



THE WORKING CLASS

MONTHLY JOURNAL OF THE CITU

Oppose the Judgement Against Right to Strike



Demonstration before Supreme Court

SUPREME COURT AND THE RIGHT TO STRIKE

A close reading of the Supreme Court's August 6, 2003 judgement in T.K. Rangarajan vs Government of Tamil Nadu & Others shows that the Court has, following in the footsteps of a string of illiberal verdicts on Government servants beginning in 1962, got hold of the wrong end of the stick. The Attorney General for India, Soli Sorabjee, has done a public service by speaking up against the apex court's observation that there was no moral or equitable right to go on strike. Characterising this as "uncalled for" and "beyond comprehension," he has pointed out that the right of collective bargaining, including the right to strike, was an invaluable entitlement of workers and employees won through years of toil and struggle. Further, there could be "horrendous situations in which the employees have no effective mechanism for redressal of their grievances and are left with no option but to resort to strike." Implicit in this opinion is a distinction between the merits of particular strikes and the legal and moral status of the right to strike. Here is the voice not merely of law and order and the tenets of 'strong' governance - but of democratic entitlement and a sense of history. There were two core issues before the two-member bench. The first was the constitutionality, legality and rightness of the summary dismissal of about 170,000 State Government employees in Tamil Nadu under the State's Essential Services Maintenance Act (ESMA), as amended post facto by an ordinance conferring on the Government the divine right of dismissal, without any application of mind and without giving the employees an opportunity to be heard. The second issue was the status of the right of workers and employees to freedom of association and collective bargaining, including the right to agitate and strike.

In response, the apex court resorted to the technique of providing practical relief in place of a determination of the issues of justice. It is unfortunate that the Supreme Court has not ruled against the injustice in the Tamil Nadu Government's stand that 6072 employees could not claim "a right to be reinstated" because First

Information Reports (FIRs) - which merely set the investigative ball in motion - had purportedly been filed by the State police against them.

What is most disturbing about the Supreme Court's judgment in the Tamil Nadu Government employees' case is the a-historical, iniquitous and democratically unsustainable position taken against the right to strike as a part of internationally recognised basic democratic rights. At one level, the judgment seems to revolve round the question whether Government employees have a constitutional or statutory right or moral and equitable justification to go on strike. However, the Court's observations in a case relating exclusively to Government employees go well beyond the immediate issues into status quoist absolutism in the social and philosophical domain. Such absolutism flies in the face of modern India's historical experience of worker agitations and strikes, and the assertion of the right to strike - an experience that begins in the late nineteenth century. Not just Communist organisers, but a range of freedom movement leaders supported the right to agitate and strike as an inalienable democratic right of workers and employees. This newspaper, which will soon be celebrating the 125th anniversary of its founding, may be allowed to recall that during the militant 1921 strike by 10,000 workers of the Buckingham & Carnatic Mills in Chennai, its proprietor and Editor, Kasturi Ranga Iyengar, boldly championed their cause - in The Hindu's columns and through direct involvement in the relief and solidarity efforts. The Supreme Court's latest stance contrasts sadly with both the substance and spirit of earlier progressive rights-led rulings by the apex court. The Supreme Court from the early 1960s has generally upheld the justifiability of, and the moral reasons behind, strikes as legitimate actions by the working class. It is this stream of juridical pronouncements that Mr. Sorabjee was drawing on in criticising the Court's new-fangled observation that there was "no moral or equitable right to go on strike," that "employees have no

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THE WORKING CLASS

CITU MONTHLY

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YOU SAID IT by Laxman



You must get a new dress. Strike is banned for government employees, I know. But you can request for a small increase in your salary. Or, is that also prohibited?

Courtesy: The Times of India

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EDITORIAL

STRIKE BACK TO ASSERT OUR RIGHT TO STRIKE

All the wings of the "State Apparatus" have started displaying their fangs and claws with a vengeance demonstrating intolerance to the rights of the working people.

The recent judgement of Supreme Court banning the right to strike corroborates to such ominous development and signals the convergence of judiciary with the other wings of governance in the display of anti-worker and anti-people bias.

This development may be shocking, but not surprising. The process started much earlier and gained momentum particularly since the onset of the neoliberal policy regime. The executive wing of the Govt, responsible for enforcement of laws has already built up the brazen record of arrogant noncompliance during the post liberalization years. The naked violation of labour laws by the employers class has been with active connivance of those in governance. The alarming surge in man-days lost due to lockouts, lay-offs and closures, mostly unlawful, is a testimony to the extreme bias against the toiling people. The unprecedented vindictiveness demonstrated by dismissal of 1.7 lakh Govt employees in Tamilnadu, the draconian measures like TESMA has surpassed all records of administrative high-handedness against the working class since independence.

Side by side, the labour laws are being sought to be changed altogether to render any collective action by the employees illegal and impossible. Legislation for a "hire and fire regime" along with contractarisation of the entire workforce, total blockade to right to strike or for that matter any form of collective action by the workers are in the offing.

And then the recent judicial action against labour right which is not the first of its kind. The Judgment of the apex court reflects the same ethos of anti-worker orgy prompted by the same neoliberal economic paradigm. This judgment is preceded by several pro-capital judicial awards like banning bandhs, allowing non-regularisation of contract-workers in the Steel Authority case (nullifying the SC judgment in Air India case), upholding non-payment of back-wages to dismissed workers even after reinstatement etc-all pronounced in the post liberalization period in total consistence with the onslaughts of the executive and legislative wings of governance on labour rights.

In such a situation, as history taught us, the working class movement has to defend its right to strike by asserting that right more vigorously through countrywide action.

WHITHER RIGHT TO STRIKE!

Tapan Sen

The recent Supreme Court Judgment striking down the right to strike for the Govt employees is a grave assault on the rights not only of the Govt employees but also the entire working class. The twenty one page judgment has been so drafted as to make it prone to wild interpretation by the employers' class and the Govt.

The judgment pronounced that "...Right to strike-whether fundamental, statutory or equitable/moral right - in our view, no such right exists with the Govt employees." Extending the canvas of prohibition it said, "Even the trade unions that have a guaranteed right for collective bargaining, have no right to go on strike."

While depriving the employees the right to strike the apex court did not hesitate to laud the extreme vindictiveness of the Tamilnadu Govt by way of dismissal of around 1.7 lakh employees, which is unparallel in independent India. Similar tune has been loudly heard from many of the employers' organisations and in the editorial comments of many national dailies, much before the said judgment has been pronounced.

The judgment, demonstrated a clear bias in favour of the employers reflecting the dominant philosophy of the ruling class in the post liberalisation era. The judgment, while dealing on the Tamilnadu strike-related case, pronounced the ban on the right to strike. But it preferred, in its wisdom, not to deal at all the issues or grievance which led to the strike.

The Supreme Court, in the same piece of judgement endorsed that most of the Administrative Tribunals lack "competence, objectivity and judicial approach". While advising the Govt. employees to approach the said "incompetent forum" to settle their grievances, instead of going for strike. Can bias go further? The apex court asserted that the Indian Constitution does not guarantee right to strike for the Govt employees. The Constitution does not mention anything specifically about right to strike to any section of workers, which does in no way mean denial of the said rights to Govt employees. Rather the ban on the right to strike is tantamount

to violation of fundamental rights to freedom of expression and association.

The right to strike is not a gift conferred on the working class. The workers and employees, including in the Govt sector, earned this right by exercising this right braving force and coercion from the days when it was not at all recognised.

The existing labour related legislations recognising strike came into being much afterwards. The ILO conventions no 87, 98, 151 and 154, adopted with the concurrence of Govt of India upholding this right for the employees of both Govt and private sector was a subsequent development.

Thereafter too, on many occasions workers and employees in various sectors had to assert their right to strike through strike action in the face of arbitrary prohibitive orders by the Govt, illegalising the strike. The Railway strike of 1974, the Port and Dock workers strike in the 1970s and in 2000 and the Telecom strike and Postal employees strike in the 1990s were examples of such assertion of right to strike by the concerned workers braving prohibitive orders and accompanying atrocities. This right is organically linked with the right to collective bargaining and will continue to remain an inalienable part of various modes of response/expression by the working people, wherever the employer-employee relationship exists, whether recognised or not. The apex court failed to comprehend this very dynamics of the evolution of the right to strike.

The judgment has commented that "Strike as a weapon is mostly misused which results in chaos and total maladministration." Is this a fact? The right to strike is always exercised by the workers and their unions as a last resort, after exhausting all other avenues of grievance-redressal. It is not a pleasure or fun for the workers to go for strike, as even if the demand is achieved through strike, the workers lose their wages. Strike had always been a response or reaction by the employees under compulsion and never a causing incident. Hence the onus of the disadvantages, inconveniences, if any, of the consumers and the

common people, because of the strike, lies only on the concerned authorities, their irresponsible arrogance and rigidities.

The apex court also made too generalised a comment that through strikes, the employees are holding the society to ransom. The fact is just otherwise. The man days lost due to strikes have gone down substantially during last five years in the face of steep rise in the man days lost due to lock-outs, and those due to closures and lay-offs are additional bonus points, as reflected in the Annual Report of the Union Labour Ministry (2002-03). The apex court preferred to overlook the recent strike by the business class against the value added tax and also the transport companies strike against the judicial directive on usage of non-polluting fuel which created much more chaos and inconvenience. Should not the Apex Court consider banning closures, lock-outs and muscle-flexing by the business class etc which not only put people to inconvenience but also throw the workers, who are also part of the people, into starvation ?

* * * * *

The judgment of the Supreme Court is no doubt shocking, but not surprising. As we have noted earlier, the present judgment reflected the ethos of liberalisation and market driven philosophy of the ruling class. This is not surprising because this has reaffirmed the time tested truth that the judiciary is one of instruments of "State" and also that all the instruments of "State" ultimately converge in upholding the interest of the ruling class to perpetuate their class rule. To quote from Lenin, "The State is an organ of class rule, an organ of the oppression of one class by another." (State & Revolution)

Most of the workers related judgments of the apex court during the post liberalisation period are testimony to this. The judgment upholding the Kerala High court's banning of so called "forcible Bandhs", the SC judgment nullifying its own earlier judgment in the Air India case on contract labour, its refusal to intervene against the retrograde move of privatisation of profit making companies by the Govt on technical grounds and upholding the BALCO sell-off are some of the examples of the attitudinal change in the highest judiciary in line with the ethos of the neo liberal policy

paradigm on all such peoples related matters which stand in direct antagonism with the interest of capital and the ruling class. The judgment upholding BALCO-sell-off has been delivered within three months, whereas, in the employees' pension scheme case, judgment has not yet been pronounced even after more than two years since the hearing was completed.

