glass industry, printing, construction, shops, banks, teachers, lawyers, journalists, hosiery textile, beedi, etc. Dr. Mahavir Jain from NLI inaugurated the Workshop and other dignitaries from the state included S.K. Das, Labour Commissioner, Mr. Pankaj, Addl. Labour Commissioner, Dr. Hemlata Swaroop former Vice-Chancellor, Kanpur University, Vijaya Srivastava, Acting Director, Regional Workers' Education Board, Mr. Harbhajan Singh, District Magistrate, Kanpur. The press widely covered proceedings of all the three days of the Conference.

On May 29, 30, 31, Orissa State Workshop was held at Bhubaneswar with participation of 42 activists from 9-districts representing activists from beedi, construction, fishery, handloom, metal, hotel-restaurant, agriculture, banks & professionals in teaching and judiciary. The workshop was inaugurated by Mr. Durga Shankar Patnaik the Minister of Labour, Orissa, and addressed by Dr. Mahavir Jain from NLI, Mr. Binaya Bhushan Mishra, Labour Commissioner, Anjana Manglagiri Project officer, UNICEF, Justice S.C. Mahapatra, Dr. Prafulla Chander,

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Deputy Director, Labour Department, Aboni Boral, teachers' union leader and some NGO representatives. Sections of media paid good attention to the proceedings of the workshop.

The last workshop was held from June 28 to July 1, at Calcutta with 49 delegates from eight districts, of West Bengal; 17 representatives of NGO's, 10 guest invitees and 12 speakers. The delegates represented unions from beedi, metal industry, construction, shops & establishments, handloom, small factory workers, from professions of teaching & legal practice. The Workshop was inaugurated by Shanti Ranjan Chatak, Labour Minister and those who addressed included Mr. M.P. Joseph, Co-ordinator, ILO-IPEC, Dr. Mahavir Jain from NLI, Jt. Secretary Labour Department, West Bengal, representatives of NGO's and educationists.

Except West Bengal, due to practical problem everywhere else the poster exhibition was displayed. The documentary shows were organised most of the places. Com. Amarjeet Kaur as National Co-ordinator attended all the workshops and participated in the deliberations.

These state workshops worked out plans for activities to be taken up in the states, including one National Industrial Workshop in each state, district level and area level conventions/seminars/meetings including documentary shows exhibition displays, street corner plays wherever possible, and poster painting competitions and essay competitions wherever possible. The concerned State Committees should inform the progress in this regard about follow up activities.

The State workshop for Maharashtra is finalised to be held at Nagpur from July 20 to 22, 1996. The Uttar Pradesh Committee has proposed for National Industrial Workshop on carpet to be held on August 9-10-11, at Varanasi.

We propose to hold teachers training workshop in the end of July for those who will be teachers for 2 schools each for child labourers in the states. The representatives need to be finalised now.

In a meeting with the Secretary Labour, we have requested for extension of the time for schools from six months to one year. We have also asked for extension of our project to other states which are not part of our present project. We do not have response upto now but we are pursuing the matter.

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Our experience from the State workshops held upto now is encouraging and comrades participants in the states and State AITUC leaders felt so, which prompted us to suggest for extension for sensitization programmes in other states also.

We are awaiting to hear from you, for the follow-up and other suggestions for making the implementation of the project successful.

**INTEGRATED LABOUR HISTORY RESEARCH PROGRAMME**  
**Integrated Labour History Research Programme**  
**V.V. Giri National Labour Institute, Noida**

**Workshop on Labour Archives and Writing Labour History, 14 January 1999.**

**Programme Schedule**

<b>10.30 - 11.00 A.M</b>	<b>Introducing the workshop</b>  Welcome and introduction to the workshop (Dr. Prabhu Mohapatra)  Release of the working papers and introductory remarks (Ms. Uma Pillai, IAS, Director)  Introductory remarks (Prof. S. Bhattacharya, President, AILH)
<b>11.00 - 11.15 A.M</b>	Tea Break
<b>11.15 A.M - 1.30 P.M</b>	<b>Technical Session I:</b>  Discussion on Labour Archives (Chairperson: Prof. S. Bhattacharya)  Vote of thanks (Dr. C.S.K. Singh)
<b>1.30 - 2.30 P.M</b>	Lunch Break
<b>2.30 - 3.30 P.M</b>	<b>Technical Session II:</b>  Writing Labour History: Presentation of abstracts and discussion (Chairperson: Prof. S. Bhattacharya)
<b>3.30 - 3.45 P.M</b>	Tea Break
<b>3.45 - 5.00 P.M</b>	<b>Technical Session II continues</b>
<b>5.00 P.M</b>	Vote of thanks (Sri. Sasikumar S.K)

## A Brief Note on the Archives of Indian Labour.

It has long been felt that documents and data on Indian labour, now and in the past, are being irretrievably lost due to neglect and want of any organised initiative to preserve them in India. An archives of Indian labour history has been set up following the Memorandum of Association between VVGNLI and the Association of Indian Labour Historians. The concept of Labour History does not exclude contemporary history; documentation relating to the present or the recent past may also be an objective of the archives. However, duplication of the work already undertaken by many agencies in the area of contemporary labour matters will serve no purpose. Areas untouched by such agencies ( e.g. the contemporary material worthy of preservation in the private correspondence of labour leaders, trade union bodies, oral testimonies and personal narrative of the members of the working class, etc) will form part of the archives along with material for historical research.

It goes without saying that archives are to society what memory is to human being. One would expect the archives to reflect what a society would like to remember and to forget. When the archives are maintained, as in modern India till 1947, by a colonial state, the erasure of the history of the oppressed section in society is commonly observed. This is particularly true of the labouring poor and the working classes in India.

At the Indian History Congress in 1982 the Presidential Address (Modern History Section) drew attention to the need to preserve historical documents relating to Labour History in India. In the 1980s some of the early papers of All India Trade Union Congress and at least one major Labour leader, N. M Joshi, were collected (Nehru Memorial Library). The National Archives of the Government of Indian and the Archives of the state governments preserve government records on labour matters; however, the vast number of the non-governmental bodies, trade unions, leading personalities in labour movement, etc. are not within their purview. A few political parties have preserved a fraction of the papers relating to their trade union activities, but these are virtually inaccessible and, for want of professionally trained archivists, almost impossible to consult. Documents of historical significance relating to the life and work of the labouring poor and the working class in India need to be acquired, inventoried, and made accessible to research in a more systematic way than has been attempted till now.

### Objectives:

1. To acquire, preserve and make accessible documents pertaining to Indian labour. The following types of material *inter alia* will be targeted:
  - a) Personal correspondence and biographical material of labour leaders.
  - b) Papers of trade unions, irrespective of their political affiliation.
  - c) Journals and newspapers, mainly addressing the labouring classes.
  - d) Pamphlets and leaflets issued by labour organisations.

- e) Relevant papers of employers' organisations in so far as these have a bearing on labour policy.
  - f) Papers of business corporations related to labour matters.
  - g) Oral testimonies providing personal narratives of the members of the working class, recorded on audio tapes at interviews.
  - h) Photograph, video tapes, films and other visual material.
  - i) Work songs and similar items of the culture of the labouring classes, urban and rural.
  - j) Trial proceedings in the courts of law.
  - k) Papers relating to the international working class movements in so far as these relate to the Indian context, as well as relevant papers of international bodies like ILO.
  - l) Any other material including government reports etc, relevant to labour studies, historical or contemporary.
2. The Labour History Archives will also prepare an inventory of material relating to Indian labour history in major institutional collections, depositaries, and archives in India and in other countries with a view to compiling a guide for labour history researchers.
3. Research publications on Indian labour history and unpublished Ph.D thesis at universities in India and abroad( in microfilm or microfiche form) will be acquired.
- 4) The archives may also undertake the publications of guides to labour history sources, hold public exhibitions of materials collected and act as a data bank in respect of provenance and nature of research material in depositaries other than the Labour History Archives.
- 5) The Archives may also enter into exchange and international collaboration with scholarly organisations, archives, and libraries abroad.

# **All India Trade Union Congress**

## **Report to the General Council Session**

**2nd to 4th November, 1996  
New Delhi - 110 001**

### Introductory remarks

This meeting of the General Council is being held almost full one year after the councils last meeting, held in Hyderabad on 31st October, & 1,2nd November, 1995. The intervening period saw the situation in the country giving rise to unprecedented social and political tensions arising out of the colossal misrule of the Narasimha Rao Govt. at the Centre. Although a meeting of the Working Committee had earlier been summoned for the 17-18th February, 1996, it was compelled, under the rapidly changing circumstances, only to discuss and dispose of some routine matters, stopping short of taking up any major programme of agitation or struggles due to expected announcement of general elections in the country. The deliberations of the meeting had the effect of the AITUC leadership and its constituents getting prepared to mobilise the working class to join the impending titanic electoral battle in favour of secular democratic forces and its own class allies. The elections, as is known, resulted in the dramatic emergence of a broad secular-democratic Platform leading to the formation of the U.F. Govt. at the Centre with its Common Minimum Programme.

As the uncertainties marking the post-election Ministry making exercises achieved some degree of stabilisation, another meeting of the Working Committee was held in July, 1996. The outcome of evolution of the U.F. following the removal of the Congress from power at the Centre and the discomfiture faced by communal reaction represented by the BJP to emerge as the alternative to the Congress, came in for serious discussions in the meeting. The Working Committee's assessment of the situation and the attitude the working class should take towards the U.F. Govt. and its Common Minimum Programme has been explained fully through the columns of the TUR as well as through numerous meetings held at different levels. The CMP in AITUC's view does not in the desired measure reverse the anti-people policies of the Narasimha Rao Govt., though it does promise to move the country in the direction of providing relief to the deprived, exploited and oppressed sections of the society. The programme has shortcomings, some of them quite serious. As such while supporting its positive contents, and seeking their implementation, the AITUC has to undertake counter measures through agitations, struggles, etc. to defend the interests of the working people affected by its negative aspects. All our activities are being carried out in accordance with this broad understanding, reacting to each specific measure undertaken by the U.F. Govt. through appropriate combative or supportive action.

Although it has been the constant endeavour of the centre to publicise every major activity undertaken by it (or by the State Committees for that matter), in furtherance of effective implementation of the tasks emerging from the situation as defined above, members of the General Council may perhaps like to be reminded of some of the major events, actions, etc. undertaken centrally during the period under review, particularly after the General elections. They could be summarised as below:

Employees' Pension Scheme: Repeated, intensified, and continuing campaigns to secure amendment of the Employees' Pension Scheme, starting with the observance of "Amend the Pension Scheme Day" on 18-12-95 - and mass dharna in N. Delhi on 1.1.96. The Campaign has to be resumed in the near future.

NTC Revival : Repeated actions undertaken at various levels, including persistent pressure being applied in every Tripartite fora, to have the NTC revival package implemented. The campaign is being intensified through the J.A.C. of Textile workers.

