

**STRUGGLE FOR A COMPREHENSIVE LAW FOR  
CONSTRUCTION WORKERS: THE TAMIL NADU EXPERIENCE**

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The Tamil Maanila Kattida Thozhilalar Sangam (Tamil Nadu State Construction Workers Union) is an independent state wide organisation which has taken the lead in campaigning for a seperate and comprehensive legislation for construction workers at both the state and national levels. The union spans the entire state of Tamil Nadu with an active membership in 19 of the 22 districts, and with organisational units at village, town, taluk, district and city levels. We have membership of over 25000 subscription paying members and 3 lakh workers participate in the Union's programs and activities.

The general approach of the Union has been create awareness amongst workers about their situation, laws governing them, educate construction workers in democratic decision making and forge unity amongst them regardless of skill, caste and political affiliations. The outlook of TMKTS differs from conventional trade unions in that it takes up all issues of life and livelihood that confront the worker and not only work-site related problems.

It is in this process of assisting workers to resolve day to day problems, to enforce existing Labour Laws, organise seminars involving workers, jurists and activists and through every day discussions and struggles that the idea of a seperate and comprehensive legislation was thought of.

The organisation of construction workers has set a precedent to the entire unorganised labour of the country as it is the construction workers who have first focussed on the nature of industry and have themselves evolved a legislation suitable to the industry and to the conditions of labour.

It is a known fact that the present day labour legislation which is based on a stable employee-employer relationship is unsuitable and irrelevant to the construction labour. In the construction industry work is organised through contract and sub-contract, and there is neither a permanent employer-employee relationship nor a fixed place of work.

### EARLY EFFORTS AS STATE LEVEL

In this context, the TMKTS has made sustained effort to educate workers, evolve and struggle for the separate and comprehensive legislation. As early as 1981, TMKTS organised a seminar presided over by Justice V R Krishna Iyer in which lawyers and construction workers from all over Tamil Nadu State participated. A model bill was formulated and was presented to the then Prime Minister Indira Gandhi and Minister of State for Labour Ram Dulari Sinha. This Model Bill was also introduced as a private members bill in Lok Sabha by Shri George Fernandes and in the Rajya Sabha by Shri M. Kalyana Sundaram. the Bill came up for discussion in 1984 in Rajya Sabha.

The model bill was submitted to the Tamil Nadu Government as well. Despite this, the State Government introduced another Bill in October 1983 (Legislative Assembly bill 44/'83) which was seriously flawed and it merely contained extensions of existing laws. We formed a committee headed by Justice V R Krishna Iyer to review the Bill and launched an agitation against it. Hunger Strikes were organised the state over. A mammoth conference of construction workers was held in Madurai on 9.2.84 where 30,000 construction workers participated and vehemently opposed the government legislation.

Instead of accepting the Union's demand for Rs. 10,000 exgratia payment for fatal accidents on work-sites

the Government passed the flawed bill without the suggested amendments. Dharna and picketing were organised and Union activists were arrested and remanded to custody. In response to the repressive measures over 60,000 workers participated in protest demonstration at district and taluk headquarters. Finally, the government was forced to accept the impracticability of the 1984 Act and instead brought out two G.O.s. The first G.O. introduced "the 10 Rupees Scheme". The Union vehemently opposed it on the ground that the Insurance companies would draw inordinate benefits while workers could easily get more by merely saving the same amount instead of buying insurance policies. The scheme was completely flawed and because of the Union's campaign the government was forced to retract its stand.

The Second G.O. provided for payment of Rs. 5,000/- from Chief Minister's Relief Fund for fatal accidents, in partial fulfillment of the Union's demand. This too had many loopholes and the union struggled persistently for amendments. And it was not until in 1987 that the Rs. 10,000/- scheme for fatal accidents became a practical reality and an real accident relief which the worker could depend upon.

### NATIONAL LEVEL EFFORTS

At the Tamil Nadu State level the idea of a comprehensive legislation reached a dead end. And it was in Nov.'1985 that the TMKTS organised a seminar in New Delhi where construction labour unions from all over the country participated. The seminar was presided over by Justice V R Krishna Iyer and workers jurists and activists evolved a comprehensive bill which envisaged Tripartite Construction Labour Board on the lines of the dock Labour Board and Mathadi labour board. The union was also one of

the founding members of the National Campaign Committee for Central Law on construction Labour and has actively participated in all National levels struggles and campaign for a Central Legislation. In Dec. 1991 the National Federation of Construction Labour was formed with independent construction labour unions from 9 states as constituent members. TMKTS was one of the founding members.