It should not, of course, be lost sight of that during the pre-liberalisation decades there had been many land-mark judgments by the apex court and also by different levels of judiciary which, to a considerable extent upheld the rights of workers and common people. During the same period, there had been some good intentioned enactments as well, which, despite many limitations and loopholes, recognised the need for greater equity. Such developments were the reflection of the kind of welfare approach that was sought to be accommodated within the framework of the capitalist path of development pursued by the-then ruling polity. The prevalence of strong socialist camp in the world scenario had been one of the important factors which had its direct and indirect impact in moderating to some extent, the offensive of the forces of capital in the developing economies including in India. All these have resulted in some instances of positive response of the ruling polity and various organs of the State to the popular opinions demonstrated by mounting struggle of the working class and mass of the people during that period.

But that had been a temporary phenomenon, and that has to be so. To quote again from Lenin's writing on the character of "State"-where he referred to Engels saying, "The modern representative State is an instrument of exploitation of wage labour by capital. By way of exception however, periods occur, in which the warring classes balance each other so nearly, that the state power as ostensible mediator, acquires for the moment, a certain degree of independence of both." The role of various instruments of State in the pre-liberalisation period, particularly since the seventies and early eighties displayed in certain cases and in varying degrees such temporary exceptions owing to various factors indicated in the earlier paragraph.

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CITU GENERAL COUNCIL CALL:

DEFEND RIGHT TO STRIKE, INTENSIFY STRUGGLES!

W R Varada Rajan

Addressing the huge rally at the end of a four-day session of the CITU General Council, held at Cuttack on 24-27 July, 2003, M.K.Pandhe called upon the working class of the country to stoutly defend their right to strike, from whichever quarters encroachments and impediments might be imposed. He also announced a series of programme of intensified actions, carrying further forward the process of countrywide resistance to the policies of imperialist globalisation and attack on labour rights, vigorously pursued by the BJP led NDA government at the centre.

Lambodar Nayak, President of the Orissa CITU, presided over the mass meeting inside the Jawaharlal Nehru indoor stadium, where several thousands of men and women from across the State converged after a colourful procession. Janardan Pati, Vice-President, Bishnu Mohanty, General Secretary of Orissa CITU, K. Hemalata, Secretary, CITU and Sivaji Patnaik, veteran leader of the working class of Orissa, were among the others, who addressed the meeting.

TN GOVT FLAYED

The General Council, meeting in the background of the atrocious attack unleashed by the Jayalalitha government in Tamil Nadu against the 13 lakh employees and teachers, who embarked on an indefinite strike

from 2nd July, called for countrywide powerful massive demonstrations to be held at state/district headquarters on 13th August 2003. Protest telegrams would also be sent by all CITU unions throughout the country to the Tamil Nadu chief minister.

In a separate resolution against the Tamil Nadu government's draconian measures, the CITU, session unequivocally condemned the Tamil Nadu Government, headed by the AIADMK Chief Minister J. Jayalalitha, for the draconian measures resorted to against the employees and teachers during their recent statewide strike.

The Tamil Nadu Government had armed itself with a draconian Tamil Nadu Essential Services Maintenance Act (TESMA) 2002 and invoked its stringent provisions to detain over 2300 leaders of the staff and teachers' unions, at midnight on 30th June, 2003. The employees were protesting against downsizing and drastic curtailment of pension and other benefits. The Government then came up with an ordinance giving itself the summary power of dismissal en masse, Summary dismissal, without even giving individual notices, of over 2 lakh employees, was resorted to in a brazen display of authoritarianism.

The refusal of the Tamil Nadu Government to permit the

employees to report back to work and the arrogant attitude towards the plea for restoration of normalcy by engaging the unions in talks, all smacked of a high and mighty stance.

AN OMINOUS PORTENT

In this situation the pronouncements of the Supreme Court Bench on Tamil Nadu Government employees' strike, as reported in the media, had come as a rude shock, inasmuch as they tantamount to deprive the workers of the country of their basic democratic rights. By choosing to term 'strike' as 'the most misused weapon', the Supreme Court had ignored the ground realities that in the post liberalisation years, it is the employer class in India which had gone on offensive against the workers, as revealed by the overwhelmingly large number of man days lost due to lay offs, lock-outs and closures as against those due to strikes. The CITU asserted that India is a democracy, where right to association is fundamental, which also presupposes right to bargain and the right to strike, in cases where scope for fair bargain are arbitrarily shut. The apex Court had proceeded on a premise that administration in Tamil Nadu, as also elsewhere, suffered only when employees resorted to strike and not otherwise. The terms set out by the Court for reinstatement of the 2-lakh or so employees,

ELEVENTH CONFERENCE OF CITU

The 11th all India conference of the CITU will be held from 9th to 13th December 2003 at Chennai. The General Council discussed in depth on certain important issues relating to holding of the conference and decided as under:

An amendment to the CITU constitution will be proposed to provide for holding of "at least one meeting of General Council and one meeting of the Working Committee in a year."

The delegation to the conference shall be decided at the rate of 1 delegate per every 1500 members or part thereof (as against one for 1250 members, the norm adopted for the 10th Conference).

As regards the representation of women workers in the delegation, a minimum percentage of 15 should be prescribed for all States; in States where the membership of women is more than 15%, it should be raised to 20 per cent.

State Committees should also ensure that the delegation to the all India Conference has a proper mix of whole timers and actual workers.

The size of the CITU Secretariat, Working Committee and General Council to be elected in the All India conference should be as under:

- Office-bearers: to be decided afterwards
- Working Committee: 125 + Office-bearers
- General Council: 300 + Working Committee

The representatives from each State in these Committees can be decided on the basis of membership strength proportionately. Also, we have to ensure that the Working Committee will have representations from all the States.

The number of delegates to the Conference and the distribution of seats in the Working Committee/General Council shall be decided on the basis of submission of annual returns and affiliation fees to the CITU centre completed latest by 15th September, 2003.

The CITU Centre has decided a time-frame for preparation and finalisation of the Conference documents so that they can be sent to the State Committees latest by first week of November, for translation into local languages and circulation to the delegates.

Serious efforts will be made for making arrangements for simultaneous translation in Hindi, Bengali, Malayalam, Tamil and Telugu. Technical aspects of such arrangements, including the cost factors, should be examined in depth by the CITU Secretariat.

There will be Commission discussions on six subjects. The CITU Secretariat will finalize the subjects. The General Council appointed a Resolutions Committee of the 11th Conference of CITU comprising Tapan Sen (Convener), K N Ravindranath, Shyamal Chakraborty, AK Padmanabhan and Ch. Narasingha Rao. Delegates should send written amendments to the resolutions, if required, within a specified time in the conference, without waiting for their placement.

During the run up to the all India Conference, countrywide campaigns by way of 'jathas' will be conducted and the CITU centre will plan and coordinate these 'jathas'.

The delegate fees will be Rs. 600/- per delegate for the 11th Conference of CITU.

WORKING WOMEN

The seventh all India Conference of the All India Coordination Committee of Working Women will be held at Mumbai in October 2003. The total number of delegates will be 250 from outside Maharashtra. All the State Committees of CITU should ensure that the delegates are sent as per the quota. The delegate fees will be Rs. 200 per delegate.

All the State Committees should also hold their State level Conference/Convention of Working Women prior to the All India Conference - preferably prior to the CITU State Conferences - and form State level Coordination Committees.

summarily dismissed by the Government in terms of the obnoxious TESMO, had imposed humiliating conditions, which no civil society can countenance. By projecting the Jayalalitha regime's dealing with the strike as a laudable example for the rest of the country and those in governance, the judiciary had trampled under foot the hard earned rights of the workers, including those employed in public services. The CITU regretted that the apex Court had failed to take note of the stark reality that the employees were lodging their protest over arbitrary encroachments into their pensionary and other benefits. The CITU held that the judicial pronouncements in the instant case were synonymous with the 'hire and fire' regime, which has been the clamour of the employers. The CITU declared that the workers would refuse to silently suffer any intervention in the exercise of their democratic

rights and re-assert their right to strike work, whenever the situation warranted. The resolution once again called upon the trade unions and workers, throughout the country, to rally in support of Tamil Nadu Government employees and defeat the atrocious onslaughts unleashed by the Jayalalitha regime there.

Though, on a review petition, the Supreme Court had directed the State Government to reinstate the dismissed employees, at least in part, its verdict constituted an ominous portent not only for the trade unions and labour rights but also for the democratic rights and institutions as well. It is pertinent to note that the State Government was still dilly dallying in implementing the direction, reflecting its vindictive designs.

The CITU, jointly with all central trade unions, will also take initiative to organise a national convention on the right to strike.

ANTI-GLOBALISATION STRUGGLE

The CITU session, after an in-depth review of the May 21 all India strike, decided to launch a vigorous campaign against globalisation and in pursuit of the eight point demands of the entire trade union movement, to culminate a massive countrywide demonstration on 9th Sep 2003, the date of the Cancun WTO ministerial meeting. Efforts will also be taken to evolve joint programmes under the aegis of the sponsoring committee of trade unions and the NPMO, towards higher and long drawn struggles.

The CITU identifies the priority areas, where concerted efforts would be made to coordinate the struggles in the following sectors: energy sector comprising coal mining, oil and natural gas industries and power sector; financial sector comprising banking, insurance and other financial institutions in public and private Sectors; transport sector comprising water transport, airlines, railways and road transport; communication sector comprising tele-communication and postal Services and the unorganised sector

The entire action committee of NALCO unions arrived at the venue of the CITU General Council and Sivaji Patnaik introduced them to the meeting amid thunderous cheers. M K Pandhe greeted them on behalf of CITU and pledged unstinted support of CITU to the struggle against privatisation of NALCO. Lalit Patnaik, Chairman of the

MEETING OF REPRESENTATIVES OF HINDI SPEAKING STATES

A meeting of the representatives of the CITU State Committees in the Hindi speaking regions is being held at 10 a.m. on Tuesday the 7th September, 2003, at the B.T.Ranadive Bhawan, 13 A, Rouse Avenue, New Delhi 110 002. The meeting will discuss the following:

- ◆ Organisational situation and activities in the Hindi speaking States
- ◆ Tasks decided by the CITU General Council at its meeting in Cuttak on 24-27 July, 2003
- ◆ Coordinating the jathas to be organised in connection with the 11th all India Conference of CITU

The President and General Secretary of all the State Committees in the Hindi speaking regions have been requested to attend this meeting without fail.