Child Labour: Launching its anti Child Labour Project and programmes in cooperation with ILO-IPEC (January 1996) the programme has been taken to almost every state of the country. (a separate report is attached)

Campaign for enactment of law for Construction workers: Besides actively associating itself with the joint campaign to secure legislative protection for construction workers, AITUC independently undertook actions for the purpose.

An all-India Protest Day was observed on 26.2.96 demanding suitable amendment of the bill pending before the Parliament. The campaign still continues since the legislation enacted by the Govt. fails to fully safeguard the interests of construction workers.

Campaign against privatisation of Bailadilla iron ore mines and Sukhindia Chrome mines : The campaign is being persistingly carried on through various means and at different levels.

Campaign in support of ILO initiative on protection to home-based workers and AITUC's participation in 83rd Session of ILO in Geneva. The AITUC representative, included in the official delegation after a long time, lent full support in the Conference to adoption of a Convention on protection of Home-based workers on the same footing as employees/workers in other industries/services. Com. Joshi represented the AITUC.

South Asian Consultations on Social clause, organised by Nepalese Trade Unions. Com. K.L.Mahendra participated in this important consultation meet which was also attended by delegations from Pakistan, Bangla Desh, Sri Lanka, and Nepal. The consultation resulted in drawing up of an important document "South Asian Charter on Labour Rights".

Pre-budget and post-budget discussions with the Finance Minister (Mr. Chidambaram) and with the P.M. Besides the usual pre-budget discussions with the Union Finance Minister, discussions this year were also held with the Prime Minister. AITUC delegation led by the General Secretary, Com. A.B.Bardhan discussed various aspects of the social and economic situation as it affects the working people, submitting a written memorandum. Post-budget discussions on the affect of the Union budget, etc. were a new feature. AITUC's analysis of the effects of the Budget was presented to the Finance Minister by the Dy. General Secretary, Com. B.D.Joshi.

#### Meeting of the Standing Labour Committee and the 33rd Indian Labour Conference

The SLC meeting merely discussed the agenda for the ILC. The main item on the agenda comprised officially drafted amendments to the I.D.Act, besides the issue of a national minimum wage. Our representatives, Com. Joshi and Mahendra' opposed the officially proposed amendments as anti-working class, while putting forth concrete and positive suggestions in favour of fixing a compulsory floor-level national minimum wage besides a higher minimum wage considering the situation in different states and regions of the country.

The ILC, convened on 24-25th October was attended by AITUC delegation led by the General Secretary, Com. A.B. Bardhan besides Coms. Joshi and Mahendra, with Coms.Mahadevan and Sachdev as advisers. Earlier two comprehensive notes explaining the views of AITUC on amendments to the I.D.Act and detailed proposals for radical restructuring of the BIFR in order to convert it into a genuine instrument for revival/rehabilitation of sick industrial units/undertakings, were submitted to the Labour and Finance Ministries. Another memorandum criticising the Govt. for failing to place on the ILC's agenda burning issues of the working class and drawing the Labour Minister's pointed attention to the main issues and problems, which the Govt. has to attend to, was submitted. The contents of all these documents have either already been published in the TUR, or will be published in its very next issue.

As bluntly pointed out by the leader of AITUC delegation, the ILC is steadily being deprived of its importance prestige and authority as the main forum for tripartite discussions and conclusions on vital issues concerning - Industrial relations which contribute to evolution of a sound and positive labour

policy. The agenda placed before the ILC Session lacked reality, negating its main purpose. This proved to be correct since, for the first time in the history of ILC, the tripartite Sub-Committee set up for summarising the outcome of the Conference in terms of areas of consensus and/or dissent could not reach any decision and the Conference came to a close without arriving at any conclusion. However, the proposal put forward on behalf of AITUC to convene a special Session of ILC in early 1997, to be also attended by the Finance Minister and the Industry Minister, remains to be seriously considered by the Govt.

#### All India Demands Day :

The Day was observed on 27th September throughout the country on the call of the Sponsoring Committee of Indian Trade Unions. A joint rally was organised in New Delhi, which was addressed by leaders of various Trade Union Centres constituting the Sponsoring Committee. A joint representation was submitted to the P.M., expressing serious concern over continuance of policies of the previous Govt. with their adverse effect on the national economy and rights and interests of the working masses.

#### AITUC- H.M.S. Unification

The unification process gained slow yet steady momentum during this period, inspite of the fact that the early half of the year 1996 was almost wholly occupied by hectic activities connected with Parliamentary elections. A well attended joint meeting of the Working Committees of AITUC and H.M.S. was held in New Delhi on 24.3.96. As per decision of this meeting a national-level Coordination Committee comprising equal representatives of the two sides was set up, with instructions to their constituents in all the states to form state-level Coordination Committees, and undertake joint actions on agreed issues. The apex level Committee held an important meeting on 14.5.96, and took stock of the situation. Certain states where the decision to form joint committees had not been properly implemented were identified for proper follow-up action. It has since been reported that a majority of State Committees have already set up such committees. In some cases substantial progress has been made not only in forming Coordination Committees, but also in organising joint demonstrations and marches on a massive scale. Maharashtra and West Bengal, and to some extent. Assam provide a good example of such action. Tamilnadu has moved ahead in an appreciable measure. However, the progress in other states is slow, though not at all negligible.

It must be reiterated that the HMS-AITUC unification move has to be seriously taken forward as a preliminary and essential step to create a situation in which other national T.U. organisations, including independent federations, etc. could confidently come together to realise the cherished objective of having a single national T.U. Centre. Fortunately increasing sections of T.U. movement already realise the need to forge organisational unity out of its presently fragmented structure in order to meet the challenges posed by the developing national and international situation.

#### Important national level Conferences, etc.

Among important national level Trade Union Conferences held during this period are: (1) All India Beedi Workers' Conference- Calcutta, 19-21 January, 1996; (2) The first Conference of the All India Federation of Jute workers - at Raigarh, M.P. on June 7-9. (3) 11th Conference of the National Federation of Road Transport Workers (AITUC), Shimla on 15.5.96 - which took important decision to form a Coordination Committee with its H.M.S. counter-part. Representatives of both decided to merge in response to the call for HMS-AITUC unification. The Coordination Committee of Transport Workers' Federations affiliated to HMS-AITUC-CITU decided to strengthen itself to take forward the struggle of Transport workers against privatisation, etc. (4) Revival Conference of Cement Workers' Federation.

### Some important national-level agreements

Some important national-level agreements, having wider positive implications for workers are cited below:

1. Final agreement in coal industry on wages, pension and other connected issues - 19.1.96.
2. Agreement in the Banking industry on all important issues, including pension.
3. Agreement in LIC-(including wages and pension) a significant victory for the All India LIC Employees Federation.
4. Agreement at national-level in the Cement industry.
5. Agreement at national level in ITDC.

There have been quite a few agreements involving individual units or in industries at State level, under which significant gains have been made for the workers. Details of these several agreements have been published in TUR from time to time.

During the last few years, particularly during the recent period, semi-Governmental, non-Governmental as well as apex organisations of employers have been active in organising any number of bipartite or even tripartite meets in the shape of workshops, Seminars, consultations etc. on a number of social and economic issues intimately connected with the consequences of macro-economic changes on a global scale as they affect India. Some of the U.N. agencies, including ILO, are also active in initiating and organising programmes on issues like child labour, environment, labour laws, productivity, industrial relations, human rights etc. in the context of economic reforms, liberalisation and globalisation, and the impending pattern of multilateral trade under the WTO mechanism with its inbuilt ingredient of Social Clause. AITUC is in most cases invited to participate in these events. A section of our central leadership and often of the state leadership has to get involved in these programmes in order to present the view point of the Indian working class on different topics. This involves lot of study and research work so that our representatives are put in possession of material facts and data. It is necessary that AITUC takes steps to properly organise and activate some sort of research and study group in not distant future.

The AITUC Centre has also to get involved in a number of programmes to express solidarity with agitations launched by other sections of Trade Unions. One of such agitations in recent past has been that of Fishermen against foreign fishing vessels. The demand of lakhs of our fishermen for cancellation of licenses given to foreign industrial fishing vessels, is justified on more than one ground. The AITUC has, therefore, been actively backing the agitation, though not quite satisfied with the attitude of a section of the fishermen's leadership towards the organised T.U. movement.

One of our closest fraternal organisation, the All India Bank Employees' Association currently celebrating its Golden Jubilee year. The year long programme of celebrations chalked out by it comprises a variety of praise-worthy social and cultural activities. Let this Session of the General Council of AITUC send its warmest greetings to the Bankmen all over India through their prestigious and fighting organisation, the AIBEA, on this auspicious occasion.

General Council members may also like to greet two of the outstanding leaders of the Indian working class, inseparably connected with the AITUC on being inducted into the Cabinet of the U.F. Govt. We wish them outstanding success in discharging their duty in a manner calculated to best serve the interests of the working class and toiling masses of the country. Coms. Indrajit Gupta and Chaturanan Mishra would have been with us today but for their being abroad on state duty.

It cannot be left unsaid that the Central leadership has been constantly agitating against the consequences of industrial sickness. It took every opportunity to raise the issue at various Tripartite fora, besides constantly engaging the Govt., its various ministries, in discussing various aspects of industrial sickness and not infrequently succeeding in persuading the Govt. to agree to revive a sick public undertaking. Scooters India, H.P.F., HEC of Ranchi, IISCO and a number of other enterprises furnish some of the examples of AITUC's successful intervention. A lot more, however, remains to be done to compel the U.F.Govt. to fulfill its commitment to retain and strengthen the Public Sector.

Railway, Telecom and Postal workers have added a brilliant chapter to the saga of struggles of the working class by their heroic strike action compelling the Govt. to concede one of the long standing demand of the entire working class relating to abolition of ceiling on Bonus. They have earned high gratitude of the workers.

Let us also congratulate Com. Gogoi, our Vice president, and Working Committee member Com. Manjini for having been inducted into the Cabinet of Assam and Pondy. Govt. respectively.

Com. Mahadevan, our Secretary has deservedly been honoured by the India Development Foundation of Bangalore by conferring on him "DESASNEHI" Award for his contribution in the social and political field. The entire amount, Rs.10,000/- received by Com. H.Mahadevan with the award has been donated to the AITUC.

## Note for Labour Policy to be pursued by the U.F. Govt.

### Preamble

The country is about to complete 50 years of its independence. These years have witnessed phenomenal changes, in the political and economic scenario in the country. Unfortunately, however, the achievements registered in the economic sphere have left social progress far behind.

The Constitution that India gave itself enshrined in it Directive Principles of State Policy which envisaged the establishment of a social order based on the promotion of interests of the mass of the people inhabiting it. Articles 38 & 39 uphold the right of the citizens to adequate means of livelihood, achieved through operation of an economic system subserving the common good. Articles 41-43A hold out the promise to secure the right of the workers to work, education, unemployment relief, provision for old age, sickness and disablement, as also to just and humane conditions of work. The workers are specifically held to be entitled to a living wage, ensuring a decent standard of life to them besides right of participation in the management of industries. Art. 19(1) guarantees to them the Freedom of Association, right to form unions/associations though it stops short of extending these guarantees to their natural logic of Right of Collective Bargaining and Right to Strike.

