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To

Shri K.C. Sharma
Additional Secretary
Ministry of Labour
Government of India
and Chairman,
Tripartite Working Group on
Building and Construction Industry

Dear Shri Sharma,

This is further to my meeting with you in July along with the representatives of AITUC, CITU and INTUC to request you to convene another meeting of the Tripartite Working Group.

As you know, the main objective of such a meeting was to explore the possibility of reaching an understanding with the representatives of BAI. From July to November, 1988, the Union representatives have had 5 meetings in Delhi with prior information to Builders Association of India to attend these meetings. From the continuous absence of BAI or even a response from them to these meetings one can only conclude that after the sudden demise of Shri R.G. Gandhi, there is no-one in the leadership of BAI who can bring them together to any understanding with other members of the T.W.G. Since 6 months have already passed in our attempt to explore the possibility of giving a unanimous report, I am now forced to give my dissent note on the report of the T.W.G. on Building and Construction Industry.

When I met you along with other Union representatives

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in July'88 we had informed you that the report of the T.W.G. circulated vide the joint Director's letter dated 3.6.1988 was not consistent with the proceedings of the TWG. You had assured us that you would look into the inconsistencies and incorporate the corrections before submitting the report. Therefore, I am enclosing a detailed note giving the corrections required in this report to remove its divergence from the proceedings of the T.W.G. I request you to incorporate these corrections in the report of the TWG and also to convene another meeting of the TWG to take the views of other members on these corrections, if necessary.

Before concluding this letter, I would like you to recall only one incident which will help you understand how some parts of this report which are not in accordance with the proceedings of the T.W.G. have been inserted through the back-door making it a misleading report. After the meeting of the T.W.G. on 21.5.1987 the representatives of BAI privately called a meeting in Bombay which was also attended by K.A. Khan of H.M.S. and S.L. Sharma of INTUC. A report of this meeting was circulated vide the letter dated 17th June,1987 of the Deputy Secretary of the Ministry of Labour, as a bipartite report and was considered the final report of the drafting committee. This was a grave partisan action on the part of the officials attached to the T.W.G. They had no business to do so. Four letters written by the members of the T.W.G.

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-------Comrate M.M. Deshkar, Prof. K.N. Vaid, T.S. Sankaran and myself and various protest letters written by other trade unions of construction workers had pointed out this wrong.

No meeting of TWG was held for 4½ months, after the May, 1987 meeting. In the next meeting of TWG held on 8.10.1987 the discussion concentrated on the so called bipartite report and the unconcluded discussion on the draft report of TWG could not proceed. It was only after a specific ruling by you statigg "Let us give a decent burial to this" that the meeting came to a conclusion. But once again an attempt has been made to regularize the proceedings of this Bombay meeting of BAI by the officials of your Ministry attached to the TWG. Please note that in para 1.4 on page 3 of the latest report, this issue has re-emerged as follows:-

> "A meeting was called on 8.10.1987 to further discuss the report of the Drafting Committee as well as the recommendations by some members of the group as a result of the bigratite meeting held at Bombay from 27.5.87 to 29.5.1987."

It is now that I noticed that the decision given by you in the meeting of TWG on 8.10.87 was distorted even in the minutes of the said meeting circulated by the letter dated 4/9 November, 1987 of the Joint Director. The object of setting up a Tripartite working Group is thus frustrated, in an unbecoming way.

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I am sure that you will recollect this incident and that you will agree with me that this part of the report is not consistent with the proceedings of the TWG. It is not only on this part but on many other crucial parts that this report has deviated from the actual proceedings of the TWG meetings. There is no consistency between this report on the one hand and the draft report, there sus group reports, the materials circulated by the TWG with the comments of the different members of TWG on this material etc. on the other hand.

The prejudice of this report is obvious from the fact that in the appendices only the comprehensive labour code draft submitted by the BAI is included while the labour codes submitted by TNSCW & CITU are excluded. The agreed views of the trade unions included in the appendices is incomplete and meaningless without these bills and schemes, which are supported by the representatives of all the trade unions and some other members of the TWG and on which the longest deliberations took place.

In fact, all the chapters of this report and parts thereof, have been written with a prejudiced mind- at many places it is a verbatim reproduction of the papers submitted by BAI and they are not in accordance with the proceedings of the TWG. The Builders Association cannot hijack a representative working Group in this manner. Therefore this report has failed in identifying the specific difficulties in complying with the social security legislation and in clearly working out the social security measures both of which actually emerged clearly in the proceedings of the TWG.

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The reference to "Snap studies" without mentioning the studies; the 'Divergent views' without mentioning the views of different members; upholding the old myths as the 'features' of construction industry; attempt to present the construction labour welfare fund as a unanimously agreed view, silence on the views of the Government representatives; silence on the comparative merits of the 2 views presented in the names of employers and trade unions on the Tripartite Construction Labour Board, deletion of several sections of the draft report without discussion, etc. have resulted in sabotaging the entire proceedings of the TWG and in confusing the whole issue. Thereby the possibility of any reasonable workable, and fruitful outcome is excluded.

In view of all the above, I once again request you sir to incorporate the enclosed corrections and if necessary to call a meeting of the TWG members once again.

Thanking you,

Sincerely,

(GEETHA)