Action Committee thanked the CITU for the support and solidarity extended to the struggles of Nalco workers and officers.

The highlight of the four day session of the CITU was a self critical debate over "combating the offensive of communalism" in the backdrop of the frenzied attempts by the fascistic sangh parivar. The discussion paper, presented by Kanai Banerjee, dealt in detail the disastrous role being played by the communal forces in the country to divide the people of the country, engineer communal riots leading to huge loss of lives, first to gain the political power and then to consolidate it. It also dealt on the socio-political and economic background in which the communal forces had been raising their ugly head. The communal outfits are a palpable threat not only to the unity of the people, the working class and the entire democratic system as such but also for the secular fabric of the Indian society and thus for the integrity of the multi-religious country like ours. The CITU deliberated on the ways to effectively counter this offensive, with emphasis on the urgent need to intensify educative campaign among the mass of the workers.

Sukomal Sen, General Secretary, AISGEF and VAN Namboodiri, General Secretary, BSNL Employees Union, Sudhir Kumar, president, FMRAI and S K Dhar, Secretary General, All India Loco Running Staff Association, addressed the meeting.

At the commencement of the

session, E Balanandan hoisted the CITU flag and also delivered the presidential address. In his address, Balanandan dealt with the imperialist designs in the aftermath of the Iraq war and called upon the CITU cadre to heighten the anti-imperialist campaign and struggle in the country. He also presented a detailed analysis of the world economic situation today, pointing to the surging tides of resistance to neo-liberal globalisation throughout the world.

The meeting also deliberated on the World Social Forum, 2004, being organised at Mumbai from 16th to 21st January, 2004 and called upon the State Committees and affiliated unions of the CITU to actively involve in building up the WSF process throughout the country, to strengthen the fight against imperialist globalisation, communalism, religious fanaticism and sectarian violence, casteism, racism, work and descent based discriminations and exclusions and patriarchy and for world peace. The CITU had, jointly with the other central trade unions, initiated broad based consultations for holding sectoral events like seminars, workshops and conferences on the theme of work and world of labour during the WSF 2004.

Samar Mukherjee, Vice President, released the special souvenir of "Shramik Ekta", the Orissa journal of the CITU State Committee. Md. Amin, Vice President, CITU, who is also the Labour Minister of the Left Front government in West Bengal,

delivered the concluding address.

A cheque for Rs. One lakh was presented on behalf of the West Bengal CITU for assistance to the family of the martyr Ashoke Kumar, leader of the hydel project workers in Himachal Pradesh, who was killed last month by the gangsters engaged by the employer, and also for the relief of the families of the workers who were killed in the recent cloud-burst in the state. 77 new unions with a total membership of 19543 were granted affiliation by the General Council.

(SUPREME COURT cont. from page 2)

fundamental right to strike," that there is no constitutionally guaranteed right to "effective collective bargaining," that strikes cannot be justified "in the present-day situation" either for a "just or unjust cause," and that the strike weapon "does more harm than any justice." If these quotations were to match the ground reality, then India in 2003 could not claim to be a democracy with any kind of regard for its working people. It would be an authoritarian state. Undoing the damage done by the Supreme Court's observations in the Tamil Nadu case is the challenge before democratic, political India and it is heartening that the Attorney General has shown the way.

(Editorial in 'The Hindu', dated 13 August, 2003)

We reproduce hereunder extensive extracts from the judgement delivered on the 6th August, 2003, by Justices B.Shah and A.R.Lakshmanan in the Civil Appeal No. 5556 of 2003 filed by T.KRangarajan (Appellant) v. Government of Tamil Nadu and Others (Respondents) along with Writ Petition Nos. 298, 308 and 330/2003 and Civil Appeal Nos. 5559 and 5558 of 2003. The judgement had evoked vociferous protest from all sections of the trade union and democratic movement. - Editor)

SUPREME COURT JUDGMENT

"Leave granted.

Unprecedented action of the Tamil Nadu Government terminating the services of all employees who have resorted to strike for their demands was challenged before the High Court of Madras by filing writ petitions under Articles 226/227 of the Constitution. Learned Single Judge by interim order inter alia directed the State Government that suspension and dismissal of employees without conducting any enquiry be kept in abeyance until further orders and such employees be directed to resume duty. That interim order was challenged by the State Government by filing writ appeals. On behalf of Government employees, writ petitions were filed challenging the validity of the Tamil Nadu Essential Services Maintenance Act, 2002 and also the Tamil Nadu Ordinance No.3 of 2003.

The Division Bench of the High Court set aside the interim order and arrived at the conclusion that without exhausting the alternative remedy of approaching the Administrative Tribunal, writ petitions were not maintainable. It was pointed out to the Court that the total detentions were 2211, out of which 74 were ladies and only 165 male and 7 female personnel have so far been enlarged on bail, which reveals pathetic condition of the arrestees. The arrestees were mainly clerks and subordinate staff. The Court, therefore, directed that those who were arrested and lodged in jails be released on bail. That order is challenged by filing these appeals. For the same reliefs, writ petitions under Article 32 are also filed.

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There cannot be any doubt that the aforesaid judgement of larger Bench is binding on this court and we respectfully agree with the same. However, in a case like this, if thousands of employees are directed to approach the Administrative Tribunal, the Tribunal would not be in a position to render justice to the cause. Hence, as stated earlier because of very very exceptional circumstance that arose in the present case, there was no justifiable reason for the High Court not to entertain the petitions on the ground of alternative remedy provided under the stature.

Now coming to the question of right to strike - whether fundamental, statutory or equitable/moral right - in our view, no such right exists with the government employees.

A) There is no fundamental right to go on strike

Law on this subject is well settled and it has been repeatedly held by this Court that the employees have no fundamental right to resort to strike. In Kameshwar Prasad and others v. State of Bihar and another (1962) Suppl.3 SCR 369) this Court (C.B) held that the rule in so far as it prohibited strikes was valid since there is no fundamental right to resort to strike.

In Radhey Shyam Sharma v. the Post Master General Central Circle, Nagpur [(1964) 7 SCR 403], the employees of Post and Telegraph Department of the Government went on strike from the midnight of July 11, 1960 throughout India and petitioner was on duty on that day. As he went on strike, in the departmental enquiry penalty was imposed upon him. That was challenged before this Court. In that

context, it was contended that Sections 3, 4 and 5 of the Essential Services Maintenance Ordinance No.1 of 1960 were violative of fundamental rights guaranteed by clauses (a) and (b) of Article 19(1) of the Constitution. The Court (C.B) considered the Ordinance and held that Sections 3,4 and 5 of the said Ordinance did not violate the fundamental rights enshrined in Article 19(1) (a) and (b) of the Constitution. The Court further held that a perusal of Article 19(1) (a) shows that there is no fundamental right to strike and all that the Ordinance provided was with respect to any illegal strike. For this purpose, the Court relied upon the earlier decision in All India Bank Employees' Association v. National Industrial Tribunal & others [(1962) 3 SCR 269] wherein the Court (C.B) specifically held that even very liberal interpretation of sub-clause (C) of Clause (1) of Article 19 cannot lead to the conclusions that trade unions have a guaranteed right to an effective collective bargaining or strike either as part of collective bargaining or otherwise.

In Ex-Capt. Harish Uppal v. Union of India and Another [(2003) 2 SCC 45], the Court (C.B) held that lawyers have no right to go on strike or give a call for boycott and even they cannot go on a token strike. The Court has specifically observed that for just or unjust cause, strike cannot be justified in the present-day situation. Take strike in any field, it can be easily realised that the weapon does more harm than any justice. Sufferer is the society - public at large.

In Communist Party of India (M) v. Bharat Kumar and others [(1998) 1 SCC 201], a three judge bench of this Court approved the Full Bench decision of the Kerala High Court by holding thus: -

".....There cannot be any doubt that the fundamental rights of the people as a whole cannot be subservient to the claim of fundamental right of an individual or only a section of the people. It is on the basis of this distinction that the High Court has rightly concluded that there cannot be any right to call or enforce a "Bandh", which interferes with the exercise of the fundamental freedoms of other citizens, in addition to causing national loss in many ways. We may also add that the reasoning given by the High Court particularly those in paragraphs 12, 13 and 17 for the ultimate conclusion and directions in paragraph 18 is correct with which we are in agreement."

The relevant paragraph 17 of Kerala High Court judgement reads as under:

"17. No political party or organization can claim that it is entitled to paralyse the industry and commerce in the entire State or nation and is entitled to prevent the citizens not in sympathy with its viewpoints, from exercising their fundamental rights or from performing their duties for their own benefit or for the benefit of the State or the nation. Such a claim would be unreasonable and could not be accepted as legitimate exercise of a fundamental right by a political party or those comprising it."

B) There is no legal/statutory right to go on strike

There is no statutory provision empowering the employees to go on strike.

Further, there is prohibition to go on strike under the Tamil Nadu Government Servants Conduct Rules, 1973 (hereinafter referred to as "the Conduct Rules"). Rule 22 provides that "no Government servant shall engage himself in strike or in incitements thereto or to similar activities." Explanation to the said provision explains the term 'similar activities'. It states that "for the purpose of this rule the expression 'similar activities' shall be deemed to include the absence from work or neglect of duties without permission and with the object of compelling something to be done by his superior officers or the Government or any demonstrative fast usually called "hunger strike" for similar purpose. Rule 22 A provides that "no Government servant shall conduct any procession or hold or address any meeting in any part of any open ground adjoining any Government office or inside any office premises - (a) during office hours on any working day; and (b) outside office hours or on holidays save with the prior permission of the head of the Department or head of office, as the case may be.

C) There is no moral or equitable justification to go on strike

Apart from statutory rights, Government employees cannot claim that they can take the society at ransom by going on strike. Even if there is injustice to some extent, as presumed by such employees, in a democratic welfare state, they have to resort to the machinery provided under different statutory provisions for redressal of their grievances. Strike as a weapon is mostly misused which results in chaos and total maladministration. Strike affects the society as a whole and particularly when two lakh employees go on strike en masse the entire administration comes to a grinding halt. In the case of strike by a teacher, entire educational system suffers; many students are prevented from appearing in their exams which ultimately affect their whole career. In case of strike by doctors, innocent patients suffer; in case of strike by employees of transport services, entire movement of the society comes to a standstill; business is adversely affected and number of persons find it difficult to attend to their work, to move from one place to another or one city to another. On occasions, public properties are destroyed or damaged and finally this creates bitterness among public against those who are on strike.