The Govt. of India's Industrial Policy Resolution of 1956, and the policy statements contained in the 2nd Five Year Plan recommend industrial democracy as a prerequisite to the establishment of a socialist society with increasing association of labour with the management, as an integral part of the labour policy of the country. The 5th - five year Plan reiterated this commitment.

With the passage of time marking the ascendance of the Capital in national affairs, the lofty intentions reflected in these Articles of the Constitution got robbed of their substance. Notwithstanding the drastic erosion of constitutional commitments suffered at the hands of the ruling class, the working class did manage to widen to an extent the sphere of their rights and privileges through long and bitter struggles. These achievements have, however, come under heavy assault from forces unleashed by the IMF-W.B. dictated industrial and economic policy regimes in recent years. Policies of economic liberalisation with their concomitants of privatisation and unrestrained run of the so-called market forces, etc. threaten to wash out many of the gains made by the working class.

The assumption of power at the Centre by the U.F. Govt. with its labour friendly approach reflected in its Common Minimum Programme, once again offer an opportunity to the workers and their trade unions to impart fresh impetus to their activities on the basis of a well-conceived agenda designed to fully utilize and develop the positive aspects of the CMP into a consistently coherent pro-worker labour policy valid in the short as well as long term.

The U.F. Govt. in this situation has to engage itself in serious, urgent and meaningful dialogue in order to have the commitments made in its Common Minimum Programme to labour in general terms defined concretely in terms of the major concerns or issues agitating the working class and its trade unions. In other words the Govt. has to formulate a clear cut labour policy based on unreserved acceptance of the Directive Principles of the Indian Constitution, of the rights and privileges so far conceded to the workers by various labour enactments and decisions of the High Courts and the Supreme Court of India, besides its own commitments made to the Labour in its Common Minimum Programme. The main elements of this policy must respond to the following prior concerns of the working people:

1. Translation in statutory terms the basic trade union and democratic rights of the workers, i.e. the right of collective bargaining, right of strike, right to recognition of trade unions on the basis of Secret Ballot, and the right to information on all aspects of the business of the employer; adoption and implementation of ILO Convention.
2. Conceding jobs and employment as the central concern of Govt.'s social and economic policies, initiating or sponsoring legislative measures to protect the existing jobs through effective action against closures, retrenchment, lay-offs and other devices. In case of technological upgradation or modernisation, advance retraining without loss of earnings will be imparted to workers likely to be rendered surplus to requirements and they will be deployed suitably on jobs with equal or higher wages. Involvement of Labour Ministry in employment creation programmes in rural areas.
3. BIFR to be replaced by an effective mechanism with positive orientation in favour of expeditious revival and rehabilitation of sick industries fully taking into consideration recommendations of relevant Tripartite Committees based on techno-economic studies carried out by experts. Special emphasis to be laid on P.S.Es - retention and strengthening of the Public Sector.
4. Evolution and enforcement of a floor-level national minimum wage providing for education, health and normal cultural requirements of workers in the entire unorganised sector including agriculture, home-based industries etc. and progressive drive towards raising the minimum to correspond to the need based minimum in term of the 15th ILC recommendations on the issue besides linkage to Consumer Price Index.
5. Adoption of a definite wage policy increasingly based on raising the workers' share in real terms in the value added to the product.
6. Comprehensive legislation for agricultural labour and incorporation of suitable amendments in the legislation enacted for construction labour so as to afford them full job protection, suitable wages and remuneration alongwith social security.
7. Legislative measures to abolish obnoxious system of contract labour and misuse of casual, temporary and apprentice systems.
8. Incorporation in the employees Pension Scheme major amendments like indexation etc. pressed by Trade Unions so as to appreciably enhance the benefits available to workers, commensurate with the contribution made by them.

9. Overhaul of the existing labour laws like the P.W. Act, Workers' Compensation/ESI, Bonus and Gratuity Acts, etc. to bring about the required uniformity among them.
10. Initiation of large-scale labour welfare measures in spheres of housing, education and other civic amenities.
11. Steps against pollution of environment to be taken in a manner safeguarding the jobs and other interests of the workers and the people in general.
12. While extending and strengthening the system of tripartite consultation on vital issues affecting industrial relations increasing stress must be laid with appropriate Govt. sanctions on development of bipartite negotiations to settle disputes, facilitating democratisation of industrial relations.
13. Special measures should be taken to enlarge the scope of protection to working women, who constitute around 30% of the labour force. Benefits like maternity benefit, pre and post natal leave with full wages as also other amenities like creches, rest rooms, etc. require to be improved. Equal remuneration for equal work has to be strictly enforced.
14. Labour policy of the Govt. must unrelentingly pursue the aim of complete abolition of child labour and towards this end throw its full weight in favour of the governmental social and economic policies targeting the parents of working child for economic upliftment.
15. It is of utmost importance that unfailing involvement of the workers, through their Trade Unions is ensured at every level, in all initiatives, including policy and programme formulation, legislative proposals and actual implementation thereof. The success of process of democratisation of industrial relations, indispensable for industrial peace and production, depends on such worker-oriented approach of the Govt.

(to be added - ILO Conventions-Composition of official delegations to ILO and other U.N. bodies, etc.)

## On Economic Scenario

The W.T.O. is holding its meeting at Singapore in December '96 and the developed countries are planning to press for linkage of Trade with social clauses which was opposed by the developing countries at the last meeting. The European union has moved the agenda for multilateral agreement for investment. They want that Multinational Corporations should have equal opportunities with the local capitalists. They want level playing with the local investors. The IMF - World Bank are pressing for amendment of Indian patents act in line with the intellectual property rights.

The developing countries should naturally oppose these moves in the interest of development. A meeting of 13 countries is being held at Delhi before the Singapore meet to discuss the issues coming up these and to take a common position. India should take initiative and mobilise the developing countries against the machinations of the Multinational Corporations.

The globalised monetary transactions are by now exceeding 1000 billion dollars per day. UN's world investment report, 1994 pointed out that production has become so truly globalised that 65% of the world trade now takes place between the world's 37000 MNCs and their more than 1,74,000 affiliates.

The IMF and World Bank and the developed countries within W.T.O. bring pressure on the developing countries in the interest of the Multinational Corporations. Now even the ILO is being used to push forward for implementation of the IMF -World Bank policies. In the recent workshop the ILO representatives argued that for the successful restructuring and economic reforms it is necessary that the workers should not have service security or wage security. Both service and wages should be flexible. There should not be service security but should be income security through unemployment insurance scheme. Flexibility i.e. policy of hire and fire is necessary for the success of the reforms. Further Govt. should not interfere in wage fixation. Wage fixation linked to productivity should be left for collective bargaining. Such are the policies which were being pressed by the IMF and World Bank.

The United Front Govt. is pursuing a policy of continuity with change as reflected in the budget. The budget provides for more allocations for poverty alleviation programmes, concessions to the peasantry and increased allocation for education.

On the basis of the Common Minimum Programme the impression was that there will be price reduction, employment, downtrend in industrial sickness, better availability of essential commodities revival of PSUs etc. But the hopes have not been fulfilled.

On the contrary the Govt. is pursuing a policy of disinvestment in the profit making PSUs in the core sector itself. Further the industries minister has proposed opening up of 25 industries for direct investment by the MNCs. The proposal provides for investment in Iron ore which earns foreign exchange, cotton textiles and sugar and if the MNCs enter it will not only endanger the existing industry but will also enable the MNCs to dictate terms to the peasantry. Further the MNCs can invest in education and public health which are not only being commercialised but open up for penetration of Multinationals. Hence AITUC is opposed to opening up in sectors which are against the national interest.

The industrial growth is around 7% compared to 12% last year because of credit squeeze by the previous Govt. to artificially bring down inflation and lower capital formation. Recently it was decided to reduce the cash liquidity ratio by 2% which has resulted in availability of more credit necessary for industries.

The capital outlays except for surface transport are static, e.g. lower allocation for power ports, steel and electronic industries, customs duty reduction in case of steel, stainless steel, coal etc. have an adverse effect on industries. Reduction of customs duty to 30% has hit the chemical industry. Already because of dumping IDPL is in crises.

The allocation for coal is insufficient though higher investment is required so as to reduce dependance on Naptha for power generation.

Finance Ministry's permission to GRASIM to place upto 51% of its paid up capital with F.I.I.S. is much above 51%.

Floating of 100% owned subsidiaries by foreign companies, which also have joint ventures with minority participation with domestic entrepreneurs creates the real danger of the joint ventures being taken over by foreign companies.

The effort to offer rich Bailadila Iron ore to private companies or Sukhandia mines with rich content of chromite etc. to be privatised instead of allotting it to the Orissa Industrial development corporation have yet to be reversed. The private sector is going for explored and proven reserves. While public sector is required to deal with unexplored regions which requires heavy investment.

The budget provides for marginal extension of SIDBPS operation. Extension of support to private and venture capital funds for financing of SSIS creates the danger of large scale industries and even MNCs take over of the small scale industries.

The price of foodgrains has been rising and there is a continuous upward trend in the wholesale price index. The retail prices have naturally gone up much faster.

A new era of mergers, acquisition/take over is fast overtaking the economy. With giant MNCs in several cases playing a major role. Mega-mergers like HLL-BBLI, proctors an Gambles, Coke etc. are likely to create increasing number of redundancies, an forced "Golden handshakes".

### 33rd INDIAN LABOUR CONFERENCE

The 33rd ILC was held in New Delhi on 24th and 25th October '96. AITUC's written submissions to the 33rd ILC's annexed to this report.

#### SETTLE BONUS DEMAND-SCRAP CEILING

At the outset, all central trade unions with one voice, urged the Govt. to settle the demand of the 1 million P & T employees on strike demanding the removal of ceiling on payment of Bonus, as done to Railway and Port & Dock employees. It was emphasised that the artificial ceiling under payment of Bonus Act will have to be removed; Similarly ceiling of Gratuity payment to industrial employees at Rs.1 lakh will have to be altered, as already the Central Govt. employees ceiling on Gratuity has been raised to Rs.2.5 lakhs, enabling the seniors with long service to get their legitimate Gratuity.

#### DENIGRATION OF TRIPARTISM

Trade unions pointed out that the importance of ILC has been denigrated and the tripartite machinery in India is on the decline during the last few years. It was noted that in the past Prime Ministers used to attend the ILCs besides all the concerned ministers. In this ILC neither the Industries Minister nor the Finance Minister was present, despite specific written request urging their presence by the AITUC and other centres.

#### "CHANGE THE LABOUR POLICY" - AITUC

Com.A.B. Bardhan, speaking on behalf of the AITUC pointedly referred to the fact that the change of Govt. is yet to bring about the change of Labour policy. The new labour policy should include guaranteeing of T.U.Rights which are sought to be affected on account of some of the recent decisions of the Supreme Court, streamlining the process of recognition of unions, job security and reduction of employment on account of contract labour, etc. growing sickness, most of which were induced, increase of production and productivity and its impact on labour, change of work culture along with management culture, encouragement to tripartism and bi-partism, correction of anomalies in the various laws, judgement of the Supreme Court on Environmental protection resulting in the displacement of labour, without even hearing the affected and the host of other important issues are not contemplated in the new labour policy, the AITUC General Secretary pointed out in his introductory remarks.

