

**TRADE UNION  
MOVEMENT  
IN INDIA**

**Yesterday, Today & Tomorrow**

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## **Yesterday, Today & Tomorrow**

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Respected Chairman and my Brothers and Sisters,

At the outset, please allow me to express my gratitude to the University of Mumbai for giving me this opportunity to express my views on one of the most important aspects of our contemporary social life.

The trade union movement in India is at crossroads to-day. Though working class constitutes the most organized detachment of our society, the serious division in the trade union movement has reduced its bargaining power. It is facing several challenges today in a period of globalization and its future depends on how it is poised to meet these challenges. The subject to be covered is so vast that it is extremely difficult task to deal with the problems faced by it in such a short paper.

## PART - I

### YESTERDAY

# ORIGIN AND RISE OF MODERN WORKING CLASS

The modern industrial working class in India is a creation of industrial capitalism. The industrial revolution of England which commenced in the later half of eighteenth century required big market for its large scale production. The East India Company could develop this in India only by destroying the age old base of India's traditional handicraft industry and village economy.

L.C.A. Knowles in his book Economic Development in overseas Empire has noted, "The importance of India to England in the first half of the century lay in the fact that India supplied some of the essential raw materials – hides, oil, dyes, jute and cotton – required for the industrial revolution in England, and at the same time afforded a growing market for English manufacturers of iron and cotton." (Page 305)

With rising exports of food grains from India severe famines occurred in several parts of India. According to official estimates during the first half of nineteenth century there were seven famines resulting in deaths of 15 lakh persons, while during the second half there were twenty four famines resulting in deaths of over 2 crore of people. Indian Famine Commission Report in 1880 stated, "..... no remedy for present evils, can be complete which does not include the introduction of a diversity of occupations, through which the surplus population may be drawn from agricultural pursuits and led to find the means of sustenance from manufactures or some such employers."

The East India Company felt that the developments of some modern industries in India would augment their profits. Some of the officials of the company had garnered huge financial resources through the loot of the Indian people, who preferred to have investments in India to add to their earnings.

The first coal mine was developed in Raniganj in 1832. The tea plantation started developing at the same period in Assam. The famines provided them availability of labour at cheap rates.

The first cotton textile mill started in Mumbai in 1854 while the first Jute mill commenced production at the same year. In 1853 the first railway line was developed between Calcutta and Raniganj as well as from Bombay to Thane.

Thus the modern working class was born in India. The working conditions were indeed shocking. There was no limit to hours of work, no holidays for workers no compensation for injuries and maternity benefit etc. the workers and their families were living in shanties constructed by them without any hygienic conditions, while no educational facilities were available for their children. The question of retirement benefit was not known to them. The tea plantation workers were whipped by the officers and beating of workers by jobbers and Mukadams was common in factories.

The workers were working with extremely low wages and bad working conditions. A British delegation visiting Indian coal mines in second half of nineteenth century reported that the workers were working naked underground since they could not afford to spoil their clothes in mines. They reported that the workers were paid 5 annas per week as wage. The delegation expressed surprise how they could survive with such ridiculously low wages.

When conditions become unbearable preliminary resistance of the workers were reported in the historic records. The workers thought that the machines were responsible for their bad working conditions and they resorted to destroy machines, unmindful of the consequences. There were also instances of workers beating their supervisors when they found working conditions intolerable. Attempt to leave the job by running away was difficult because the workers were punished for violating the contract of employment. A law relating to breach of contract was passed by the British Government to prevent the workers from leaving the job. Several lakhs of workers were recruited as indentured labour from famine stricken areas on false promises and taken by force to Mauritius, British Guyana, Trinidad, West Indies, Fiji, Malaysia and South Africa. Several died while

traveling and those who reached the destination had to adjust with totally different environment, losing total contact with their motherland. Modern capitalism grew in India under such harrowing conditions for the working class. The modern working class was also born with acute birth pangs faced by the workers themselves.

## **ORIGIN AND GROWTH OF TRADE UNION MOVEMENT**

The historical outline of the trade union movement can be understood properly by dividing it into three phases.