#### DEMAND FOR IMPLEMENTATION OF TAMIL NADU MANUAL WORKERS ACT

The government of Tamil Nadu kept resisting implementation OF THE Tamil Nadu Manual Workers Act stating that there was no precedence in the country for Tripartite Construction Labour Boards and as a Central Law for Construction Labour was under consideration of the Central Government, the initiative should be taken at a national level.

also because of lack of political will of successive State Governments the Tamil Nadu Manual Workers Act, enacted as early as 1982 lay gathering dust. The Union's struggle for the implementation of this Act is part of its continuous and persistent demand for a comprehensive law. From 1990 we have been on a continuous path of struggle for its implementation. the saga of the struggle has seen change of ministers, transfer of bureaucrats, fall of governments, elections and all possible legal administrative and political obstacles. However because of the unfledgling persistence and perseverance the construction workers of Tamil Nadu have finally forced the State Government to accept the demand. On May day 1993, the Chief Minister announced the implementation of social security and welfare measures through Tripartite Construction Labour Board in three corporation areas in the State.

## THE STRUGGLE FOR T.N. MANUAL WORKERS ACT

In the course of the struggle the workers from all over the state organised processions, rallies, dharnas, public meetings, conventions, conferences and seminars, picketing and hunger strikes, sought election promises from candidate as well as resorted to boycott of elections.

In 1990, the State government admitted in principle that the Union's demand was just, and the Government was pressurised into passing a G.O. for constituting the Tripartite Advisory Committee under the T.N. Manual Workers Act to frame a suitable scheme for construction workers. The Advisory committee was constituted under the Chairmanship of then Labour Minister Pon Muthuramalingam. The Women Wing Secretary Ms. Geetha, from the side of Union and representatives of the government and builders were members of the Committee. The TMKTS submitted a scheme prepared by the NCC-CL under the guidance of Justice V R Krishna Iyer and T S Sankaran to the Advisory committee. The Advisory committee accepted in principle the Union recommended scheme, Even as it was under the active consideration of the government the Labour Minister was changed and in early 1991 the government was dismissed and fresh elections announced.

The General Council of the TMKTS decided to boycott the elections protesting against the failure of political parties to recognise the demand for statutory social security and welfare measures and regulation of employment for construction labour. At Palipalayam, in Salem District, a convention was held where the announcement to boycott the elections was made in 1991. Following this processions, public meetings and dharnas were organised all over the State.

## THE GOVERNMENT'S PROMISES

The Union continued its struggle with the new Government by submitting our charter of demands. The new Labour Minister, Shri Aranganayakam accepted the Union's demand in principle. On 6th Oct.'91, inaugurating the Construction Workers Building Centre, (initiated by TMKTS in cooperation with HUDCO) the Minister declared the State government's intentions to implement the TN manual Workers Act and provide statutory benefits to construction labour irrespective of whether the Central Government was enacting a legislation or not. The meeting was presided over by Justice V R Krishna Iyer and NCC-CL adviser Shri R Venkataramani and the Labour Secretary Shri Vardarajalu also participated.

In April 1992, the government made yet another promise to implement the TN Manual Workers Act. By this time the Labour Minister Shri Aranganayakam was replaced by Shri S. Raghupatty. The new Labour Minister stated in the Budget Session of the State Assembly that a comprehensive scheme for construction labour was under the active consideration of the Government.

On July 27th 1992, workers dissatisfied with the Government's attitude and unkept assurances marched to the fort St. George. Over 30,000 worker representatives, men, women and children, from all over the State participated. the mammoth rally was addressed by the trade union leader Mr. D. Thankappan and NFCL President Mr. N P Samy. A delegation led by the NFCL President presented a memorandum to the Chief Minister and Labour Minister. The Minister reiterated his promise and assured us that a suitable scheme would be notified in the official Gazette by September 30th 1992.

September 30th went by with the government going back on its promise and the gazette notification was not

announced. The General Council of TMKTS which met in October to review the developments unanimously decided to launch a continuous agitation. The same month Justice V R Krishna Iyer also work to the Chief Minister requesting her to implement the Union's demands.

On November 22nd, Justice Iyer met the Labour Minister Shri S. Raghupatty along with representatives of TMKTS. In this meeting the Labour Minister confirmed the governments seriousness to bring a suitable scheme and explained that because of legal hitches there was a delay.

However, the Minister promised that an announcement and gazette notification would be made by January 14th 1993, as a 'Pongal Gift' to the 25 lakh construction workers of Tamil Nadu.

The Executive Committee of TMKTS met the same evening and it was decided to temporarily suspend the agitation. However, it was agreed to go ahead with processions and dharnas at all district and taluk headquarters in front of Colectorates and taluk offices to remind and warn the State Government to keep its promise. On November 30th "Warning" Processions and Dharnas were organised keeping the focus on the implementation of the TN Manual Workers Act.

### THE FINAL STRUGGLE

Workers all over the State waited impatiently for the government's announcement on Pongal Day of 1993, but were bitterly disappointed at the government's silence on the issue. On January 17th 1993, the General Council of TMKTS met and decided to give an ultimatum to the government as we had no choice but to continue with the agitation. The mood of the workers was upbeat and they were no longer in a mood to be appeased by the government's empty assurances and promises nor prepared to wait endlessly for justice. February 9th was fixed as a date for the Satyagraha or 'Arra Porattam'.

The Union had in the meanwhile submitted its comments and suggested amendments to the government's draft scheme. The scheme prepared by the government has serious lacunae as it does not include regulation of employment, right of registered workers to elect their representatives to the Tripartite Labour Board and that the levy on estimate cost of construction was to be collected by corporations and local bodies and not by the Tripartite Labour Board. The government had not acted on these suggestions nor replied to the Union's demands.