#### "IMPLEMENT CMP" - TUs URGE.

The T.U. Centres noted with grave concern that the Cabinet approved scheme on NTC is not implemented and the BIFR is going ahead with winding up one unit after another; NRF is not assisting the revival of even a co-operative Jute Mill. 'Jobless growth' and increasing unemployment has become hurdles; while stoppages on account of strikes are declining year after year the lockouts are on the increase; Adjudication machinery has not been

functioning and many posts are kept vacant; The talk about the extension of social benefits to unorganised sector has not yet become a reality; Despite the declaration by the Govt., workers participation bill is not enacted into a law; And the ILO Conventions on "Hazardous workers", "Freedom of Association and freedom of collective bargaining" are not yet ratified by the Govt. of India. On the whole the declarations made in the "Common Minimum Programme", and "economic development with a human face" are yet to be realised in the Govt. policies and programmes.

#### Singapore Summit

It was emphasised that the trade unions, being the biggest NGO in India, to be included in the official delegation to attend the International Summit in Singapore on the 9th December '96, as the Social Clause and International Trade is a main agenda in this summit.

#### Some consensus

After detailed discussions on almost two days on the Action taken Report, the following consensus were reached:

- i. A Tripartite Committee to be set up to review the promotion of employment of women. (not under the Equal Remuneration Act).
- ii. Labour Minister will call a meeting of the Central Trade Unions and Public Sector managements along with the DPE to discuss the issues relating to Public Sector undertakings, such as non-implementation/improper implementation of revised DA formula, Wage revision in some PSUs referred to BIFR, functional autonomy of PSUs etc.
- iii. A joint meeting along with Union Textile and Finance ministries and the State Govt. of Maharashtra will be convened to discuss the implementation of Revival scheme in NTC.
- iv. The views and opinions given by the TUs on the revamping of BIFR and amendments to SIC Act as was considered in the Special Tripartite Committee will be forwarded to Finance Ministry for consideration in the formulation of amendment proposals.
- v. Review of the pension scheme will take place (to consider the proposals of the unions such as indexation, increasing the returns on investment of pension corpus, exemption to better paying industries for evolving their own schemes etc.)
- vi. Labour Minister will again persue with the Ministry of Environment & Forests for inclusion of Central T.U. representatives in the Environment & Pollution Control Boards.
- vii. Modernisation and reorganisation of Employment Exchanges and Vocational Training system.

#### Floor level National Wage:

The ILC discussed at length the importance and need for declaring a Floor Level National Wage (which should be above povertyline wage) below which there shall be no wage in any sector in any part of the country, as was unanimously agreed in principle in the Standing Labour Committee. The trade unions urged to fix Rs.50 per day as the floor level national wage and include this under 9th "Schedule" of the Constitution so that this will not be subjected to adjudication

and this wage has to be revived once in 2 years. The Govt. indicated that this wage at the subsistence level could be Rs.35 per day for rural and Rs.39 for urban. (However no final conclusion on the quantum and the frequency of review was brought about as the commonly agreeable draft was not finalised till the end of the ILC).

#### Time bound Sub-Committee to decide provisions of I.D. Act

ILC unanimously resolved to constitute a Bi-partite Committee consisting of the employers and central trade unions (each 8 representatives) to go into the various provisions of the Industrial Disputes Act and come with positive suggestions within a period of 3 months. These recommendations will be placed the next ILC to be held by February'97.

Though it was agreed that the Govt. is already committed to Recognition of trade unions by Secret Ballot, in order to reach unanimity amongst all trade unions it was decided that this matter will also be decided in the above Bi-partite Committee and taken on priority. The first meeting of the Committee is fixed on 13th November'96.

#### Child Labour

ILC adopted a unanimous resolution on child labour urging the Govt. to provide full assistance to overcome the lack of administration and financial dearth in implementing the decisions towards abolition of child labour.

## Women Workers

In the last General Council meeting we had decided that as a follow-up of our national workshop of working women in March, with CTUC and then Delhi Women Convention in August in the pre-Beijing Conference, we should intensify our activities among women workers to train them for leadership in order to develop initiatives to strengthen AITUC.

AITUC Centre was well represented in all the post-Beijing activities being taken up by different women organisations and NGO's to put forth our view point on the problems of working women and the suggestions for their salvation.

As per decision to hold three regional Conventions one each in Eastern, western and Southern regions, two conventions have already been held. The Convention at Calcutta was only for one day on December 31, 1995, with participation of women workers from West Bengal, Bihar and Manipur. One day was inadequate and with less of preparations desired results could not be achieved, even though the participants about 100 in number were enthusiastic and useful discussions with recommendations for future activities could be held. Those who attended were from Beedi, Anganwadi centres, factories, agriculture, teachers, Govt. employees etc. The next Convention was held at Bombay on 24-25 August '96 with participation of about 200 women workers from Maharashtra, Goa and Gujarat. Madhya Pradesh did not participate, even though there was decision of sending women to the Convention. The Convention was well planned with various topics and appropriate resource persons. Representative of ILO, Mr. D.P.A. Naidu also addressed the Convention. Ten women workers attended on behalf of H.M.S.. Those who attended were from Beedi sector, Anganwadi centres, small factories, home-based workers, teachers, lawyers, doctors, Nurses, employees from Bank, LIC-GIC, Railway and other state offices. The State leaders of AITUC were present throughout.

Both the conventions were attended by Com. Amarjeet Kaur from AITUC. It was decided in the conventions to have follow-up with State level conferences for more women to be covered up empowering them with informations and developing leadership out of them for AITUC unions of their respective sectors.

One leadership training workshop was organised by AITUC for women workers at Ludhiana in Co-sponsorship with CTUC. 16 women from five districts of Punjab attended this training for three days on 29-31, August, 1996. They were from Anganwadi-Balwadi centres, health sector employees municipal workers, nurses, teachers, home-based workers in textile and tailoring. The participants expressed their enthusiasm in developing these workshops further. They recommended for more district level workshops to train women. Next in series of leadership training workshop by AITUC-CTUC for women workers is planned to be held in Goa in the end of November.

It is satisfying that AIBEA comrades have carried forward their organisation's orientation to bring in more of women employees into conferences and to promote them to leadership. But other federations are yet to pick up the issue of taking up women specific problems to mobilise women to bring them in forward positions.

Com. Amarjeet Kaur during this period could attend the women convention of CBIEA/CBIOA at Madras, women beedi workers and anganwadi workers at Indore, all bank women employees and officers at Indore.

The demands of Saathin Karamchari Sangh, Rajasthan is also being supported and AITUC was represented by Amarjeet at the meeting organised by National Commission for women in Jaipur.

Our Southern region Convention is yet to take place which was finalised to be held at Bagalore.

At the Anganwadi front, AITUC is in the Samyukta Sangharsh Samithy and has been actively involved in all the actions of pushing the demands through. In this period, Tamilnadu State level Convention of Anganwadi workers and helpers was held in August '96 attended by AITUC Secretary, Amarjeet Kaur and a State body constituted. Apart from this Anganwadi organisation is also initiated in H.P. and M.P. in some districts. Our Maharashtra unit along with H.M.S. union of Anganwadi workers organised successful action programmes in various districts and achieved festival bonus. After that again in this month of August they jointly organised meetings and programmes in several districts. Karnataka Anganwadi workers also organised big demonstration to press for their demands at Bangalore. The case filed before Karnataka Tribunal by AITUC and some Anganwadi workers has gone in favour of Anganwadi workers as the order explicitly accepts these workers as Govt. employees and urges the Govt. to absorb them all in State cadre. In this way at present we have our Anganwadi unions at State level and in some places at district level, in the states of Maharashtra, Karnataka, Kerala, Tamilnadu, U.P., Rajasthan, West Bengal, Manipur, Bihar, H.P., Madhya Pradesh.

We must finalise and hold 2nd national Conference in the coming months, which is long due. Many of the state TUC's are yet to take up seriously the task of organising women workers in different sectors and specially to develop leadership out of them. It needs to be stressed again that it is very much necessary to pay attention on this front in the changed scenario, when the women need to be supported and facilitated to take up leading positions in decision making bodies.

### Child Labour

The last General Council meeting was apprised of the AITUC project on child labour filed with the ILO-IPEC and concrete decisions were taken to pursue the process for not only successful implementation of the project but also to imbibe the issue into our day to day activities.

AITUC Centre organised national workshop at Delhi with 40 participants from 11 states, inaugurated by the then ILO Deputy Director, Mrs. Leyla Tegmo Reddy and others who contributed in the deliberations included Mr. M.P. Joseph, Co-ordinator ILO-IPEC, Mr. A.P. Verma, Director, NLI, Justice Rajinder Sachhar, Dr. Mahavir Jain and AITUC leaders and other leaders of different trade unions. The decisions of national workshop were followed-up and state-level workshops were organised as follows:

A.P. State Workshop	25-26-27, February at Hyderabad.
Kerala State Workshop	9-10-11, March, at Trissur.
Bihar State Workshop	15-16-17, March, at Patna.
Tamilnadu State Workshop	18-19-20, March, Madras.
M.P. State Workshop	30-31, March, 1st April, at Bhopal
Rajasthan State Workshop	18-19-20, May, Jaipur,
U.P. State Workshop	25-26-27, May, Kanpur.
Orissa State Workshop	29-30-31, May, at Bhubaneswar.
West Bengal State Workshop	28-29-30, June, 1st July at Calcutta.
Maharashtra State Workshop	22-23-24, July at Nagpur.

The resource persons in these workshops included those from ILO, NLI, Unicef, State labour depts., NGO's, prominent personalities in the judiciary, from universities and from among medical profession and media personalities. All most all the workshops were covered well by the State news-papers. The participants varied from 36 to 66 in different workshops. Documentaries and exhibition materials were also used apart from documents and papers presented. The workshops took concrete decisions for follow up activities, in respective states which are begun by some-states already, whereas others are still lagging behind.

Then began the phase of National Industrial workshops which we have to organise in 11 sectors. Three workshops are already over as follows:

First, National Industrial Workshop in Carpet Sector in Varanasi - 9-10-11, August, 1996. Other states listed failed to send their representatives. The role of BHU professors was noteworthy and Vice-Chancellor also associated himself. Mr. M.P. Joseph-ILO and Dr. Mahavir Jain-ILO also attended this well publicised workshop by print media.

Second national workshop was held at Sagar, M.P., in Beedi sector on 12-13-14 October '96, well attended but only three states M.P., Orissa and U.P. were represented, five other states invited failed to send representatives even when lots of persuasions were attempted from centre. The Vice-Chancellor, Sagar University, Director State Doordarshan, representatives from Unicef and V.V. Giri National Labour Institute also attended.