1. First phase till the formation of National trade union centre till 1920.
2. The Second phase since 1920 till India attains independence in 1947.
3. The third post independence phase till the period of commencement of globalisation.

The period of globalisation can be considered in the topic of present situation of the trade union movement.

In this paper it is possible to cover only the general aspects of the movement without going into details of events in the trade union movement.

The early strike actions of the workers were spontaneous outbursts of the workers against the extremely bad working conditions. The work stoppages were of smaller duration and were either suppressed by brute police force or were settled by accepting some improvement in the working conditions by the representative of the management.

Reports indicate that in Mumbai in the early stage of the movement if the conditions become intolerable workers used to stop work and sit in open space in the compound of the factory. This action was popularly known as Adda of workers. There were no speeches or slogans while workers would silently sit in Adda. The representative of the management would then come and enquire about the matter when the workers would speak. The representative of the management would then assure them something. If the workers got satisfied then they would go back to work or sit till the management

revised the offer. There are reports that some of the Addas result in clash inside the factory between the managements, security personnel and the workers when police would intervene most of the time in favour of the management.

Some of the Addas were of workers of only one department of the factory.

The first recorded industrial strike was reported in 1862 when 1200 railwaymen at Howrah station struck work demanding eight hours day. The strike lasted for some days but did not achieve the demand of the workers.

Another major strike reported was in Tata's Empress mill at Nagpur in 1877 demanding rise in wages which lasted for 4 days. However, formation of unions is not recorded till that time.

The conditions in Indian factories were so bad and the wages were so poor that in British Parliament the representatives of Lancashire millowners, who were finding it difficult to compete with newly emerging textile industry in India, spoke at length about the shocking working conditions in the Indian industries and criticized the British Government for not enacting labour laws to regulate the working conditions. As a result in 1884 a Factory Commission was sent by the British Govt. to study the conditions in Indian factories and suggest measures to improve them.

When the Factory Commission visited Mumbai a demonstration was organized by Bombay Millhands Associations led by N.M. Lokhande a philanthropist who submitted a memorandum as President of the Association demanding reduction in hours of work, weekly off, wage increase and compensation for injures during accidents. Though this is considered to be the first union in India, it was having no regular membership but was working to take up the grievances of the workers. Lokande edited a newspaper in Marathi entitled "Dinbandhu" (Friend of the poor).

Between 1882 and 1890, 25 major strikes have been reported in Bombay and Madras Presidencies. As reported by Chief Inspector of factories Bombay, "strikes have been many. Two should be put down

every year for each factory, but all of them have been short lived and in the end it is always the operatives who have given in, in many cases with fines and in some cases loss of arrear wages. The reasons leading the men to strike are mostly temporary reduction of wages without any notice whatsoever”.

Strikes have been reported in several jute mills in Bengal during this period.

As a result of the growing labour discontent reflected in series of strike actions, the British Govt. enacted the Factories Act in 1891 which fixed daily 9 hours work for children and 11 hours for women with half an hour for lunchbreak. The act did not provide any working hours for male workers but allowed one day weekly rest compulsorily. This was the first labour law passed by the colonial power to regulate working conditions in the factories.

In 1897, due to outbreak of Bubonic plague in Mumbai, Kanpur and other industrial centers, large number of workers lost their lives and many had fled to rural areas. To motivate workers to remain at work the mill owners announced bonus to workers known as Plague Bonus.

At the turn of the century leaders like B.G. Tilak and Lala Lajpat Rai gave a call for Swadeshi movement which influenced the working class. It spread widely in Bombay, Madras and Calcutta and gradually the trade unions began to be formed in these areas.

The six day strike in 1908 of more than one lakh workers of Mumbai in protest against six years imprisonment of B.G. Tilak for stating “Swaraj is my birth right and I shall have it” was the first political action of the Indian working class. The workers braved police repression and resisted heroically all repressive action of the policemen. The strike received popular support among the citizens of Mumbai which became a popular upsurge against imperialist domination.