Further, Mr K K Venugopal, learned senior counsel appearing for the State of Tamil Nadu also submitted that there are about 12 lacs Government employees in the State. Out of the total income from direct tax, approximately 90% of the amount is spent on the salary of the employees. Therefore, he rightly submits that in a society where there is a large scale unemployment and number of qualified persons are eagerly waiting for employment in Government Departments or in public sector undertakings strikes cannot be justified on any equitable ground.

We agree with the said submission. In the prevailing situation, apart from being conscious of rights, we have to be fully aware of our duties, responsibilities and effective methods for discharging the same. For redressing their grievances, instead of going on strike, if employees do some more work honestly, diligently and efficiently, such gesture would not only be appreciated by the authority but also by people at large. The reason being in a democracy even though they are Government employees, they are part and parcel of governing body and owe duty to the society.

We also agree that misconduct by the government employees is required to be dealt with in accordance with law. However, considering the gravity of the situation and the fact that on occasion, even if the employees are not prepared to agree with what is contended by some leaders who encourage the strikes, they are forced to go on strikes for reasons beyond their control. Therefore, even though the provisions of the Act and the Rules are to be enforced, they are to be enforced after taking into consideration the situation and the capacity of the employees to resist. On occasion, there is tendency or compulsion to blindly follow the others. In this view of the matter, we had suggested to the learned senior counsel Mr Venugopal that employees who went on strike may be reinstated in service and that suggestion was accepted by Mr Venugopal after obtaining instructions from the State Government.

X X X

"6. The following details are submitted for reference of this Hon'ble Court:

1.	Total number of government servants dismissed as per Section 7 of TESMA and teachers of Aided Colleges suspended	1,70,241
2.	Total number of reinstated so far, as per the Statement made before this Hon'ble Court	1,56,106
3.	Number of employees and teachers not reinstated	14,135

CATEGORIES OF EMPLOYEES AND GOVERNMENT TEACHERS WHO CANNOT CLAIM A RIGHT TO BE REINSTATED

(a)	Government servants arrested	2,211
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(b)	Secretariat staff for the reasons mentioned earlier	2,215
(c)	Officers holding higher position	534
(d)	Government servants (other than the Secretariat staff) involved in offences Under section 5 or Section 5 read with Section 4 of TESMA	1,112
	Total number of persons who cannot Claim a right to be reinstated	6,072
	REMAINING NUMBER OF EMPLOYEES WHOM THE STATE GOVERNMENT IS WILLING TO REINSTATE"	8,063

For the categories (b) and (c) i.e. Secretariat staff of 2215 and 534 officers holding higher positions, it is agreed and made clear that they would be treated as suspended instead of dismissed. Remaining 8063 employees, as stated above, will be reinstated in service (w.e.f 25th July 2003) on their tendering unconditional apology for resorting to strike and also an undertaking to abide by Rule 22 of Conduct Rules in future. He further makes a statement that with regard to the representations which are made or are to be made by the employees who are in category (a), (b), (c) and (d), the same would be considered by three retired High Court judges to be named by the Chief Justice of the High Court of Madras. Each judge would decide approximately representations of 2000 employees within a period of one month or thereabout from the date of allocation of representations. For this purpose, a convenient place for their office work and the secretarial staff would be made available to all the three Judges by the State Government within a period of seven days from today without fail. The concerned judges would decide the representation of the employees without taking into consideration Section 7 of the Ordinance and as far as possible in accordance with the Conduct Rules and equity, Retired Judges to be paid honorarium at the rate of Rs 50,000/- per month. All the three judges are requested to evolve a common procedure for disposing of the representations. The decision of the Judge on the representation would be binding to the State Government and the State Government would act in accordance with the same. However, if any of the employees is aggrieved, it would be open to such employee to challenge, the same before an appropriate forum.

Finally, it is made clear that employees who are re-instated in service would take care in future in maintaining discipline as there is no question of having any fundamental, legal or equitable right to go on strike. The employees have to adopt other alternative methods for redressal of their grievances. For those employees who are not reinstated in service on the ground that FIRs are lodged against them or after holding any departmental enquiry penalty is imposed, it would be open to them to challenge the same before the Administrative Tribunal and the Tribunal would pass appropriate order including interim order within a period of two weeks from the date of filing of such application before it. It is unfortunate that the concerned authorities are not making the Administrative Tribunals under the Administrative Tribunal Act, 1985, functional and effective by appointing men of caliber. It is for the High Court to see that if the Administrative Tribunals are not functioning, justice should not be denied to the affected persons. In case, if the Administrative Tribunal is not functioning, it would be open to the employees to approach the High Court.

Lastly, we make it clear that we have not at all dealt with and considered the constitutional validity of Tamil Nadu Essential Services Maintenance Act, 2002 and the Tamil Nadu Ordinance No.3 of 2003 or interpretation of any of the provisions thereof, as the State Government has gracefully agreed to reinstate most of the employees who had gone on strike. For this, we appreciate the efforts made and the reasonable stand taken by the learned Counsel for the parties. Further, we have not dealt with the grievances of the employees against various orders issued by the State Government affecting their service benefits. We hope that Government would try to consider the same appropriately".

Judicial Corruption and Judicial Accountability

Ardhendu Dakshi

New Delhi witnessed a remarkable happening on 2nd August 2003, at the Aga Khan Hall near Supreme Court where most eminent people from all walks of life assembled and deliberated upon a dangerous trend in our society, that is judicial corruption and (lack of) judicial accountability.

The real nature of danger can hardly be underestimated.

The convention at Aga Khan Hall has brought out some uncouth facts about a part of the judiciary before the public. We are obviously more "illuminated" about, regrettably, the darker side of judiciary, at least, a section of it, when other two pillars of governance were crumbling down. One of the two resolutions adopted in the convention reads like this: "The successive string of events have shown that the judicial system has virtually collapsed and is incapable of delivering justice to the people. The increasing corruption and other inherent defects have put the seekers of justice in a highly vulnerable position they being pitted against a highly inefficient and corrupt system".

The corroborative part of the background paper said: "The spate of scams involving some members of the higher judiciary in corruption, bribery, sex, favouritism and abuse of power has again drawn public attention to the long overdue need for reform of judicial system pushing and credibility of the image of the judiciary at an all time low....corruption has increased to alarming levels in the higher judiciary. This was clearly expected in a situation where the higher judiciary enjoys enormous powers without any accountability whatsoever."

P B Sawant, ex-justice Supreme Court, inaugurated the convention, which was presided over by Hardev Singh, senior advocate. The galaxy of speakers were Shanti Bhusan, senior advocate and former law minister, Somnath Chatterjee M.P, M K Pandhe, General Secretary CITU, Anil Diwan, senior advocate, Prem Shankar Jha, senior journalist, D Raja, Secretary, CPI,

Anderoo Gina, senior advocate, Udit Raj of Justice Party, Kalindi Deshpande of AIDWA. Hashim Abdul Halim also graced the occasion and addressed the gathering as the president of the All India Lawyers Union.

P. B. Sawant, in his inaugural speech gave an illuminating account of the nature and process of degeneration and also suggested remedies to halt the downslide.

He explained that the framers of Constitution never imagined such a situation and therefore left this area to the wisdom of the President of India in consultation with the govt. There is a provision of impeachment but nobody not even Justice V Ramaswamy, who was found guilty of all the corruption charges could be impeached by the Parliament as the Congress party abstained from voting and 2/3 rd majority was not available. That was a black day of our history.

Things went down further in 1991. In Veeraswami's case the Supreme Court had laid down that no FIR can be registered against a judge and no criminal investigation commenced against a judge, without prior consent of the Chief Justice of India.

Naturally, there has been no case against any judge in last 12 years. The BJP govt also is in no hurry to amend the situation. They have proposed a constitutional amendment which is just wishy-washy. It suggests formation of a Judicial Commission, sans any democratic character and transparency. The ailments are too grave to be tackled by such naïve suggestions.

Why do the rulers do so? The background papers said: "All these suit the ruling establishment just fine, since those who have the power of sword or money do not need the courts to get justice."

The Committee on Judicial Accountability (COJA), which was appointed by the Govt. of India, had made a detailed proposal for a high-powered, full time and independent National Judicial Commission (NJC) about a decade back. NJC is to be given power of appointment and also disciplinary powers over the higher judiciary. Such

a valuable suggestion has been thrown to dustbin by the successive Central Governments. This government has placed a Constitution Amendment Bill which has totally watered down the recommendations of COJA.

The first resolution adopted at the demanded:

1) A permanent National Judicial Commission has to be created with proper powers and wider representation. 2) Appointment process to be made transparent and NJC should have the power of removal of the judges. 3) The Veeraswamy judgment must be overruled judicially or legislatively to make way for criminal investigation against judges. 4) Contempt of Court Act to be amended to help to have a free voice against judiciary expressed in good faith and without

malice. 5) The proceedings of the courts should be faithfully recorded electronically. 6) A code of conduct to be framed to set norms for setting limits of time for hearing process and delivery of judgement.

The Second Resolution resolved that building of a wider Movement of Reform in Judicial System be taken up and built throughout the country involving wider sections of the consumers of justice. The convention asserted that "it is only the seekers of justice who have to take up the cudgel in fighting corruption and changing the system to make it pro-people."

A new Sponsoring Committee with wider section of people and activists is in the formation stage.

(Cont. from page 5)

The post liberalisation era and the post Soviet era as well, has taken out the so called welfare veil of post war capitalism. It made the oppressive drive of the forces of capital fiercer with the deepening of the crisis of capitalism signalling terminal recession worldwide. All the previous gains of the so called welfare regime started being taken away by the State under vigorous pursuit of neo liberal policies under imperialist pressure. These include curtailment of subsidies on people and public services, privatisation and commercialisation of public utilities including education and complete deregulation in almost all people related aspects etc. In the face of popular opposition to such measures which sometimes forced retreat by the ruling polity in certain instances, intolerance towards the democratic expressions of the people started surfacing in various forms. And precisely in this background, a vigorous move is afoot from all sides, by all instruments of the State, to completely clip the wings of the working class, the most organised social force and the most disturbing as well to the liberalisers.