Third national workshop was held in Gem & Diamond cutting and polishing sector at Jaipur on 23-24-25, October '96 inaugurated by Mr. A.P. Verma, Director, National Labour Institute. Other resource persons included those from Unicef, State Chambers of Commerce, Labour Commissioner, Addl. Labour Commissioner, University Professors, NGO representatives and others well covered by visual and print media, the workshop was also attended by 13 child labourers in this sector between the age group of 8 to 12 years.

Eight other National Industrial workshops are yet to be held in these coming two months. Workshop in construction industry is planned to be held on 28-29-30, November at Palghat and agriculture sector in Rajgir on 6-7-8 December.

Apart from this, A.P. State Workshop has already held one state workshop in child labour, ginning, cotton mills, and Bihar state workshop held a state workshop on child labour in stone-quarry and stone crushers at Gaya. Gaya workshop was also participated apart from representative of National Labour Institute by the workers and child labours in the stone-crushers.

As part of the project AITUC has to run 20 schools for child labourers in 10 states with 25 children each. To train the teachers to run these schools, a national workshop was organised at Delhi on 19-20-21, August, with participants from States, inaugurated by Dr. L. Mishra, Secretary, Ministry of Labour. The resource persons included those from ILO, Unicef, National Labour Institute, NCERT, and representatives of some NGO's active in imparting education to children.

The follow-up reports are awaited from the states. All the workshops were attended by Com. Amarjeet Kaur who is co-ordinating the project from AITUC Centre.

The State Committees of the targetted States must pay some more attention to complete the fixed targets as per the project.

We along with other trade unions have requested the Govt. to extend the Govt. contract with ILO-IPEC. If this is done then we may take up activities in other states also un-touched in the first project, and further activities of consolidation in the already targetted states.

The general experience of the project activity is positive with AITUC getting recognition of being serious in dealing with child labour question.

ENVIRONMENT PROTECTION, OCCUPATIONAL SAFETY & HEALTH

(i) AITUC's Guidelines: In the background of the detailed discussions held in the last General Council meeting, the AITUC Secretariat decided on a 15 point guidelines on Safety, Health and Environment, after placing them in the meeting of the Working Committee during February 1996. These were issued to all State Committees, proposing that all our affiliated unions and federations should keep these in view while dealing with the problems of OSHE protection and while entering into settlements. These guidelines have been already published in TUR.

ii) National Workshop on Role of workers in Health, Safety & Environmental Protection

A four day National Workshop was organised by the AITUC in collaboration with the Commonwealth Trade Union Council (CTUC)/ILO, at Vadodara from 13th to 16th September, 1996.

The Workshop was inaugurated by Shri Jaswant Singh, President of Gujarath State H.M.S. and participated by leaders of AITUC from AP, Bihar, Kerala, Punjab, Rajasthan, Tamilnadu, West Bengal and also from different parts of Gujarath. Com. H.Mahadevan, Secretary, AITUC and Mrs. Indira Saxena, Asian Co-ordinator of the CTUC guided the proceedings. Mr.Harsh Jaitli of PRIA, New Delhi was also a faculty providing a number of inputs and research materials.

The Workshop considered the situation prevalent in Chemical, textile, Dying/printing, Glass manufacturing industries, municipal and Sewage workers, SSIs, Coal, Marble cutting and Engineering industries. The Workshop felt the need for making amendments to the statutes, viz. Workmen Compensation Act, Payment of Wages Act, I.D.Act, Contract Labour Act in order to see that they serve the real interests of the affected and unorganised workers, irrespective of the minimum number employed or the wages drawn at the maximum level.

The points discussed included the following:-

1. Lack of information on work place health and safety;
2. Starting from the industrial revolution in India the thrust is on more production. First, the colonial ruler wanted to exploit as much as they can. Now in the age of liberalisation the thrust is on inviting as many foreign investments as possible without considering the side effects of the technology on the workers or their families.
3. The thrust is on human failure and not in changing the design of the machinery or production system. The expenditure done on making workplace safe and hygienic is considered as waste. The short term goal overshadow the long term achievements.
4. There are three stages exposures could be controlled. First, at the source of pollution, secondly, when it travels from source to the recipient and then by enclosing the recipient by providing PPE. The third stage is found more convenient for employers as it is not only cheap but also shifts the responsibility of employer on the workers.

5. TLV's are decided arbitrarily, by considering the economic and the collective strengths of the workers. We have the 48 hours week as normal, whereas the TLV's are decided by keeping in mind the working standards of the west.
6. Most of the occupational disease are wrongly diagnosed as non-occupational. For example, most of the occupationally caused dust related respiratory disorders are diagnosed TB. This not only denies the right of compensation to the affected workers but also preventive strategies are not taken up due to absence of data of severity of diseases.
7. Trade union activists should also be trained in all the aspects of workplace health and safety to contribute and struggle effectively to achieve good working conditions", Safety committee should be trained.
8. The weak implementation machinery of the laws related to workers is the sign of lack of intention from the Govt. and the society.
9. In the present scenario dangerous industries are shifted in the country. There is need to keep a check on it.

As follow up actions, the Workshop proposed the following, for co-ordination by the AITUC national centre with CTUC, for organising them, besides taking up with the Govt, based on the outcome of these programmes:

- a) Sewage workers programme in Surat.
- b) National Workshop for coal miners.
- c) A day's seminar for Textile workers of Amritsar.
- d) Awareness programme for chemical workers in Vapi.
- e) Programmes for municipal and local bodies workers in Tamilnadu and West Bengal.
- f) Workshop to study and improve the working conditions of marble workers in Rajasthan.
- g) State level workshop for workers in hazardous industries. in AP.

iii) Environment & Labour Protection:

The measures for environmental protection have wide ranging implications on labour. So the workers organisations should be given adequate representation in Govt. bodies in charge of establishing and regulating environmental standards. This was again emphasised by us in the 33rd Session of ILC also.

The labour should not be left in the lurch because of some judicial pronouncements, without rectifying the social problems they create. The Govt. itself should come out with comprehensive schemes to protect the interests of labour, while protecting the environment and proposing to eliminate these problems. Shifting the industries to some other place tantamount to shifting the pollution, besides subjecting the affected workers and their families to untold miseries and severe hardships.

In this regard AITUC continued its legal fight in the Supreme Court of India against the adverse effects of its judgement ordering closure/shifting of hazardous and noxious industries as well as heavy and large industries including some textile mills in and around Delhi. The AITUC filed review petition to protect the interests of the thousands of workers adversely affected on account of the Supreme Court judgement; so also in favour of the tannery workers of Calcutta AITUC continued its fight, and further persue with central and state Govts.

### Organisation

On May 12, 1995, a circular was sent along with a list of affiliated unions and the State Committees were required to send the list of non functioning unions which cannot be revived. About the unions which are functional but have not paid affiliation fees the State Committees were required to persuade them and see that affiliation fees are paid by 30th June '96.

Based on the reports from State Committee the Centre will straight away strike off the names of non-functional unions from the affiliated unions registers. Just to give one example the report from Taminadu shows that 211 unions out of 626 have not paid affiliation fees from 1990 onwards. We should take naturally some decision regarding such unions which have not paid the affiliation fees from 1990. For others we may give three months time to pay up within three months the affiliation fees upto-date. In this connection a circular dated 16.3.96 was sent to all STUCs explaining in detail the concrete measures to be taken to maintain up-to-date records to fulfil not only the requirements of official verification, but also to help in the process of tightening internal organisation of STUCs. Compliance report was expected to be furnished by the end of May, 1996. Few, STUCs, if any, have responded to the communication till now.

Further the unions should develop the habit of maintaining records including membership registers as that is the requirement under the Act. According to law a union cannot espouse the case of a non-member and the proof lies in entries in the registers. Further even for verification. Last time we lost over one lakh membership because two federations did not have membership registers. There are a number of unions which did not produce the records probably because they had not maintained. The B.M.S. produced bogus membership records about which we complained last year. But our functioning unions have not developed the habit of maintaining records.

Each State Committee should fix up one or two comrades to go to the districts and check up whether records are properly maintained. If the check up is done then within one or two years the comrades will get habituated.

The State Committees are requested to hold their meetings in December which will be attended by a member of the Secretariat of the AITUC.

The report about list of functioning, paying and those maintaining records and have submitted the annual returns shall be reviewed.

There should also be report about what are the new unions which are formed and affiliated after Patna Conference. The State Executives should plan out expansion of activities in new industries including the unorganised sector, besides fixing cadres for different areas/industries.

The executive should also fix up a comrade or a sub-Committee to look after education of cadre. Education has been neglected for sometime. It is essential both for consolidation and expansion of the movement.

The position of sale of TUR and the State T.U. journals should also be reviewed and planned. Effort to increase the circulation should be undertaken. Records in the Central office reveal rather an unfavourable state of affairs.

An attempt was made as per Central office circular of the same date, asking for concrete information by way of a rough and ready survey of ground realities in respect of implementation of provisions of social security measures, EPF, ESI, and the new Employees' Pension Scheme. The purpose was to take up with the appropriate authorities, including the Labour Ministry, serious lapses on the part of the implementation mechanism (or absence of any such mechanism) about which there is general dissatisfaction among the workers. It is strange that no STUC has cared to even acknowledge the receipt of this circular. Does it not show lack of concern on issues which intimately affect the life of the workers who contribute to these schemes out of their hand earned wages?

AITUC Finances.

The AITUC Centre is continuously facing financial problem as the affiliation fees is nominal. The Centre could function last three years because of the special fund collected and the Trade Union Record is mainly being financed by advertisements. From accounts it is clear that unless funds are raised functioning will be difficult.

1. In this regard it is necessary that all the unions should contribute at Re.1/- per member by the end of March'97.
2. Comrades should mobilise advertisements for the Trade Union Record for the Republic Day Special number.

Today eight anmas have no value and four anmas go to the States. This neither meets the requirement of the Centre nor of the State Centres.

It is necessary that a minimum of Rs.5/- monthly is collected as union subscription in organised sector and Re.1/- monthly in the unorganised sector.

In that case the affiliatin fees can be raised to Rs.2/- per annum out of which Re.1/- goes to the State. Comrades should discuss this keeping in view the prices and need for efficient functioning. A decision on this can be taken at the next Conference. This is placed for discussion so that a proper decision is taken at the next Conference.

Note On Trade Union Record

In the last General Council meeting held at Hyderabad, after a lot of deliberations it was agreed by the State TUCs that they would approximately double the number of subscribers with a view to reach the target of the total number of subscribers (both Hindi and English) to 5000 in the year 1996. The present position of the TUR subscription in Hindi and English is given below.