The Russian Revolution in 1917 which established the rule of the working class and by abolishing the capitalist system, ushered in a new era that inspired the working socialism class all over the world to fight against capitalist exploitation. Trade union movement got impetus

everywhere including India. To stem the tide of revolutionary movement after the First World War, League of Nations decided to form International Labour Organization in 1918 to propose Labour legislation to improve the working and living conditions of the workers.

When the British Government nominated workers representatives for the ILO meet, it was objected in India. Since there was no central trade union it was decided to hold All India Trade Union Congress in 1920 October at Mumbai. Lala Lajpat Rai presided over it while several national leaders participated in it. Thus the All India Trade Union Congress was formed in India. There were 125 unions affiliated to AITUC which shows the growth of Trade Union Movement during this period.

### **TRADE UNION MOVEMENT PRIOR TO INDEPENDENCE**

B.P. Wadia, a philanthropist belonging to Theosophical Society Madras founded in 1918 Madras Labour Union with regular membership. It is considered to be the first systematic formation of a trade union. In the year 1921 he led two day strike of Buckingham and Carnatic Mill which led to his prosecution by the mill owners. The court imposed a heavy fine for causing loss to the company. B.P. Wadia was forced to sever his connection with the trade union movement. This episode, however, evoked strong reactions all over India and N.M. Joshi moved a resolution in Central Legislative Assembly to register a trade union and grant protection to T.U. activities. The British Government in 1926 passed Indian Trade Union Act providing for registration of a trade union.

The British imperialism viewed the rising Indian Trade Union movement as a conspiracy to overthrow their colonial rule. Hence in 1924, four prominent trade union leaders were arrested and involved in Kanpur Conspiracy Case and sentenced to longer prison terms. Again in 1928, thirty one trade unionists from all over the country were involved in Meerut conspiracy case and the trial went on for a longer period. The accused were sentenced to longer prison term. This, however, created an outcry all over the world as an attack on trade union rights of the working class. In India, the national movement condemned this attack and ultimately the prisoners had to be released earlier.

Hundreds of trade union leaders were involved in several criminal cases and were imprisoned for merely participating in trade union activities.

The support given by the national movement was an important aspect in survival and growth of the trade union movement. Prominent national leaders like Lala Lajpat Rai, Chittaranjan Das, Jawaharlal Nehru, Subhash Chandra Bose and others were presidents of the AITUC and supported the struggles of the working class.

Several strike struggles conducted by the working class during twenties and thirties of the last century compelled the British rule to take some steps to provide relief to the working class. The passing of the Workmen's Compensation Act (1923) and Bombay Maternity Benefit Act (1930) were some of the examples. In 1920, the Government had to grant food allowance to workers in view of the rise in prices of essential commodities which later became dearness allowance. The Government had to prepare Cost of Living Index to assess the rise in prices of essential commodities. Govt. had to appoint several enquiry committees to investigate into living standards of the working class with a view to provide some relief to them.

The political situation in the country had some impact on the trade union movement. At the end of 1927, the British Govt. nominated Simon Commission to suggest political reforms while the Indian National Congress decided to boycott it. The country was advancing towards demanding full independence. The British Govt. also appointed another Commission under Presidentship of Whitley to investigate into conditions of workers and suggest remedial measure. The majority in the AITUC in 1929 Conference under Presidentship of Jawaharlal Nehru wanted to boycott it while N.M.Joshi, V.V.Giri and others advocated joining it. There was a split in AITUC when the minority group walked out and formed Indian Trade Union Federation. In 1930, another split took place when S.C.Bose was the President and the Communists walked out of it and formed Red Trade Union Congress.

The division in the trade union movement immensely harmed the movement when the working class faced a severe wage cut offensive

and massive unemployment due to severe global recession. Red Trade Union Congress decided to merge in the AITUC in 1934 while in 1938 the Indian Trade Union Federation merged with the AITUC and again unity of the trade union movement was restored.

However, due to outbreak of the Second World War in 1939, the situation again changed and the British Government resorted to suppressive measures. In 1941, Germany attacked Soviet Union and Japan attacked Pearl Harbour and declared war against U.S. and its allies. Due to war, prices of essential commodities increased and resistance of the working class was witnessed everywhere. In this situation, the British Government convened in 1942 Tripartite Labour Conference which later on came to be known as the Indian Labour Conference. The Tripartite Conferences are generally called every year though there were several gaps in between.