However, on announcement of the struggle program the government hurriedly convened an Advisory Committee Meeting. The Advisory committee Meeting held on February 1st under the Chairmanship of the Labour Minister deliberated on the scheme proposed by the government. The Minister admitted that the TMKTS and Justice V R Krishna Iyer's demand was completely justified, however, he explained the need to amend the TN Manual Workers Act itself on the issue of collection of the levy. Under the existing law, the Tripartite Board should collect the levy from the builders. However, the government did not want to give such powers to the Board, as it would require large bureaucratic machinery and tremendous expenses whereas the local bodies could collect the levy at the time of sanctioning of the building plan without additional expenses. Representatives of the builders and central trade unions who were also present at the meeting wholeheartedly welcomed the government's proposed scheme.

TMKTS rejected the government's plea that the delays in implementation were for genuine reasons and suggested that the necessary amendments could be made any time, even by an ordinance. The union representative rejected the government's scheme as it had too many inadequacies & the suggestions to improve the scheme made by the union were not accepted. The union declared its intentions to continue the struggle. Justice Krishna Iyer wrote to the



Chief Minister once again urging her to fulfill the Union' demands.

The state level Satyagraha and "Salai mariyal" (rasta roko) on February 9th was a resounding success with 5 lakh workers participating in the one day strike and 25,000 workers including 5000 women courting arrest in 19 districts. Traffic came to a halt at three major points in Madras City and similarly in Madurai and Coimbatore. Thousands of workers peacefully performed Satyagraha or 'Arra Porattam' blocking traffic at bus termini, important road junctions and highways at about 100 places in the State.

The Government's indifference and lack of concern to the plight of the construction workers particularly the women became evident from the Lathicharge on women workers participating in the Rasta Roko at fort St. George, Madras. This hardened the resolve to continue the agitation till the demand was accepted.

On march 11th the Executive committee of the Union met and decided to continue the struggle and resolved to strike work on all government construction sites at the end of March, the closing of the financial year, to further pressurise the government. The objective was that the government should notify an appropriate scheme under TN Manual Workers Act immediately and ensure minimum wages and humane working conditions to construction labour especially unskilled workers on large sites in the private and government sector.

The General Strike on March 29, 30 and 31 was a success with over 5 lakh construction workers participating. Work came to a stand still at important works, with workers at Krishna Water Canal Project, Railway Broad Gauge Conversion project in Dindigul and Madurai, TN Housing Board sites the state over etc. participating in a large way, and a procession was taken to

to the Labour Commissioner Office in Madras.

In April meetings and discussions continued and the Union created awareness amongst workers and new membership on the union's demands and programs, the legislation and ammendments and the governments unkept promises.

### THE GOVERNMENT'S RESPONSE AND MAY DAY ANNOUNCEMENT

On April 23rd, the Labour Minister announced an enhancement of the ex-gratia from the Chief Ministers relief fund paid to workers dying in accidents on work site from Rs. 10,000 to 20,000. The TMKTS welcomed the government's announcement making it clear that it would not accept this as a substitute to a comprehensive legislation, and therefore urged the government to set a precedent for the rest of the country by implementing the TN Manual Workers Act.

On April 30th, the concluding day of the Budget Session of the State Assembly the amendment bill to the TN Manual workers Act was passed. The amendment was to enable corporation and local bodies to collect a levy of 1% from builders as a precondition to sanctioning and approving building plans.

The follwing day the Chief Minister announced the implementation of the TN Manual Workers Act as a May Day gift to the construction workers. Under the new scheme to be notified by government P.F., Pension, Gratuity, Accident Compensation, Maternity Benefit, Creches, and identity cards would be provided for workers and construction workers would be registered by Tripartite construction Labour Board in the corporation areas of Madras, Madurai and Coimbatore. A levy of 1% would be collected by the corporation and given to the Board for implementing the welfare and social security measures.

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The TMKTS has welcomed the government's announcement. We regard it as a recognition by the government of our demand for Tripartite Construction Labour Board, it being crucial to implementing social security and welfare to the unorganised construction labour. While we have promised our fullest cooperation and support to making the Board a success we have also expressed our reservations. the major stumbling blocks as we see it are the identification and registration of genuine workers, the absence of regulation of employment and no provision for elected workers representation on the Tripartite Labour Board.

Most recently, the government has invited the union for further dialogue and discussion on the nitti-gritti of the scheme and we hope and expect that some of the difficulties will be resolved.

The setting up of the Tripartite Construction Labour Board in Madras, Madurai and Coimbatore is the result of the sustained struggle of construction workers in Tamil nadu. It is an experiment for a workable and practicable social security and welfare legislation for not only construction labour but for all unorganised sector workers in Tamil Nadu State and the rest of the country.

**M SUBBU**  
**General Secretary**  
**Tamil Maanila Kattida**  
**Thozhilalar Sangam**

17th/18th May 1993.