TUR Subscription as on 29.10.96  
(within brackets as on 29.10.95)

<u>STATE</u>	<u>ENGLISH</u>	<u>HINDI</u>	
Andhra Pradesh	104 (102)	4 (4)	
Assam	5 (13)	-	
Andaman	2 (1)	1 (1)	
Uttar Pradesh	38 (21)	71+3 (61+12A)	
Orissa	30 (19)	8 (6)	
Karnataka	91 (51)	2 (1)	
Kerala	67 (29)	1 (1)	
Goa	8 (8)	8 (8)	
Gujarat	18 (10)	50 (41)	
Jammu & Kashmir	10 (3)	8 (3)	
Tamilnadu	118 (178)	1 (1)	
Punjab	53 (36)	124(92)	
Delhi	62 (44)	39 (33)	
Bihar	27 (29)	414+43 (332+43A)	
West Bengal	75 (59)	39 (22)	
Madhya Pradesh.	38 (28)	200+4 (147+8A)	
Manipur/Meghalaya	1 (1)	2	
Maharashtra	57 (172)	87+22A (67)	
Rajasthan	17 (10)	161+14(152+5A)	
Haryana	13 (10)	60 (47)	
Himachal Pradesh	4 (2)	34 (27)	
General Council Members	122		
Agency	56		
	<u>1016 (960)</u>	<u>1359 (1116)</u>	Total

It could be seen from the above that the total number of English TUR has risen from 960 to 1016 and that of Hindi from 1116 to 1359, exactly by one year from the last General Council meeting. While new subscriptions have been enrolled by some, certain other states did not renew the old subscriptions, hence the total number remain more or less the same. (e.g. Goa, Tamilnadu, Maharashtra - English TUR). Thus, the promises made by the State Committees remain unfulfilled.

It is also the decision that every union with a membership of 100 must subscribe at least one TUR and all General Council members must subscribe to the TUR. Enrolment of new subscribers, renewal of subscription every year and popularising the TUR amongst the friendly organisations and the units of the various federations which will bring them closer to AITUC, should form part of our routine work.

You are aware that the TUR is improved both content-wise as well get-up-wise. If the circulation improves considerably, there would be further improvements, as in the absence of reaching the target of 5000 the AITUC will have to continue to subsidize the TUR, in other words bear the loses. Alternatively, we will be constrained to increase the rate of subscription.

**Fresh approach on tackling industrial sickness & consequential need to revamp, restructure or  
replace the BIFR by a separate  
mechanism for the purpose**

There has been increasing dissatisfaction with the functioning of the BIFR due to its failure to fulfil the requirements of a speedy, effective and positively oriented instrument charged with the responsibility to determine 'preventive, ameliorative, remedial and other measures' in the direction of 'timely detection of sick and potentially companies'. Trade Unions find the approach of the BIFR mechanism as constituted at present, typically bureaucratic and highly technical, unmindful of the vital stakes the employee have in the functioning and survival of the industry suffering from onslaught of 'sickness'. Its mechanical procedures inevitably lead to inordinate delays in determining the real causes of sickness and recommending necessary remedial measures, causing lot of harassment, often acute sufferings to the workers involved in the concerned sick industries/units.

In fact many of these negative features characterising the functioning of the BIFR owe their origin to the scheme of the enactment with its concept of 'sickness' and 'revival', as categories unlinked to specific social and economic forces and factors at work. Even the Tiwari Committee, which cannot be credited with a pro-labour bias was compelled to observe as follows - - "There are sick companies, sick banks, ailing financial institutions, and unpaid workers. But there are hardly any sick promoters (owners). There lies the heart of matter...."

The BIFR in such a situation remains a mere toothless semi-investigative mechanism, with no decisive say in implementing its own conclusions/findings. The Parliamentary Standing Committee on Industry had thus been obliged to observe..."In order to counteract Govt. indecision, the BIFR should either be provided with final authority to decide issues which fall within its jurisdiction, or the Govt. should provide an effective machinery to meet the challenges of industrial sickness..."

Parliamentary Committee again observes: "The Govt. also needs to reappraise its policy with respect to sick industrial undertakings. Banks, financial institutions will have to be involved in this exercise. Budgetary support too may need to be augmented on the basis of drawals from the realisation of disinvestment operations. The total pool of funds for the sick units should be at a favourable rate of interest..."

The "Special" and "Industrial" Tripartite Committees

Persuant to the introduction of the so-called Structural Adjustment Programme as a part of the New Economic & Industrial Policy of the previous Govt., "Special" and "Industrial" Tripartite Committees were set up with Industrial Sickness as one of the main problems on their agenda.

In the first meeting of the Special Tripartite Committee it was decided to revive Industrial Tripartite Committees in respect of those industries where sickness is endemic, for suggesting remedial and preventive measures.

One of the major and common conclusions of the industrial Tripartite Committees was that there should be case by case discussion of sick units for the sake of their revival, and before taking a final decision on sick PSUs, BIFR should be urged to consider the views of the concerned Tripartite Committees.

Another important decision was that at the enterprise level workers and management would prepare joint revival proposal on the basis of the data supplied by the concerned administrative ministry/management. The joint revival proposal would then be considered by the sectoral tripartite committee. This should be before sickness overtakes the industry.

It was also decided in the STC that the preliminary techno-economic report prepared by the Operating Agency appointed by BIFR will expeditiously be placed before the concerned Tripartite Committee. It will be discussed thoroughly with the participation of all administrative departments, OA, financial institutions including Banks, DPE etc. Views and recommendations of the Tripartite Committee will be placed by the Labour Ministry before the Committee on Economic Affairs. The decision of the CCEA would constitute the stand of the Govt. before the BIFR.

However, most of the conclusions have remained unimplemented and some of them partially implemented. In fact, some "sick" industries were not even brought before the Tripartite Committees.

#### The C.M.P. of the U.F.Govt.

In the background of such frustrating experience trade unions naturally derive some comfort from the policy statements contained in the Common Minimum Programme of the U.F.Govt. defining its approach to industrial sickness and corresponding remedial measures. Particular reference is made to the following passages in the CMP.

"...Sick or potentially sick public sector companies will be rehabilitated through a menu of options that may include handing over the management to professional group or workers cooperatives..."

".... A new law will be made to deal with industrial sickness and the Board for Industrial & Financial Reconstruction will be completely revamped. The law will also provide for a separate mechanism to deal with sickness in small industries. Efforts will be made to rehabilitate sick industries and protect the interests of the workers...."

" The United Front Govt. will help to make the public sector strong and competitive. The public sector will continue to be an important component of Indian industry".....

Based on the foregoing recital of the facts and circumstances connected with the origin and the course followed by the BIFR, the AITUC considers that concrete measures elaborated in annexures I and II attached hereto should receive due consideration from the Govt. - in particular the Ministries of Labour, Industry and of Finance.

(B.D.JOSHI)  
DY.GENERAL SECRETARY

AITUC's views on Revamping of BIFR & amendments to SIC Act.

1. **Definition:** To expand and clearly spell out "sick industry" and "potentially sick industry" in te light of the RBI guidelines and taking into consideration the Goswami Committee Report, Tiwari Committee Report. "Non-remitting of employees' dues", amongst others, should be one of the indicators.

2. **Detection of Sickness at the incipient stage:** An "Authority" to be constituted for monitoring and detection of sickness at the initial stage itself, so that prompt corrective action could be taken at that stage itself. Monitoring will help to identify the "Prone to sickness" industries. "Early warning system" should be inbuilt in the scheme of detection at the incipient stage. This mechanism should enjoy statutory authority.

3. **Public Sector :**In order to avoid reference to BIFR, a Techno Economic Study of the concerned industry or unit should be conducted by experts with the participation of the concerned administrative departments, financial institutions, management and trade union(s). In case the study reveals positive possibilities for revival, the Govt. should straight-away extend needed assistance acting as the promoter.

(ii) Inter-Ministerial assistance to the sick companies should be made a part of the implementation process, which is not statutorily available now.

While in respect of core/strategic sector, the Govt. should take full responsibility as the promoter; in respect of essential consumer, industries, non-essential industries/industrial units in the public sector should be left free to develop in joint or private sector.

4. **Composition of BIFR:** In each bench of the BIFR, there must be an experienced and accredited trade union representative, besides other experts, as the vital element of employment besides IR is involved.

5. **Regional level BIFR benches:** Every region must have atleast one or more benches in order to avoid accumulation of cases and to ensure speedy disposal, as every delay compounds sickness rendering revival more difficult.

6. **Powers of the BIFR:** (i) The BIFR should have the statutory power to black-list the fraudulent promoters, and sanction initiation of appropriate legal proceedings, both civil and criminal.

ii) The decision of the BIFR in favour of revival of sick industry should be made binding on all parties including the Govt., Banks, and financial institutions.

iii) The Central and state finance ministries, as the case may be, must be made necessary parties to all cases relating to public sector industries.

Prior to taking up winding up recommendations of the BIFR, the High Court concerned must refer the matter to a Joint Committee comprising representatives of the Govt. financial institutions, the management or the employer as the case may be along with workers' unions to explore avenues of mutual settlement.

**Workers' dues:** Workers dues must constitute first liability on the assets of the sick unit/company under liquidation.

We would suggest that it should be made legally binding on the BIFR at various levels to associate a team of assessors comprising persons possessing appropriate technical and financial expertise, selected out of a standing panel of such experts by the concerned parties. The assessors should be free to discuss formally or informally different aspects of the status of the sick industry concerned with representatives of the employers and workers' unions with a view to coming to their own conclusions to be placed before the members of the Board. Such conclusions and recommendations based thereon must in the normal course elicit automatic acceptance of the Board, subject to the right of the parties to present their comments - if any. The decision of the BIFR in favour of revival of the industry should in the circumstances be binding on all the parties, including the Govt. and the financial institutions.

SUB: Sick Industrial Companies (Special Provisions) Act, 1985 -  
Proposals for amendment (legal aspects)

INTRODUCTORY:

The Sick Industrial Companies (Special Provisions) Act, 1985 (SICA) makes special provision with a view to securing the timely detection of Sick and Potentially Sick Companies, the speedy determination by Board of Experts of the Preventive, Ameliorative, Remedial and other measures which need to be taken with respect to such companies and the expeditious enforcement of the measures so determined, etc.

2. Apparently the object is laudable but it has not been fulfilled in practice. It is a common grievance of the labour force employed with such Sick Industrial Companies that during the pendency of the proceedings with instrumentalities created under the Act, such as Board for Industrial & Financial Reconstruction (BIFR) and Appellate Authority for Industrial and Financial Reconstruction (AAIFR), their interest is not adequately protected. On the other hand Section 22 which pertains to suspension of legal proceedings operates harshly and to the detriment of the workers. It is, therefore, necessary to amend Section 22 of the SICA so as to make a provision that it will not apply or act as a legal bar to the legal proceedings initiated by or on behalf of workers for recovery of statutory dues under various labour laws such as Section 33-C(2) of the Industrial Disputes Act, 1947, Section 15 of the Payment of Wages Act, 1936, Section 7 of the Payment of Gratuity Act, 1972, or any such proceeding under any other labour law. At present there is a ban on such proceedings and the consent of the Board/Appellate Authority is required to be obtained.