Hence the executive wings of the State started sabotaging the enforcement of labour laws, inspections have been discontinued in most of the States, both officially and unofficially; the legislature is complementing the executive by its vigorous drive to change the labour laws in favour of employers, and Second National Commission

on Labour has already drawn the blue print. It recommended "hire and fire", a virtual ban on strike and almost total contractorisation of workforce. The latest Judicial decree to ban strike along with the previous ones on allowing non-regularisation of contract labour despite doing permanent jobs, not allowing back-wages to dismissed workers on reinstatement etc is also converging with the other wings of the State-apparatus to perpetuate and intensify its oppressive class rule of a few on the rest.

What is important to note here, as history taught us, is that the onslaught on the rights of the working class is the prelude to all round offensive on democracy. Already, under the NDA regime, various democratic institutions are being undermined signalling ominous portents. In this background, the manner in which the so called logic of "inconvenience to people" is being sought to be pitted against a basic democratic right, "the right to strike", recognised in all democratic societies, displays a dangerous trend and a particular bent of mind, which can be extended to any extent to deny any democratic rights to any section of people, by pitting one section of people against the other.

The working class has to defend its right to strike by asserting the right more forcefully and unitedly. The democratic movement has also to gauge the danger in right perspective and raise the voice of united resistance against the aggressive misrule of the "State" in its entirety.

DOHA TO CANCUN: WILL INDIA SUCCEED OR SUCCUMB?

It was the ministerial meeting of the World Trade Organization (WTO) in Doha in October 2001, where after all the filibustering the Commerce Minister on the NDA government succumbed to the dictates of the developed countries to launch a new Round! Now a mid term ministerial meeting of WTO is scheduled to be held in Cancun in Mexico on 10th - 14th September 2003. The Doha Round identified the "New Issues" as Investment, Competition Policy, Government Procurement and Trade facilitation. Each of these four "new issues" is detrimental to the interest of developing countries, in general, and India, in particular (see Box).

On the conclusion of the Doha meeting, Government of India had stressed that they have "achieved" postponement of the launch of negotiations on these "new issues" for a two-year period and that the option of preventing an "explicit consensus-decision" to formally launch the negotiations on these issues, was still open. Therefore, the Government now needs to be reminded of their claim and it should be insisted that the government now deliver on its promise by formally blocking the consensus-decision at the ministerial meeting at Cancun.

IMPLEMENTATION ISSUES

It was also claimed that "implementation issues" i.e. the issues, which needed to be addressed to reduce the

inequity and imbalance inflicted on developing countries in the WTO system, would be addressed on a priority basis in the Doha Rounds. These included better access for developing countries for their textile exports, preventing misuse of anti-dumping provisions by developed countries against exports of developing countries, revising/ reinterpreting certain provisions of TRIPS agreement so as to enable better access to and diffusion of technology in developing countries, making dispute settlement and appellate processes in WTO accountable to the legislative organs of WTO etc. None of these has shown much progress so far.

On the question of TRIPS (Trade -Related Intellectual Property Rights) and the flexibility in the interpretation of the provisions of TRIPS (such as compulsory licensing) so as to make it possible for the poor people of developing countries to access the drugs and pharmaceuticals at affordable prices, particularly in case of health problems of urgent and serious nature, the progress has been stalled because of the American insistence on narrowing down of the scope of applicability and also on detailed, case-by-case monitoring of the use of compulsory licensing procedures even in such emergency situations.

On the question of agriculture,

EU has announced that their will be no question of their reducing the subsidies to agriculture until 2006, that is to say, until the end of the Doha round of negotiations. With this, USA can not be expected to reduce their support to agriculture either. Indeed USA has launched a programme of further increase in their support to agriculture. The current order of magnitude of the annual domestic support to agriculture in EU, USA and Japan, taken together, is around 200 to 300 percent of the entire value of our national agricultural output in a year! On the other hand, there are pressures building up that high tariffs on agriculture imports in countries like ours must form the main subject matter of negotiations on agriculture. Because of weak and anti-farmer-stance of the government, we have virtually lost the tool of quantitative restrictions on imports. Now the only remaining tool of protecting our agriculture from unfair import competition viz. tariffs will be sought to be neutralized in the course of the present round of negotiations. And the huge subsidization of agriculture in the developed world will not only continue but escalate in the years to come, with impunity, as most of those subsidies will be treated in WTO as technically "non trade -distorting"!

Another development of concern is that under the on-going negotiations in General Agreement on Trade in Services

(GATS), Government has tabled the sectors of Education and Health for exchange of concessions. It is obvious that neither education nor health can not be treated simply as a tradable service and a mere object of commercial exchange. The opening of these sectors for foreign service-providers is also a questionable proposition. Education can be looked upon as an export-activity for earning foreign exchange. Education is for knowledge creation. It is also for enabling development of independent, critical faculty which will facilitate social change and promote ushering in the transformed "India of our dreams". Similarly the health policy, including the policy on medical education, ought to be governed by our own social

concerns and goals, and not by the lure of foreign exchange earnings through treatment of foreigners in the five-star hospitals or by the sole aim of sending our medical personnel to serve as lower level functionaries doing jobs of drudgery in the hospitals of the rich countries. Therefore, emerging commodification of education and health must be resisted. And to that end, Government must be pressured to withdraw these sectors from negotiations in GATS. A full-fledged discussion in Parliament and State legislatures (these being a concurrent subjects) must take place and their approval must be obtained before any move is made by Government in the multilateral trade negotiations in this regard.

DEVELOPMENT ISSUES

It is ironical that in the Doha Round, which was publicised as the "Development Round", no progress has been achieved on the question of "Special and Differential Treatment" in favour of developing countries, and the whole issue is sought to be linked by developed countries to the progress in the negotiations on issues of interest to them. For all practical purposes such treatment is being reduced to merely allowing a little longer time-frame to developing countries for implementation of the provisions which are, in the first place, loaded against the interests of developing countries. What is worse, this issue is being cleverly manipulated by the developed countries to divide the developing countries. The

"NEW ISSUES" - WHAT IS IN STORE?

A multilateral discipline on "Investment" in WTO will legally tie the hands of all future governments and make it extremely difficult for any government to follow the policy of self-reliance. The interests of foreign investors will override the social priorities such as employment generation, creation of egalitarian society and a balanced regional development.

In the name of a global "Competition Policy" to be laid down by WTO, national governments will be prevented from taking measures to control and direct the activities of multinational corporations in the public interest. Under such a regime, it will not be possible for the national governments to give preference to indigenous firms, small, medium or large.

Even government purchases will be eventually brought under WTO discipline on "Government Procurement", so that no preferential treatment can be extended by the state or central government to indigenous or local firms in regard to such purchases. International suppliers will have the same right as the local suppliers in the matter of making bids for supplies to the governments.

"Trade Facilitation" is a name given to the initiatives of big multinational business-houses in respect of the provisions of GATT on freedom of transit, fees and formalities connected with import and export and publication and administration of trade regulations. This is another exercise to compel developing countries to revise their laws, rules and regulations to bring them in conformity with those of the developed countries and the requirements and convenience of multinational corporations.

Already there are in WTO, codes on customs-valuation and pre-shipment inspection which weaken the regulatory power of governments of developing countries. In the name of trade facilitation, it is intended to further weaken and undermine the ability of national governments to enforce discipline on foreign trade transactions and to prevent mal-practices.

developed countries are arguing that special and differential treatment should only be available to the least developed among developing countries.

All in all, the tall claims made by the apologists of the Doha process to rationalize their buckling-in at Doha, have been proved meaningless.

The experience of two years after Doha meeting only reinforces the conclusion that the developed countries are continuing to use WTO as a powerful instrument to pursue their interests at the expense of developing countries. This is happening because countries like ours have virtually abandoned their role to resist the process and mobilize the support of other developing countries to the common cause. We must recognise and promote the solidarity of the South in WTO. This, the Government of India, has failed to do.

CANCUN MEETING: OUR DEMANDS

Mini ministerial meeting of a selected group of countries are taking place and Government is participating in these meetings. Such meetings have in the past largely tended to divide the developing countries and promote non-transparent decisions essentially furthering the agenda of the rich countries. In WTO forum, no agreed draft declaration has emerged so far. The "skeletal draft" that the WTO secretariat has produced recently is no more than list of issues under negotiations. Now the discussions and negotiations will be resumed

after a fortnight when the Cancun ministerial will be only two weeks away. The indications are that ministers in Cancun will be faced with the task of negotiating the substantive issues conclusively in a week's time, a task that their representatives in WTO could not accomplish in two years. This forebodes non-transparent confabulations, bilateral deals, and arm-twisting of the weak, as happened many times earlier. We need to forewarn the Government that such an outcome will not be acceptable to the people of India.

We demand:

■ Government must not allow the issues of investment; competition policy; government procurement; and trade facilitation to be negotiated in WTO.

■ Government must not put on offer the sectors of such as water, energy, health and education in the on-going negotiations on services.

■ An unprecedented agrarian distress in being experienced in the country. Anti-peasant anti-people policies of Government have engendered the crisis. Exposure of Indian agriculture to the notoriously volatile and highly distorted world agriculture market is aggravating the crisis. The WTO perspective on agriculture and the so-called international discipline that is evolving there on agriculture is totally detrimental to the interest of the vast majority of our small and marginal peasants, the agricultural workers, the rural and urban poor. In these

circumstances, we insist that the Government recognize the crisis situation in agriculture, put an end to their anti-people policies, and, in particular, firmly reclaim and assert our unqualified right to impose quantitative restrictions on imports to promote the development of our agriculture and to safeguard the livelihood of seventy percent of our population.

■ Since the issues now being brought up in WTO negotiations fall within the Concurrent list of our Constitutions, there should be full consultation with the state Governments and no substantive move should be made without such consultation.

■ Above all, the fundamental questions such as employment prospects, food security, the safeguarding of the livelihood of the overwhelming majority of our people, the provision of basic services and infrastructure and the federal spirit of our polity are involved, there can be no question of such negotiations being carried on without taking Parliament into confidence and without its explicit approval of the Government stand. If that necessitates Constitutional amendment, it must be brought about.

(From the 'Declaration' adopted by the WTO VIRODHI BHARATIYA JAN ABHIYAN (IPCWTO: Indian People's Campaign Against WTO) at the two day Convention on 7th and 8th August 2003 at Constitution Club, in New Delhi).

NULLIFY THIS ANTI-PEOPLE JUDGEMENT

Mr. Speaker Sir, it is a very important issue, and I am sure the entire democratic people of this country are greatly disturbed because of the recent decision of the Supreme Court of banning strikes, in so far as the Government circles are concerned.