Conditions of the working class deteriorated during the Second World War. In 1943, due to severe famine in West Bengal, lakhs of people died due to starvation. The call given by Indian National Congress for Quit India movement resulted in thousands of National leaders imprisoned.

In 1945, the Second World War came to an end after defeat of fascism. In the post war situation, a new strike wave engulfed the entire country. A big popular upsurge against British imperialism swept the entire India. Demand for release of INA prisoners was raised all over India. While the revolt of the Royal Indian Navy in February 1946 and the strike of Bombay workers in support of the revolting Navy brought realization by British imperialism that they cannot rule India any more. Negotiations started which led to granting of freedom to India but the country was divided into India and Pakistan.

Trade Union movement in India played a notable role in the post world war upsurge and contributed in achieving national independence for the country.

## **POST INDEPENDENCE PERIOD**

Expectation of the workers had risen to a higher level after India attained independence which was reflected by the activities of the

trade unions immediately after independence demanding higher wages, better service and social security measures. Though the Government passed the Minimum Wages Act, Payment of Wages Act, Employees Provident Fund Act, Employees State Insurance Act etc., the wage level of Indian workers was extremely low. The Government appointed a Fair Wages Committee which recommended fair wages to be fixed higher than minimum wages but lower than the living wage and can be decided by capacity of industry to pay. However, the wage level was still in the lower order and several strikes took place in the country in the early fifties demanding higher wages: The Fair Wage Committee report was not acceptable to the trade union movement which was pressing the Government to fix the minimum wage on the basis of minimum requirements of human existence. Therefore, the Government appointed a Committee to study these aspects and a formula was worked out to fix the need-based minimum wage. So, in the 15<sup>th</sup> Indian Labour Conference in 1957, the need based minimum wage formula was approved which provided the family should be of 3 consumption units and daily intake of food per person should be 2700 calories. Cloth requirement to be 72 yards per family with a minimum standard housing to be provided and other expenses should be 20% of the total wage. The Conference also decided to fix need-based minimum wages in 15 industries and accordingly Wage Boards were constituted for the purpose. However, the Wage Board's decision to work out wages on the basis of 15<sup>th</sup> Indian Labour Conference was not accepted by any Wage Board which created strong resentment among the working class. The Indian Labour Conference also adopted a model agreement for Rationalization and a Code of Discipline in the industry laying down the norms of behaviour by management and trade unions. It also worked out Grievance Procedure and finalized Inter Union Code of Conduct which stipulated the relations between different trade union organizations. However, despite these tripartite agreements, conditions could not be improved in the industrial relations. The Government felt that this was due to absence of a Statutory backing and it thought of making legal provision to implement these aspects of the tripartite agreements. The Tripartite machinery also worked out verification procedure for determining the membership of trade unions which will determine the representative character of the unions. Meanwhile, the political differentiation started

emerging in the trade unions.

After independence, the ruling party felt that it should have its own trade union organization. So, in the year 1947, the Indian National Trade Union Congress (INTUC) was founded. In 1948, Hind Maha Sabha (HMS) was constituted by a section coming out from AITUC and another section from INTUC. Later HMS also was split and United Trade Union Congress (UTUC) was formed. Thus, multiplicity of trade unions came into existence. Later, UTUC also split up and a section of the organization worked out and formed UTUC (LS). In the year 1957, Bharatiya Mazdoor Sangh (BMS) came into existence. Thus, we find a large number of trade unions started operating in the country instead of a single organization prior to independence of the country. In the year 1970, the AITUC was also split and the Centre of Indian Trade Unions (CITU) was formed. Thus, today, there are 12 Central Trade Unions recognised by the Govt. of India after verification of membership for tripartite consultation.