3. During the pendency of the proceedings before BIFR/AAIFR the employment of the workers is not terminated but on the plea of sickness and at times temporary closure, no dues of the workers are paid causing undue hardship to the wage earner and his family. In order to overcome such a situation it should be the duty of the BIFR/AAIFR to ensure through appropriate direction, notwithstanding the provision contained with Section 22A, to meet the liability of the workers out of partial sale of assets of the Sick Industries Company. Ultimately the liability of the workers is to be met out of the assets of the Company only. Claim of the workers stands pari-passu with secured creditors under section 529A of the Companies Act, 1956, rather they are on higher pedestal as they claim priority as per decision of the Supreme Court of India. It is the time which is of the essence. Winding up proceedings are indefinitely delayed, e.g. Hukamchand Mills of Indore is lying completely closed from December, 1992. Final opinion under section 20(1) of SICA for its winding up was recorded by BIFR during September, 1991, and records sent to Registrar of M.P. High Court, but to this date there is no order for appointment of even a provisional liquidator. In the intervening period, 2 workers have become martyrs and the agitational approach proved of no avail. Similar is the fate of Hope Textiles, Indore, Binod Mills, Ujjain and J.C. Mills, Gwalior. Endless litigation which the employer can only bring misery to the working class.

4. It is a settled position of law that so long as the workers are retained in employment it is the statutory obligation of the employer, even of Sick Industrial Companies, to ensure payment of wages and other dues. Cases are not lacking where the Sick Industrial Companies have received financial assistance from banking institutions on State Govt. guarantee, and yet have denied their dues to the workers in respect of payment of wages/bonus and contribution to PF/ESI dues. In short, if it is not possible with the help of the Operating Agency to secure revival of the Sick Industrial Companies within a reasonable period, the BIFR/AAIFR has to be saddled with the responsibility of securing payment of statutory dues to the working class. In the event of closure becoming inevitable, the employer of the Sick Industrial Company should not be allowed to take the advantage of Section 20 and 22 of SICA but before recommending statutory closure indirectly by way of winding-up proceedings the BIFR should stay its hand and insist on prior compliance with statutory requirements of the provisions contained in Chapter V A & B of ID Act in the matter of Payment of Retrenchment Compensation.

SUGGESTIONS:

1. Reference under section 15 or proceeding u/s 16 or implementation of the Scheme under section 19 of SICA should not ignore the claims of the workers in the matter of payment of statutory dues. Positive responsibility should be cast on the BIFR to convene a special meeting in this behalf in which Labour Commissioner, PF Commissioner, Director ESI, Representatives of Trade Unions should be invited for working out details of such payments. BIFR should direct the workers' payments to be made by the employer before embarking upon any consideration on the proposal of the employer for its revival. Powers of BIFR under section 20(4) and section 22 should be exercised suo-motuo on the basis of such meetings.

BIFR/AAIFR be revamped so as to operate as nursing homes and not as mortuaries in respect of Sick Industrial Companies with their induced or real sickness and for this purpose more teeth will have to be provided to these agencies instead of allowing them to remain as mere recommendatory or advisory bodies. Recommendations made by them affect the national economy and the scarce resources of the country. The working of SICA has to be adapted on the pattern of Industries Development & Regulation Act providing for appointment of a Custodian for the assets of the Company and its functioning pending consideration of revival package so that the employment is sustained and proper care is bestowed on the prevailing situation.

3. Reports and recommendations made by BIFR/AAIFR on the basis of expertise be submitted to Govt. first and they should be taken into consideration by Govt. of India for taking over the management and/or ownership of such units in the national interests. It will deter pseudo sickness of undertakings hunting for only material assets and not for human welfare.

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AITUC's comments on the proposed amendments to the I.D. Act  
(Item 5 on the agenda of SLC Session - 13.9.96)

I. Exemption from the purview of the I.D. Act

The AITUC is totally opposed to give exemption to any industry, service, establishment or undertaking, or any branch or section thereof, from the purview of the I.D. Act, except an activity of the Govt. relating to sovereign functions of the Govt.

Any suggestion for revising the definition of "Industry" to exclude agricultural operations, cooperative societies including dairy cooperatives, educational and research institutions, hospitals, medical or health services, besides other professional services, practised by an individual or individuals, etc., is tantamount to curtailing the right of the concerned employees to bargain collectively. It would go against the letter and spirit of ILO conventions to which the Govt. is committed.

Incidentally the Shops and Commercial Establishments Act applies to all establishments including those employing even one employee. Such an employee can approach conciliation machinery and also secure adjudication. Shop employees irrespective of numbers can also raise an industrial dispute for their demands. Surely the employees of the industries/operations, etc. sought to be excluded from the purview of the I.D. Act stand on the same footing.

It might be mentioned that the Govt. of India has fully backed the ILO convention adopted in the last ILO Conference on extending legal protection to Home-based workers on the same footing as to other workers.

In suggesting exemption for employees of educational, research, and medical, etc. services the Govt. is perhaps trying to wriggle out of the obvious effect of the Supreme Court judgement on definition of "industry"

The AITUC is also opposed to any limitation on the Right to Collective Bargaining and Right to Strike of any section of employees, including those working as supervisors, technicians or scientists, - and even managerial personnel not vested with the power of direction and control. This position is fully accepted by ILO in its relevant Convention.

We agree that a grievance redressal mechanism can be set up with a view to avoid strikes by expeditious settlement of disputes. But if the machinery fails to resolve a dispute, the right to strike must be ensured. In fact a time has come when the I.D. Act could be metamorphosed into an "Employment Relations Bill".

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The change in the definition of 'Industry' from time to time has had a historical passage. But the definition of "Workman" has remained too narrow to meet the changing socio-economic situation marked by rapid & revolutionary scientific-technological advance. For example the existing definition of 'Workman' has been interpreted by courts in a manner which in several cases excludes persons/employees working by brain. While holding that education is an "industry", the Supreme Court in a different case ruled that teachers are not workmen within the definition contained in the I.D. Act. With fast growing commercialisation of schools, teaching/institutions as well as medical and health services, etc. this narrow concept of "Workman" is facilitating ruthless exploitation of a growing army of teachers, medical personnel, etc. at the hands of unscrupulous/greedy promoters of such institutions. Besides non-existence of security of job, in a large number of cases, the employees in these institutions are not even paid the minimum wages prescribed for unskilled workers under the Minimum Wages Act.

The AITUC is of the considered opinion that the definition of "industry" and of "Workman" must be based on the sole criterion of existence of employer-employee relationship in order to eliminate the chances of getting involved in legal quibblings leading frequently to repeated bouts of litigation. The relationship may be direct, or indirect (as in case of contract labour); that should make no difference. The paymaster, the real source of payment, must be identified as the employing agency since without it 'Workman' or employee has no existence.

#### Scope & Coverage of I.D. Act - some other suggestions/amendments.

1. Preamble After the words "regulation of the relations..... industrial harmony" .....add "without in any manner infringing the right to collective bargaining, including the right to strike".
2. Definition of 'Workman' As already pointed out the definition of 'Workman' in section 2(s) of I.D. Act, requires to be made unambiguously comprehensive, yet simple. Taking into consideration the continuing modernisation and/or technological upgradation, including computerisation which is increasingly characterising industrial and service operations, we are inclined to suggest the following to substitute the existing definition:  
" 'Workman' means any person employed in any industry, directly or through any intermediary, to do any work, whether physical or by brain or by both, for hire or reward, whether the terms of employment be express or implied.....etc."
3. Appropriate Govt. The suggestion clarifying the meaning, content of the term 'appropriate govt.' is agreed to.
4. Contract Labour With the increasing dimensions of contract work and consequential increase in the number of contract workers, it is necessary that apart from making the Central Govt. the appropriate Govt. in the relevant spheres, it has become absolutely necessary to bring them within the definition of "Workman" as proposed in (3) above. Contract workers must be put on the same footing as

other (regular) workers in an industry/establishment. They must be enabled to raise disputes against the principal employer directly.

5. Status of Union Territories

The Ministry's suggestion is accepted.

6. Power of State Govts to exempt (Sec. 36(b))

AITUC strongly disfavours giving power to any State Govt. to grant exemption in respect of any category of employees.

7. Delegation of powers (Sec. 39)

The suggestion is accepted.

II. **Reforming the existing Dispute Resolution Mechanism**

i) A dismissed/terminated worker should be free to approach the Joint Negotiating machinery, conciliation or adjudication machinery directly.

ii) Belated disputes - suggested period of 5 years is reasonable.

iii) There is merit in the suggestion regarding revival of Labour Appellate Tribunal.

iv) Publication of award in cases involving individual disputes may be dispensed with and a copy of the award should be given to the contending parties.

However the adjudicator/Labour Court should pass an appropriate decree enforceable through the appropriate Revenue Authority.

v) Relaxing qualifications of Presiding officers.

We do not agree with the proposal. With the restructuring of the industry involving complex techno/economic changes, industrial disputes are coming to acquire new content. Only well qualified competent and experienced judicial personnel, whose personal integrity is assured, would be able to mete out justice workers who are increasingly having to face mighty industrial houses and multinationals. In this context the question of downgrading the status or qualifications of presiding officers should not arise. There is no substance in the contention that the required number of presiding officers are not available. Low remuneration offered by the Govt. alone stands in the way of attracting the required talent. This remedy has to be applied if justice, social or personal is to be made available to the working people.

VI. Penalties: We suggest that amount of fine and term of imprisonment must be raised 5 times the present one in case of illegal lockouts or breach of other provisions of the Industrial law.

III. **Alternative Industrial Disputes Resolution machinery** Disputes involving rights can be settled through voluntary arbitration, while interest disputes should be resolved through collective bargaining as a first resort. Arbitration/adjudication should be voluntary.

IV. **Rationalisation & Simplification**

The three proposals put forward are agreed to, though the comment that conciliation machinery is working satisfactorily is hardly tenable.

V. i) The contention that this particular provision/ designed to prevent unjustified lay-off and retrenchment, is inhibiting investment, is without substance. The suggested amendment is tantamount to giving the concerned employers the right to hire and fire.

As a matter of fact there is all the justification for bringing factories employing 50 or more workers under the purview of the clause instead of 100 as at present. There is no gainsaying the fact that modernisation and/or technical upgradation has automatically led to reduction of working strength along with increase in production and profits. Productive operations previously performed by 100 workers can with modernised apparatus be performed by even less than 50 workers. Hence the case for downward revision of the floor-limit from 100 to 50 or even less.

The proposal to transfer the power to consider applications for lay-off or retrenchment from the Govt. to Labour Court or Industrial Tribunal merits serious consideration.

It is strongly felt that punishment/penalty in cases of infringement of the provisions pertaining to retrenchment, lay-off, etc. should be more stringent or deterrant, since there is an increasing tendency among employers to resort to shut-down or suspend production without obtaining the required permission from the competent authority. In case Industrial Tribunals/Labour Courts are vested with the power to grant or not to grant permission for lay-off, retrenchment or closure, they should also be empowered (by suitably amending the I.D. Act) to impose financial penalties in case of any action, or continuance thereof, prejudicial to the interests of workers -including lay-off, retrenchment, suspension of production or closure.

Enhancement of rate of compensation

While agreeing to the proposal on enhancement of rate of compensation in case of retrenchment or closure, it is strongly felt that payment of at least <sup>(three)</sup> 3 months' consolidated wages for each year of service should be laid down statutorily. In fact many employers are known to be offering compensation at even a higher rate in such cases.