After 56 years of Independence, if we find that our Government employees have become slave labour, we cannot accept that position at all. In a country where there is a rule of law, there are fundamental rights and directive principles, which recognise the right of the working-class — They have the right to enjoy not only the fruits of their labour, but also minimum human rights as Government employees, as citizens of India — that right is sought to be taken away by a judgment where it has been said that it disturbs the life of this country. So many issues are disturbing the life of this country. So many cases are pending in the courts. Does it not disturb the conscience of the court? So many people are not getting justice. Thousands and thousands of cases are pending before the Labour Courts and Tribunals, and pension cases are pending for years together. People do not get any quick relief in cases of wrongful dismissal. All those matters are not being taken into consideration.

Nobody is thinking as to why these two lakh plus people went on strike in Tamil Nadu. How is it being controlled? It is being controlled not by ordinary laws of the land, not by the Industrial Disputes Act, not by application of the Government Servants' Rules, but by application of a draconian black law like ESMA.

This is nothing but a negation of the fundamental and ordinary legal rights of the citizens of this country. We cannot barter away that right. This can never happen in this country. ... (Interruptions) Today, we have passed jointly two Constitution Amendment Bills. Let the Government bring a Constitution Amendment Bill to make it a fundamental right of the citizens of this country. We cannot barter away that right. I have requested Shri Advani, who has been kind enough to wait

here, that the Government should make its position clear. Let him announce today that the Government will bring a Constitution Amendment Bill to make 'right to strike' a fundamental right.

I am not advocating strike on any and every occasion. What we say is that strike is a very important weapon which should be resorted to at the last moment, if all other avenues are closed. What other avenues are open, nobody has said that. I would like to ask very respectfully the hon. Supreme Court to find out what is the Government's response and what is the remedy opened to a Government Servant. There is a provision that if the service rules have been violated, they should have been proceeded against under the service rules. The Supreme Court said that the employees should go to a Tribunal in regard to violation of service rules. I would like to know to which Tribunal the people should go. Which Tribunal will give justice to them? These issues were not considered at all. I do not know as to why the Government of India did not intervene in this matter. They should have intervened in the Supreme Court. I do not remember whether I have seen it or not. They should have done that. This is an issue which is affecting the basic rights of the people of this country.

I am very sorry that our Prime Minister is not very well. We wish him a very speedy recovery. Therefore, I request Shri Advani, the Deputy Prime Minister, who is here, to say as to what is the Government's attitude on this. We demand that immediate action should be taken to nullify this anti-people judgment of the Supreme Court. There was no response from the Dy.P.M. But, the Speaker remarked that the workers, who are not equal, will not be able to protect their interests in all cases without resorting to striking and that right should not be denied to them. He added: "The Court has given this verdict. It can be reconsidered and revised also as it is done in many other cases. This issue, certainly, can and should be considered.

WORLD SOCIAL FORUM COMES TO INDIA

BACKGROUND

The World Social Forum developed as a response of the growing international movement to neo-liberal economic policies being pursued in most countries and capitalist led globalisation. The World Social Forum was conceived as an international forum against neo-liberal policies and capitalist led globalisation built around the slogan: "Another World Is Possible". It seeks to provide a space for discussing alternatives, for exchanging experiences and for strengthening alliances between social movements, unions of the working people and NGOs. The first WSF was held in January, 2001, in the city of Porto Alegre, Brazil. It was timed to coincide with the holding of the World Economic Forum, an exclusive club of MNCs by corporates in Davos, Switzerland. The WSF was thus seen also seen as a counterweight to the options proposed by the World Economic Forum.

The World Social Forum is not an organisation, not a united front platform, but "...an open meeting place for reflective thinking, democratic debate of ideas, formulation of proposals, free exchange of experiences and inter-linking for effective action, by groups and movements of civil society that are opposed to neo-liberalism and domination of the world by capital and any form of imperialism.

The basis of the World Social Forum is anti-imperialism, anti neo-liberalism, and the conviction that 'another world is possible'.

WSF PROCESS IN INDIA

The second WSF held in Jan/Feb. 2002. By then, the International Committee of the World Social Forum and the Brazil Organising Committee decided that from 2002 onwards, the annual global WSF meeting be accompanied by regional, continental, and/or thematic Forums across the globe. In India, many groups and movements that are opposed to neo-liberalism and imperialism got together to initiate the WSF process. Later, it was decided to organise an Asian regional forum in India, rather than a national forum.

The Asia Social Forum (ASF) held in Hyderabad,

Andhra Pradesh from 2nd to 7th January, 2003 with the theme, "Another Asia is Possible" was a six-day open rendezvous for people's movements to come together to challenge imperialist globalisation, communalism and war and come up with a diverse, genuinely democratic and socially just alternatives.

The ASF was participated in all by 14,426 delegates, including 780 foreigners from 840 organisations. Apart from the opening and closing plenary, eight conferences, 160 seminars and 164 workshops deliberated on various themes.

Several central trade unions and national federations actively participated in all the events of the ASF, besides organising six seminars, facilitated by the Centre for Education and Communication.

WSF 2004 IN INDIA

During the third annual edition of the World Social Forum was held in Porto Alegre from the 23rd to the 28th of January, 2003, a proposal was mooted to hold the World Social Forum, 2004 in India by the International Committee (IC). The IC also decided that the WSF will not be tied to the dates of the World Economic Forum in Davos. In the case the two events happen in different dates, on the occasion of the Davos Forum the WSF organisations will hold worldwide manifestations against the war.

After a series of consultation meetings, it has since been decided to hold the WSF 2004 in India from the 16th to 21st January, 2004 and the venue will be Mumbai. A three tier organisational structure has been decided upon. The WSF India General Council is the first tier comprising all organisations, which agree with the WSF Charter of Principle and contribute a minimum of Rs. 5000 to the solidarity fund. The WSF India Working Committee (IWC) and WSF India Organising Committee (IOC) constitute the second and third tiers. All the mass organisations joining the WSF India process will have one nominee each of theirs in the India General Council.

Besides the above, there is a Mumbai Organising Committee, which is a support group working along

with the members of the India Organising Committee based at Mumbai.

The WSF India is preparing not only to hold the World Social Forum 2004 in Mumbai in January next but also initiate State level and sectoral processes to bring together all those who are keen on broad basing the struggle against imperialist globalisation.

The Programme group is working on the thematic areas for the WSF 2004, keeping the Asian context in view, which includes all the aspects of Political Economy, Society, Education, Art, Culture, Ecology, Gender Dimension, Democracy, Human Rights, Sovereignty vis-a-vis Imperialism, Universal Access vis-a-vis Commercialisation etc. In short, the indicative themes will be exploring the visions of another world and ways to make it possible.

Consultations are also on between different mass organisations and social movements in different sectors. For instance, the trade unions are planning to come together to organise several activities under the caption 'Labour in WSF 2004'. The broad theme for organising trade union

related activities as a part of the WSF 2004 is being worked around "Work and the World of Labour: Freedom, Equality and Labour Rights; Discriminations and Exclusions; Full Employment, Living Wage and Social Security".

With over one lakh delegates from within and outside India likely to converge in Mumbai for the WSF 2004, January next will mark yet another milestone in the search for people centric alternatives to imperialist globalisation!

The recently concluded meeting of the CITU General Council at Cuttack had noted: "The CITU is actively associating with the WSF process in India. Maharashtra CITU will have to take special initiative for organizing the event at Mumbai along with others. Steps are already being taken in that direction and some leading comrades in the State have been identified for being associated in the concerned committees.

The General Council deliberated the issue and decided on the steps to ensure effective participation and mobilisation by the CITU unions in WSF 2004 at Mumbai and related activities in all the States.

Eleventh All India Conference of CITU

RECEPTION COMMITTEE FORMED IN CHENNAI

The eleventh all India conference of CITU is going to be held at Chennai on 9-13 December 2003. Around 2500 delegates from various industries, services and occupations from all over the country will participate in the five-day long conference. Tamilnadu State Committee of CITU have already started preparation for making all arrangements of hosting the conference in a befitting manner.

In a massively attended meeting of workers and people from all walks of life held on 19th August 2003 at Chennai, the Reception Committee for the Conference was formed. J Hemachandran, President, Tamilnadu State CITU presided over the meeting. More than 1600 people attended the meeting. T K Rengarajan, Vice President, CITU and A Soundarajan, General Secretary Tamilnadu State CITU explained in depth the importance of holding the forthcoming conference of CITU and called upon to ensure massive mobilization of workers and common people in the preparation of the conference. Representatives from other mass organizations viz., SFI, DYFI, AIDWA, AIKS, AIEA, BEFI, TNGEA etc also addressed the meeting and assured their cooperation. The Reception Committee was formed with N Sankaraiah, veteran freedom fighter as Chairman, J Hmachandran as Vice Chairman, T K Rengarajan as General Convenor, P M Kumar as Treasurer. Among the patrons to the Reception Committee were N Ram, Editor-in-Chief, The Hindu, R Umanath, Polit Bureau Member CPI-M, Mythili Sivaraman (AIDWA), N Varada Rajan, Secretary, Tamilnadu State CPI-M.

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TAMILNADU CITU HOLDS STATE CONFERENCE

A massive rally of thousands of men and women on 10th August marked the culmination of the Ninth Conference of Tamilnadu CITU, at the historic town of Triunelveli. the conference which began on 7th August. Though mobilisation for the rally was limited to the southern districts (in view of the All India Conference to be held in Chennai, later this year), thousands of women participated in the rally and procession.

The conference began on 7th August with flag hoisting by the state president J. Hemachandran. The venue was named after comrades S.A.Thangarajan and D.Janakiraman, office bearers of the state CITU, who passed away recently. R. Krishnan, Former M.L.A., Chairman of Reception committee, welcoming the delegates, recounted the historic traditions of the town and the district as a whole.

J. Hemachandran, in his presidential address, noted the latest developments in the state including that of the state govt employees struggle. R. Umanath, all India Vice-president of CITU, inaugurated the conference. In his inaugural address he lashed out at the policies of AIADMK Govt. and its undemocratic and authoritarian style of functioning. Referring to the struggle of the State Govt. employees and teachers, he asserted that the

workers will not surrender their hard won rights and under no circumstance will they give away their right to strike.