Seeing the failure of the Wage Board machinery, Public Sector Undertakings decided to prefer to have a bipartite mechanism to settle the wages and other terms of service conditions. The National Joint Committee of Steel Industry (NJCS) was formed in 1969 which signed an agreement without any third party intervention. This system spread soon to other industries also in Public Sector which have become a norm for all Wage negotiations in Public Sector Undertakings. In the year 1966, Payment of Bonus Act was passed which provided 4% minimum bonus for workers irrespective of profit or loss. In the early 70s, the Government appointed Bonus Review Committee which recommended Minimum Bonus to be paid at 8.33%. However, during emergency, the Act was changed and bonus was restored to 4%. Due to sustained struggle by the trade unions all over the country in the year 1977 the Govt. again had to change the Act and restored 8.33% minimum bonus to workers.

At the instance of the Union Labour Ministry, a National Council for Trade Unions was formed with INTUC, AITUC and HMS. To oppose this combination, other trade unions constituted United Council of Trade Unions (UCTU) in the year 1973 and started struggles against the Govt.'s policies. It opposed compulsory Deposit Scheme of the

Govt. and demanded its withdrawal and ultimately in the year 1977 the Govt. had to withdraw this scheme. In the year 1971, the Govt. formulated a Family Pension Scheme which was contributory by the workers and the management but was not giving sufficient family pension to meet the requirement of the workers' families after the death of the earning member. So, a campaign all over the country was launched to change the scheme and the Govt. had to ultimately adopt the Employees Pension Scheme by merging the Family Pension Scheme into that Scheme. At that time the family pension scheme had Rs. 14,000 crore of surplus funds.

When the Govt. prepared the Industrial Relations Bill in 1979, a National Convention was held by all the trade unions to oppose the Bill and a massive demonstration was held before Parliament and ultimately the Govt. was compelled to withdraw the bill. In the year 1981 in a Bombay Convention, the National Campaign Committee of Trade unions was formed which gave a call for nation wide strike in 1982 which was the first Nation wide strike of the working class on common issues. Since then, during 80s the National Campaign Committee conducted several struggles of the workers of common issues. In the year 1986, the Committee of Public Sector Undertakings was formed by several Public Sector unions and the first strike of public Sector workers was organized at the national level in the year 1987. In this period, except INTUC, all unions could come on a common platform and the national unity could be achieved though partially in the trade union movement.

## **GLOBALISATION AND TRADE UNIONS**

With dismantling of socialism in Soviet Union and East European countries the world situation change radically and the system of capitalism received a big boost. A massive propaganda was launched that socialism had failed and capitalism has the final stage of human civilization.

International finance capital with the help of World Bank and the International Monetary Fund developed a structural adjustment programme which came to be popularly known as globalization.

Due to severe foreign exchange crisis during 1990-91 periods, the Government of India accepted conditionality of the World Bank and the IMF for a loan to meet the foreign exchange crisis. Indian economy faced several changes due to acceptance of those conditionalities. The working class and the trade union movement in India had to meet multifarious challenges due to the structural adjustment programme. The following have been the major aspects:

1. Due to deregulation of economy, the previous licensing policy was reversed and the investors were free to decide the location of industry. It resulted in uneven development of regions and migration of labour in search of job avenues acquired prominence.
2. Downsizing of manpower as a cost cutting measure became universal. It has imposed increase in the workload on the workers. The army of unemployed has swelled in most of the countries including in India. Even in public sector in India due to globalization the employment declined from 23 lakhs to 18 lakhs. This has resulted in decline in T.U. membership in the organized sector of the working class.
3. Drastic increase in the casual, contractual, outsourced, temporary, short term jobs resulting in reduction in job security and quality of job. ILO Director General Joan Somavia's call for Decent Work remained only on paper.
4. World Bank's concept that labour laws should not be punitive while there should be emphasis on self compliance by the employer, has resulted in large scale violation of labour laws. The inadequate Govt. machinery to ensure implementation has only facilitate this process. The promise of abolition of inspector raj has further aggravated the phenomenon.
5. Drive towards privatization and disinvestment has weakened the public sector. The concept to economic growth with social justice was given a go-bye. Closure of non-profitable units became order of the day.
6. Social security benefits of workers came under heavy attacks in the name of cutting costs.
7. The liberalization of foreign investment resulted in foreign capital displacing traditional and small scale units which faced closure

and consequent unemployment. The Govt steps to stop MNCS from violating labour laws etc. become inoperative on the plea that it may result in less FDI coming to India.