An additional clause should be introduced to cover cases of relocation of factories/ establishments due to environmental or other reasons. Such of the workmen as do not wish to move to new sites, must be covered by the enhanced compensation provision mentioned above.

ii) Strike notice and lockout: 14 days notice as required at present is quite sufficient in case of public utility services since conciliation process, including, submission of report to the Govt. take extra 2-3 weeks. No notice of strike should be necessary for non-public utility and private industries, establishments or services.

The process of conciliation must be time-bound. Infact time-limit also requires to be prescribed in case of adjudication/arbitration. The present blanket restriction even on strikes launched for securing demands other than, or not connected with, the matter under dispute/conciliation/adjudication or arbitration, should be done away with.

There is no objection to the proposal that a strike notice, where necessary, should be accompanied by a resolution, or resolutions, from unions representing 51% or more, of the workforce employed in the establishment, favouring the strike. However, in case of a spontaneous strike triggered by any provocative action of the management, including violation of statutory, contractual, customary or conventional right of the workmen, the requirement of a strike-notice must be dispensed with.

Provided further that in case of a strike resorted to in response to a general strike call given by a national Trade Union Centre or Centres, on issue or issues of general policy on which no conciliation or adjudication is possible or practicable, mere prior intimation, without attracting any stipulation as to the period of strike notice, shall be considered sufficient ☺

Strike period Wages: We consider it totally unjust that workers should be deprived of wages for strike period even when such a strike is justified solely on merits - as, for example, in case of provocation offered by the management, or patently intransigent attitude of the management in negotiating on grievances or demands of workers. There should be a provision in the Act to entitle workers to wages for strikes held to be justified on merits. Such a provision will have a salutary effect on both the social partners.

#### The Participation of workers in Management Bill - 1990

AITUC is in general agreement with the objectives and intention behind this proposed piece of legislation. Yet it would like that its provisions be so modulated as to ensure genuine participation of the workers, through their chosen representatives, in all major issues connected with management and operation of the industry concerned.

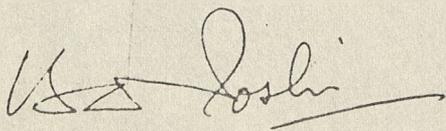
At this stage we would like to confine ourselves with making a few comments or suggestions which could be accommodated without any difficulty.

I. Clause 1(3) In our opinion all the provisions of the Act should be applied simultaneously for all industrial establishments throughout the country. Choice of different dates for application of different provisions for different classes of industrial establishments, leaves scope for injudicious exercise of discretion and might be found lacking in transparency in certain cases.

Clause 4: The proviso to sub-clause II, below item (a) and (b) leaves decision of a matter on which agreement is lacking to the employer alone. We are not in agreement with this proposal. Some other bipartite or independent mechanism has to be thought of to bring about a reasonable solution of the differences.

Though it was agreed that workers' representatives shall be on the Board of Directors, the Bill provides only for workers representatives on the Board of Management. The financial policies will not be decided by the Board of Management and so decision-making on vital matters will remain outside the purview of the proposed participative fora.

The AITUC has at an early stage given its views on some other aspects of the proposed legislative measure. It is expected that the proceedings of a previous meeting convened to discuss the Bill will be gone into by the Ministry to fully acquaint itself with the AITUC's suggestions.



Memorandum presented to the  
**33rd Indian Labour Conference**  
on behalf of the  
**All India Trade Union Congress**

The 33rd Indian Labour Conference assembles at a point of time when a feeling of disquiet, even resentment, has started gripping the working class and its Trade Unions at directionless, in some cases negative labour policies of the United Front Govt. The contents of the agenda papers circulated to the participants, unfortunately, fail to strike a reassuring note in regard to the pursuit of labour-oriented policies as promised in the Common Minimum Programme of the U.F. Govt.

Promising rapid labour-intensive industrialisation of the country in pursuit of a self-reliant economy capable of solving burning problems like poverty, unemployment etc., the Programme commits the Govt. to address through positive measures, some of the major issues and problems agitating the working class in our country. Naturally, therefore, the Trade Unions expected that the important forum of ILC will be utilized by the Govt. to put forward an agenda outlining in concrete terms measures it is preparing itself to adopt to move decisively in the direction of redeeming its pledges to the working people in respect of some of the major items the working class and its trade unions have on their agenda. Concretely it was expected that the Govt. will address the prior concerns of Trade Unions in the following direction:-

a) **Law for Agricultural workers**

Enactment of legislation for agricultural workers guaranteeing them minimum wages and fair conditions of work and social security rights;

b) **Strengthening the Public Sector - no to disinvestment**

Making the public sector strong and competitive, while rehabilitating sick and potentially sick public sector companies,

besides giving up indiscriminate privatisation and disinvestment;

- c) **Prevention of industrial sickness and revamping of BIFR**  
Enactment of legislation to deal effectively with industrial sickness with complete revamping of the Board for Industrial & Financial Reconstruction (BIFR);
- d) **Law for construction labour**  
Amendment of the legislation on construction labour as per suggestions given by the National Campaign Committee on Construction Labour;
- e) **Secret ballot and ILO-recommended rules of recognition for Central Govt. employees**  
Introduction of statutory measures to ensure the right of Trade Unions to secure recognition through secret ballot and attempt on the part of the Govt. to resile from the position taken in CMP must be given up. Implementation of ILO recommendations on the new rules of recognition of unions and associations of Central Govt. employees in consultation with the staff-side to be taken up.
- f) **Bonus & gratuity ceiling**  
Removal of ceilings on Bonus and Gratuity;
- g) **NTC & NJMC revival**  
Implementation of turn-around package for revival of NTC and of the agreement on NJMC;
- h) **Incorporation of positive amendments in Pension Scheme**

Incorporation of important suggestions and amendments demanded by Trade Unions in the Employees' Pension Scheme requiring its indexation, removal of ceiling of Rs.5000/-, raising of interest rate to not less than 12%, etc.etc.

l) **Workers' participation in management**

Enactment of legislation on Workers' Participation in Management at all levels, including Company Board as demanded by Trade Unions;

j) **5th Pay Commission**

Adoption of immediate measures to secure finalisation of the Fifth Pay Commission Report;

k) **Restructuring of ILC realistically**

Initiation of steps to restructure ILC to accommodate independent organisations of employees in important sectors of economy, like Banks, Insurance, Posts and Telegraphs, Defence, Railways professional workers, besides those in unorganised sectors like agriculture, having tremendous potential to influence economic development.

**Other important issues : Price-rise-Environment**

In addition to the concerns listed above others that need special mention are (1) the phenomenon of rising prices which continue to add to the hardship of the working people; and (2) large scale dislocation or relocation of thousands of polluting industrial units necessitated by justified environmental requirements affecting population in urban and semi-urban areas. In the deplorable absence of timely initiative by concerned authorities to tackle the situation with an integrated approach encompassing its social, economic, ecological and public health-related dimensions, law-courts have started passing precipitately indiscriminate orders, which involve large-scale closures of industrial units. In the capital city itself around ten

thousand industrial units face closure following Supreme Court orders in a public interest petition. Neither the Govt. of the national Capital Region of Delhi, nor the Central Govt. have so far cared to react to the serious situation involving job-losses running into tens of thousand.

It is indeed a pity that most of these vital issues which ought to have occupied a Central place in the agenda of the Conference, find no place in it, except, in a few instances, a passing or casual reference to some of them.

Admittedly reorganisation or restructuring of Employment Exchanges and institutions imparting technical and vocational education, etc. are important matters taken by themselves. They cannot, however, be discussed fruitfully in isolation from basic policy related issues referred to in the foregoing pages.

#### **Amendment to the Industrial Disputes Act, 1947**

A detailed note dealing with the officially proposed amendments to the I.D. Act has already been furnished to the Labour Ministry on behalf of the AITUC.

Our considered views on these officially suggested amendments have been fully explained in the said note. There was hardly any need to include this item in the ILC agenda. Decision on it should have been taken on a forum like SLC. The Central point of AITUC's stand point on this issue is: (1) No exemption to any industry, service, establishment, or undertaking including agriculture should be given from the purview of the Industrial Disputes Act, except an activity relatable to the sovereign functions of the State; (2) No revision of the existing definition of "Industry" is justified. It must be based on the sole criteria of employer-employee relationship. (3) No increase in the number of employees from the existing 100 to 300 is justified for the purpose of obtaining permission for closure or retrenchment. There is every justification for bringing the number down to 50 from 100. (4) Rate of compensation payable in case of retrenchment or closures must be raised to not less than 3 months' consolidated wages for each year of service. The

same rate should be applicable to workers unable for any reason to move to new sites of industrial relocation on grounds of environment.

### **The Bill on Participation of Workers in Management**

Our views on this item have already been communicated in detail in a note sent to the Labour Ministry on its request. This matter too like the previous one should be settled on a forum like SLC-where a fruitful dialogue can be carried out. The Central point of our criticism and of demand is that workers' participation has to be at all levels of the management, including the Company Board level to make the participation effective, genuine and meaningful.

### **Floor-level Minimum Wages at national level**

As maintained by AITUC representatives in discussions in the last SLC Session, floor-level Minimum Wages at national level must be laid down and notified. These must be **above** the povertyline, and must provide for expenditure on education and health.

Further the minimum wages so notified should be linked to Consumer Price Index and revised at intervals of not exceeding 5 years in any case.

The criteria adopted by the Planning Commission for determination of consumption at povertyline is to be related to minimum wages at floor-level only. Consumption criteria for fixing minimum wages should otherwise be above the povertyline.

### **Modernisation of Employment Exchanges.**

Effective steps should be taken for propagating employment market information in the language of the people. Audio visual methods should be used to provide information as bulk of the unemployed or part-employed workforce is either illiterate or semi-literate.

### **Vocational Training System**

Training should be imparted in trades keeping in view the continuing technological development. The planners should take into consideration the

type of industries or services likely to develop in a region and arrangement should be made to meet their requirements of trained technical personnel.

Training in various trades should be thrown open to women. It is necessary to devise a systematic monitoring system to supervise the quality of training and other related matters.

It is advisable to have an all India Council for vocational training and restructuring of functions of DGET Institutes. A nodal institute for training instructors should be set up as an autonomous body. Establishment of the trade testing and certification board has become necessary.

#### **Tripartite Committees**

It appears that one of the main road-blocks preventing implementation of decisions adopted by the Tripartite Committees, including the Special Tripartite and Industrial Committees set up thereunder, is the woeful lack of inter-ministerial coordination. We have witnessed how solutions to some of the highly important problems of workers proposed unanimously by Industrial Committees and approved by the Special Tripartite Committee have been floundering on the rock of bureaucratic procedures in the absence of coordination between the concerned Ministries - mainly the Ministries of Labour, Industry and of Finance. Democratic industrial relations which form the bedrock of any sound industrial system cannot become a reality unless and until the Govt. practices what it preaches.

On behalf of AITUC

(A.B. BARDHAN)

General Secretary