The conference was attended by M.K. Pandhe, General Secretary, W.R. Varada Rajan, Secretary, S. Veeraiah General Secretary, A.P. State CITU and B. Prasanna Kumar, Secretary, Karnataka state CITU.

At the inaugural session, 31 veteran comrades of the T.U. movements in the State were honoured with presenting of shawls by M.K. Pandhe, R.Umanath and W.R. Varada Rajan. A. K. Padmanabhan introduced them.

Report and Debate

T.K. Rengarajan, General Secretary presented his report, which was circulated to the delegates, one week in advance. He noted the adverse impact of the imperialist driven liberalisation and the way the Govt. of Tamilnadu, has been whole heartedly following the central Govt's policies. He also explained the lessons of various struggles undertaken during the last 34 months, including the 21st May all India strike. He emphasised the importance of organising our independent movement and also the necessity of united movements as well as the necessity of strengthening ideological orientation in our work was also stressed.

The discussion on the report began

after group discussions by delegates. 72 delegates participated in the seven hours long discussion. Representatives of various fraternal organisations of various employees unions and kisan sabha greeted the conference, besides W.R.Varada Rajan, Veeraiah and Prasanna Kumar.

A separate discussion on the holding of the XI th All India Conference was held. A.Soundararajan, Asst. General Secretary explained the tasks ahead. Enthusiastically responding to the call, the Coimbatore West district committee and the Central organisation of T.N. Electricity Employees handed over 1.15 lakhs and Rs. 2 lakhs respectively as the first instalment.

Summing up the discussion, T.K. Rengarajan clarified various issues raised by the delegates. The enthusiastic response and assurances on collections and the suggestions on campaigns were commended by him. The report and the financial statements submitted by the Treasurer (in charge), P.M. Kumar was unanimously adopted.

Out of the 669 elected delegates from the district committees and from state level unions, 655 including 95 women (14.5 %) attended the conference. Among the delegates 480 were workers, and others whole time functionaries, 183 were from

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unorganised sector, 95 were organised sector workers, 91 were office employees. 283 were regular workers, 35 contract workers, 140 daily rated workers. From among the whole-times, 63 had resigned their job, 32 were dismissed, 17 were retired people. 90 comrades had become T.U. whole-timers from other fronts. 271 delegates were attending state conference for the first time. 261 delegates had joined CITU after 1990.

CITU - ILO SCHOOL

As part of the CITU - ILO programme on child labour, two schools are being run in Sivakasi and Kanchipuram.

The children from Sivakasi organised a cultural programme for about one hour on 8th August. The performance thrilled the audience. When it was informed to the audience that help from ILO, would be over by October, delegates and observers have assured to contribute about Rs. 1.5 lakhs to

run both schools.

M. K. Pandhe, General Secretary, in his concluding address greeted the delegates for the successful conclusion of the conference and commended the participants in the discussion. While explaining various features of the present day situation, he underscored the importance of united actions and also the necessity of powerful independent initiatives. He exhorted the delegates to increase the membership to 5 lakhs by the time of next conference. He also called upon the delegates, to actively prepare for the All India Conference and take the message of the conference to every nook and corner of the state.

A 33 member Secretariat with J. Hemachandran, MLA as President, A. Soundararajan as new General Secretary, P.M. Kumar as Treasurer was elected. T.K. Rengarajan and A.K. Padmanabhan are among the 13 Vice-Presidents R. Singaravelu, P.

Marimuthu, T.N.Nambirajan are the new Asst. General Secretaries. The Secretariat has four women members. The new state committee has 120 members including the secretariat. 13 members are women.

M. K. Pandhe, W.R.Varada Rajan, T.K. Rengarajan, J.Hemachandran, A.K. Padmanabhan, A. Soundararajan, P. Indira and Malathi addressed the rally, where cultural programmes were also held.

With the successful conclusion of the conference, the delegates returned with more confidence for undertaking powerful movements so as to meet the challenges ahead. With the State Govt ferociously attacking the working people in the state, more struggles are bound to develop in the State. Next few months will also see the hectic preparations for the All India Conference in Chennai.

(Report from A.K.Padmanabhan)

COUNTRYWIDE PROTEST AGAINST BAN ON STRIKE

The country witnessed spontaneous protest by workers against the Supreme Court judgement. The judgement was pronounced on 6th August. The workers took on the street on 7th itself at various parts of the country declaring their firm resolve to defend their right to strike, if required through countrywide strike action. Industrial centers

and state capitals of almost all the states in the country witnessed spontaneous protest demonstrations at the factory gates and office premises. Report was received on massive demonstrations, processions etc on 7th and 8th August from Kerala, Andhra Pradesh, Tamilnadu, MP, Karnataka, Uttar Pradesh, West Bengal, Tripura, Jharkhand,

Maharashtra, Rajasthan etc against the judgment. Insurance employees has held protest demonstration in all their divisional offices throughout the country on 8th August. CITU General Council meeting held on 24-27 July 2003 at Cuttack had already given a call for countrywide protest demonstration on 13th August against the judgement

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onslaught on Tamilanadu employees and Supreme Court's anti-worker observation on the same at the initial stage of hearing. After the pronouncement of the judgment on 6th August striking down the right to strike by the Supreme Court, this programme assumed added importance and has been observed with much greater vigour by the working class throughout the country.

In West Bengal, massive demonstration was organized in all the districts and industrial centers and establishments. Andhra Pradesh has also witnessed militant mobilization throughout the state. In Maharashtra, the programme was jointly observed

by CITU, AITUC, HMS, Kamgarh Aghadi along with the federations of employees from Bank, insurance, state Govt, central govt and other sectors. In Assam also it was jointly observed throughout the state with the participation of other central trade unions besides CITU. Report was also received about widespread observance of the protest day on 13th August through demonstrations, dharna procession etc from Punjab, Kerala, Uttarpradesh, Bihar, Jharkhand, Orissa, Haryana, Rajasthan, Uttaranchal, Madhya Pradesh, Chhattisgarh, Himachal Pradesh, Andaman etc. The State Govt employees all over the country

have held mighty demonstration before the govt offices on 13th asserting their right to strike.

In Tamilnadu, the Jayalailtha Govt let loose the police force throughout the state to stop the protest action at various places in the state. The police authority of its own declared in many centres that the demonstration would not be allowed. Management of many central public sector units had forbidden demonstration at the factory gates on 13th. But defying prohibitory orders, workers held massive demonstrations/procession etc at various districts and industrial centers throughout the state and courted arrest and several hundreds.

DEMONSTRATION BEFORE SUPREME COURT

On 18th August 2003, a massive demonstration was held before the Supreme Court at New Delhi to protest against the judgment banning right to strike. The demonstration was at the joint call of almost all the central trade unions in the country viz., CITU, AITUC, HMS, INTUC, UTUC,

UTUC-LS, AICCTU, TUCC and various federations of bank, Insurance, central govt, telecom and railway employees. The demonstrators assembled before Mandi house and marched in procession towards the Supreme Court defying police blockade. The demonstrators demanded

reversal of the judgment and asserted that the right to strike has to be defended by strike action only. Those who addressed the demonstration before the Supreme Court were M K Pandhe (CITU), Gurudas Dasgupta (AITUC), R A Mittal (HMS) etc along with the leaders of other central trade unions and employees federations.

6th CONFERENCE OF SWFI

6th Conference of Steel Workers' Federation of India (SWFI) was held in Durgapur on 16th & 17th August 2003, in the Deshbandhu Bhavan Community Centre where more than 300

delegates attended from different steel plants, mines, offices, marketing organisations and contractors' workers organisations. M K Pandhe, President of SWFI, hoisted the red flag. He placed a

wreath on the 'martyrs column'. All the senior comrades, and office bearers and also representatives from different units paid homage to the martyrs. Wreaths were placed by leaders of other mass

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organisations and by Sunil Khan, MP from Durgapur.

The presidium was constituted by the president, working president and vice presidents of SWFI and the Steering Committee by the General Secretary and other secretaries.

Sisir Banerjee, chairman of the Reception Committee, welcomed the delegates.

After the condolence resolution M K Pandhe delivered the presidential speech. He elaborated on the national and international situation and also gave an outline on the nature and reasons of the economic crisis and called upon the steel workers to rise to the occasion and build up a strong organisation.

P K Das, General Secretary, SWFI submitted his report giving details covering the present economic

situation and the attack on the people and steel workers. Das pointed out the strengths and weaknesses of the organisation and laid down ten objectives or tasks before the leadership.

P K Chakraborty, Treasurer placed the accounts to the delegates.

Chittabrata Mazumdar, General Secretary, CITU (W.Bengal State Committee) addressed the delegates outlining the need for stronger bond with other classes. 43 delegates took part in the discussion. They informed about the growing influence of CITU and SWFI in their units.

5 important resolutions were unanimously adopted,

Against unemployment, against communalism, against WTO agreement, against ban on right to strike and on the future movement in steel industry.

The last resolution calls upon steel workers to launch a bigger struggle to set right the wrongs done against them in the last wage agreement.

P K Das summed up the discussions. He announced that a permanent school for cadres would be opened soon.

M K Pandhe observed that there was never such an opportune moment before us to grow and we must work hard to unite the workers and lead them in the path of struggle.

A new Working Committee was formed with 104 members. A 24 member office bearers committee was formed with Ardhendu Dakshi as president, P K Das as General Secretary and P K Chakraborty as Treasurer. The open-session was addressed by M K Pandhe, Jibon Roy, Ardhendu Dakshi.

AGAINST SC JUDGMENT

CENTRAL TRADE UNIONS DECIDE PROGRAMMES OF ACTION

The meeting of the Central Trade Unions was held on 22nd August 2003 at INTUC office at New Delhi on the issue of recent Supreme Court judgment banning the right to strike.

The meeting was attended by leaders of CITU, INTUC, AITUC, HMS, AICCTU, UTUC, UTUC-LS, TUCC, IFTU. The representative of BMS attended the meeting for some time. The meeting decided as under:

"The Meeting of the Central Trade Unions expresses deep shock and concern over the recent judgment of the Supreme Court and declares that the judgment is completely unacceptable. The Central Trade Unions reiterate that the right to strike is sacrosanct, it is not subject to any judicial interpretation and we shall exercise the right as and when it is necessary. The Central Trade Unions decide to convene a National Convention of Trade Unions to chalk out future course of action on 26th September 2003 in Delhi.

The Central Trade Unions call upon the Central Government to take appropriate steps to negate the pernicious impact of the judgment of the Supreme Court and protect the right of the workers of collective bargaining and right to strike."