8. The trade unions rights of the working class came under ferocious attacks. Right to strike became meaningless. Pressure to grant right to the employers of hire and fire became more prominent official attempts to marginalize the trade union movement got strengthened.

As a result of global meltdown of economy, the attacks on working and living conditions of the workers became more prominent. While the industrial undertakings got bonanza amounting to lakhs of crores of rupees, over 30 lakh workers who lost jobs in India due to economic meltdown during 2008-09 did not get any relief whatsoever though they were in no way responsible for the crisis and downturn.

During the last two decades of globalization the trade unions have organized 12 nationwide strikes in India against the policies of globalization and attack on T.U. rights.

The trade union movement had to come together irrespective of ideological differences. The entire T.U. movement in India to-day has come together to protect the vital interests of the working class on the following major issues.

1. Rising prices of essential commodities.
2. Growing unemployment and need to unemployment insurance.
3. Ensuring full the implementation of labour laws.
4. Need to create a special fund to ensure social security benefits for the unorganized labour. To amend the law relating to unorganized labour.
5. No to disinvestment in profit making public sector undertakings.

A joint statement issued by all the trade unions and a National Convention held on 14<sup>th</sup> September 2009 at New Delhi on these issues are remarkable achievements of trade union movement. This historic unity achieved at the top leadership should be converted into unity at the bottom level of rank and file workers which will immensely help in

the direction of protecting the interest of the working class in their need of the hour.

The policies of globalization have underlined the need for international cooperation by the trade union movement. The coming together by several trade unions under the banner of Southern Initiative against Globalisation and for Trade Union Rights has created a favourable atmosphere for such a cooperation. The Congress held in Kochi in April last year brought together trade unions from 19 countries who expressed their firm determination to resist the policies of Globalisation and protect the interests of the working class at a global level. Trade Unions belong to different international affiliations can come together to oppose the policies of Globalisation. This positive development should be strengthened so that international movement can be evolved to stop the intensification of exploitation of the working class all over the world.

## PART - II

### TODAY

## MULTIPLICITY OF TRADE UNIONS

One of the specific feature of the contemporary trade union movement is its multiplicity. Due to historic reasons trade union movement got divided in India on political lines which have come to stay. Prior to independence AITUC was only one national trade union centre and all political forces were working with in it. However, after independence the ruling party in 1947 thought of having a T.U. of its own and decided to form a separate organization INTUC. This started a process of division of trade unions on political lines and to-day we have twelve central trade unions recognized by the Govt. of India for tripartite consultation.

Proliferation of trade unions even on caste lines or craft basis has taken place over a period of time. In Bokaro Steel Plant there are over 40 registered trade unions. There are several industrial units where 5 to 10 trade unions are operating. This wide division in the trade union movement has considerably reduced bargaining power of the working class.

Formation of company unions by the managements and recognizing them has become a phenomenon in several undertakings in India. All concessions are given only through such a union to prevail upon the workers to accept it as *fait accompli*. When verification of membership is conducted by the Government, management ensures that the union gets the highest membership.

An argument is being advanced that the workers should not involve themselves in political activity with a view to avoid political controversies in the trade union movement. This is practically not possible. As an advanced section of the society the workers are having their political views. They have right to vote and several workers contest elections in various forums. Under these circumstances asking workers to keep away from politics is not possible. As a matter of

fact, they should play a crucial role in deciding political destiny of the country. The voice of the working class is raised less in Parliament and Legislative Assemblies because the T.U. representatives are less in numbers in these forums. Therefore the workers should take more interest in political developments in the country so that they can play more effective role to ensuring social justice in the country. However, political differences should not come in the way of trade union unity and struggles of the working class.

Multiplicity of trade unions is an internal problem of the trade union movement and it should be resolved through common dialogue within the trade union movement. It is only through struggles and united actions that mutual faith in the trade union movement will be restored and unification in the trade union movement can be achieved.