It was also decided that if the Government remains insensitive to the joint programme of action launched by the trade union movement and persist in their negative anti-working class policies, the trade union movement will have no other alternative but to go for strike action.

CONSUMER PRICE INDEX NUMBERS FOR INDUSTRIAL WORKERS ON BASE 1982=100

State	Sr. Centre No.	Month		State	Sr. Centre No.	Month	
		May.' 03	June.' 03			May.' 03	June.' 03
Andhra Pradesh	1 Gudur	467	469	Maharashtra	38 Mumbai	586	586
	2 Guntur	510	514		39 Nagpur	501	504
	3 Hyderabad	495	505		40 Nasik	535	534
	4 Visakhapatnam	481	491		41 Pune	556	560
	5 Warangal	536	538		42 Solapur	491	498
Assam	6 D.D.Tinsukia	411	411	Orissa	43 Barbil	438	440
	7 Guwahati	493	493		44 Rourkela	428	433
	8 Labac-Silchar	377	378	Punjab	45 Amritsar	428	428
	9 Mariani-Jorhat	425	428		46 Ludhiana	442	437
	10 Rangapara-Tezpur	415	412	Rajasthan	47 Ajmer	487	487
Bihar	11 Monghyr	448	450		48 Jaipur	450	450
Chhattisgarh	12 Bhillai	431	440	Tamil Nadu	49 Chennai	536	540
Gujarat	13 Ahmedabad	491	496		50 Coimbatore	497	503
	14 Bhavnagar	504	504		51 Coonoor	509	506
	15 Rajkot	461	471		52 Madurai	480	484
	16 Surat	492	492		53 Salem	485	489
	17 Vadodra	473	474		54 Tiruchirapally	573	572
Haryana	18 Faridabad	494	497	Uttar Pradesh	55 Agra	447	449
J & K	19 Yamunanagar	458	458		56 Ghaziabad	493	493
Jharkhand	20 Srinagar	567	569		57 Kanpur	463	465
	21 Jamshedpur	453	455		58 Saharanpur	449	448
	22 Jharia	384	396		59 Varanasi	498	503
	23 Kodarma	401	403	West Bengal	60 Asansol	471	474
	24 Noamundi	433	434		61 Darjeeling	424	427
	25 Ranchi-Hatia	434	436		62 Durgapur	563	559
Karnataka	26 Bangalore	475	477		63 Haldia	584	588
	27 Belgaum	530	533		64 Howrah	555	557
	28 Hubli-Dharwar	495	496		65 Jalpaiguri	416	418
	29 Mercara	471	474		66 Kolkata	542	541
Kerala	30 Alwaye	485	491		67 Raniganj	424	421
	31 Mundakayam	489	496	Chandigarh	68 Chandigarh	519	519
	32 Quilon	514	512	Delhi	69 Delhi	568	569
	33 Thiruvananthapuram	555	569	Pondicherry	70 Pondicherry	547	547
Madhya Pradesh	34 Balaghat	438	441				
	35 Bhopal	524	525				
	36 Indore	514	518				
	37 Jabalpur	480	482				
						ALL-INDIA	494 497

Additional Series of Labour Bureau

State		Centre	May 2003	June 2003
Andhra Pradesh	1	Kethgudem	509	517
Himachal Pradesh	2	Himachal Pradesh	462	462
Rajasthan	3	Bhilwara	485	488
Madhya Pradesh	4	Chhindwara	436	449
Tripura	5	Tripura	442	441
Goa	6	Goa	589	592

SLC: TUs RAISE TAMIL NADU STRIKE ISSUE

All the Central Trade Unions participating in the meeting of the Standing Labour Committee held at Vigyan Bhawan on July 25, raised their voice of protest against the unprecedented victimisation of the State Govt. employees by the Jayalalitha Govt.

One day before the SLC meeting, the Central Trade Unions met at HMS office and decided that they will raise their voice of protest and try to get a resolution adopted in the SLC condemning the Tamilnadu Govt. and demanding reinstatement of all the employees unconditionally. All the trade unions also expressed serious concern over the extremely adverse judgement of the Supreme Court, which went against trade union rights and strengthened the hands of the reactionary forces. Although INTUC and BMS were not present in this meeting held at HMS office, they were informed of the decision, and they did not oppose.

Accordingly, on 25th July immediately after the welcome address by the Labour Secretary as per earlier decisions, Gurudas Dasgupta, General Secretary of AITUC stood up to raise the issue. Both the Labour Minister and Labour Secretary tried to stop him. The Labour Secretary even rushed to the mike to stop him and announced that the Labour Minister would inaugurate the meeting. But then P.K. Ganguly, Secretary, CITU demanded that Gurudas Dasgupta should be allowed to read out the resolution, as the matter was extremely serious for the workers and employees. Arguments followed with gradual generation of heat. The Labour Minister in a loud voice said: "this not the forum to raise it, as it was a matter for the State Govt. Besides the Central Govt. cannot be a party to such resolution, nor also the employers". Ganguly retorted: "for the trade unions this is the only top forum where such serious matters concerning labour can be raised. Besides, labour is a concurrent subject, so the Central Govt. cannot evade it. The Central Govt.'s attitude is ofcourse exposed. Both the Minister and his Secretary are desperately trying to gag the voice of labour. The trade unions cannot accept this". To avoid total disruption of the SLC agenda, he urged the Labour Minister to allow

reading out the resolution. Umraomal Purohit, General Secretary of HMS also stood up and urged the same. Then the Labour Minister had to allow and Gurudas Dasgupta read out the resolution.

Although INTUC and BMS did not speak out during the above episode, which lasted an hour, they did not oppose as per earlier understanding. But they raised the point during their turn of speeches on the actual agenda. The other trade unions like UTUC and UTUC (LS) condemned the Tamilnadu Govt. apart from CITU and AITUC again.

All the trade unions agreed for a National Convention on the Right to strike. INTUC's President Sanjeev Reddy also signed in the joint statement. Now the trade unions will meet and decide the date of Convention to be held at Delhi some time in September.

ILC AGENDA

The other two agenda of the SLC were discussion on Action Taken Report of the last ILC and finalisation of the agenda for the next ILC.

The Govt. faced the usual criticism by the trade unions on the ATR. The trade unions concentrated their offensives particularly on the serious aggravation of the unemployment situation, and also on the draft bill on the Unorganised Sector workers, which did not accept either the recommendations of the Study Group of the National Commission on Labour, or the unanimous conclusions of the National Seminar. The Labour Minister was further grilled particularly by CITU and AITUC as he wanted to introduce the Bill in the present monsoon session itself without clinching the issues with the trade unions.

Ultimately, the following three items as agenda for the next Indian Labour Conference to be held in the first half of September, 2003 were decided:-

- 1) Bill on Unorganized Sector Workers.
- 2) Employment generation.
- 3) Social Security.

A note prepared by Dr. SP Gupta, Member, Planning Commission for employment generation during the 10th Plan period will be discussed. The note will be circulated to the trade unions earlier.

(P K Ganguly and M M Lawrence represented the CITU at the SLC meeting)

(Arvind Sivaramakrishnan, lecturer in politics and law at Taunton's College, Southampton, U.K., in an article in 'The Hindu' dated the 16th August, 2003 under the caption "Nine Hours to Waterloo", has described the horrifying situation post-privatisation of British transportation network, including the railways. We reproduce excerpts therefrom. - Editor)

'FICTION THAT THE FREE MARKET IS

The recent experience of a trainload of British passengers is but the latest in the sorry tale of British transport. Their journey is one that I often make myself - the 110 km from Southampton Airport to London Waterloo normally takes 70 minutes, but these 100 passengers the other day found that it took nine hours. They were trundled across Hampshire and even Wiltshire, at right angles to their intended direction, initially because a railway worker had been electrocuted on the line, and then because a freight train broke down, a rail buckled in shade temperatures of 30 degrees Celsius, and speed was restricted because of the heat. At one point, the passengers were crammed into one carriage; they had to smash an emergency exit to get air, as the guard refused to open the electric doors (he locked himself in his cabin). The rail company did not make water available to the passengers for six hours, but it gave them refunds on arrival. Some of the reasons given by the rail companies have passed into folklore; these include leaves on the track, the wrong kind of snow, and other implausible, if technically, accurate explanations.

The passengers hardest hit are those who have to commute by rail; one passenger, stuck in a stationary rush-hour train, telephoned the rail company on his mobile and was told, "You tell us, you're on the train." Passengers who found a carriage completely bare were told, "For your comfort and safety, all the seats in this carriage have been removed."

Much of this is blamed on rail privatisation in the early 1990s - a privatisation too much even for Margaret Thatcher. In all 25 franchises were issued, and the stations, track, and signaling went to another, now defunct, company, which became a byword for waste and incompetence. For some years, there was chaos. Passengers - called 'customers' by the new regime - had to buy 3 or 4 tickets for one journey, if they had to change between trains operated by different companies; the companies, rabid free-marketeers all, would not talk to each other, so dangers went unreported; penalised for lateness, the companies stopped holding connecting trains, especially if other companies' trains were late. Several serious crashes revealed cutbacks in staff and in safety and maintenance.

Some of the problems have been at least partially addressed, but fares keep rising and there is constant talk of cutting services. Meanwhile, the rail operators get bigger and bigger public subsidies. The current British Government, which has a reputation for rampant timidity, shells out whenever the rail companies ask; Treasury civil servants say it is cheaper to keep giving the money than to renationalise the railways - an argument which ignores the costs borne by the public and the national economy in delays, wasted time, stress, late delivery, and so on.

Yet roads are no solution for a country, which, alone in the European Union, has no coordinated transport policy. Secondly, increased car use has caused more problems. Road deaths amount to 4000 per year, orders of magnitude more than rail deaths; the volume of non-fatal injury too, is very much higher on the roads. Pressure on the Government also comes from the motor lobby, a cult of the car which bears little relation to the reality of U.K. roads, namely traffic jams, multiple crashes, breakdowns, parking problems, and road rage - the phenomenon of aggressive driving and violent confrontations between motorists. Further, most U.K. car journeys are under a mile long; millions of children are now driven to and from school, and evidence has been published of rising obesity among them.

As to buses, U.K. buses are cheaper than trains, but the privatised bus companies have cut routes sharply; many residential areas of cities have no buses after 7 p.m., and none on Sunday mornings. Rural buses are virtually non-existent, and now rail companies are buying bus companies. And we all pay for the fiction that the free market can run a transport system.