No outside efforts and legal measures can effectively check multiplicity of trade union movement. The phenomenon of undemocratic functioning of trade unions has been responsible for some of the splits in the trade union movement. It is also necessary to workout democratic norms for T.U. recognition if multiplicity has to be reduced. The recognition of such union by the management has to be stopped if the process of unification has to be strengthened. Individual style of functioning of some of the leaders who want to establish personal control over the union has also added to the phenomenon of multiplicity of trade unions. However, it is only through mutual dialogue that the reduction in multiplicity of T.U. is possible.

## **FUNCTIONING WITHIN LEGAL MACHINERY**

In India there are about 50 laws at the central level and 200 laws applicable at the state level. The plethora of labour legislation has not materially helped in improving industrial relations in the country.

The definition of "worker" and industry" are different in different laws. Despite repeated demand by the employer's organizations and trade unions the Govt. of India has not brought uniformity on these definitions so far.

The labour legislation is covering only 7 to 8 per cent of our working

class. The limits imposed on employment or salary limit is excluding large section of the work force from the purview of the labour laws. The Payment of Bonus Act, Payment of Wages Act has become meaningless due to imposition of ceiling for coverage.

Enforcement machinery of the labour laws is so weak that the labour departments have no adequate staff to ensure their implementation. The laws have several loopholes which enable the employers to avoid their implementation. The power of exemption given to the administration is often misused to avoid implementation by certain sections of employers.

Several labour laws provide imprisonment for their violation but cases of such imprisonment are rarely found in most of the cases. Over Rs.1500 crores of dues are pending with the employers on PF account while the ESI implementation is suffering from several defects.

The administrative expenditure in some of the welfare laws is so high that not much money is available for welfare. The benefits are received by a small section of workers keeping vast section of workers without any meaningful benefit.

Regarding corruption in the labour administration the less said the better. Employers skillfully use this situation to violate provision of the labour laws. Only in areas where trade union movement is strong, the benefits of labour legislation reach the workers.

It would not be correct to say that all labour department officers are corrupt. There are many officers who are honest and sincere but the corrupt officers have given a bad name to the entire labour machinery. A strong action by the Govt. against such officers may help in improving the situation.

The industrial relations law is dilatory and delayed justice is denying justice. The conciliation machinery is not time bound and employers can remain absent to delay the settlement of issues. The tribunals take years to settle and employer go to Supreme Court on almost every issue to tire our workers from fighting court case. Several labour courts have no presiding officers for years or so with the result that pending cases are swelling year by year!

On the whole, the law is heavily loaded against the workers who are losing faith in labour judiciary. I had to take up one representation of about 130 lawyers of Chennai with the Union Labour Ministry who complained that one particular presiding officer did not give single judgment in favour of the workers for the whole year!

There is no law at the national level providing for recognition of trade union, though in some states provision is made to decide after conducting secret ballot of workers in the unit. In absence of national laws employer are in a position to recognize a union of their choice ignoring the claim of a real representative union.

The present procedure of verification of membership agreed in the 15<sup>th</sup> Indian Labour Conference in 1957 is unscientific since it only estimates the membership. It gives wide powers to the verifying officer who is likely to misuse it to advantage of some union. It does not verify the membership of agricultural workers since employers as well as place of work changes periodically. The verification of membership of central trade unions also is suffering from the same defect.

The experience of several countries shows that with less number of labour laws the labour administration has been functioning more effectively.

There is urgent need to review the working of the labour laws and making them more effective to serve the interests of the working class.

## **DEMOCRATIC FUNCTIONING OF TRADE UNIONS**

Trade union democracy is a crucial prerequisite of a genuine trade union movement. Unless a member of a union feels that he has a personal involvement in deciding the policy of the union, we cannot say that real democracy is established in the trade union. Unless the average member of a union is conscious of his right as a member of a union he would not be able to contribute in deciding the policy of the union. For this purpose a proper education of rank and file workers in the union assumes importance.

In absence of this, the member of the union does not actively participate in the activity of the union. His participation remains

passive. One can witness this phenomenon when one observes the small participation of the workers in the General Body meetings of the union.

Even participation of workers in the Working Committee/Executive Committee of the unions is below mark and active participation in union discussion is much in adequate. A handful of leading workers only participate in the discussion while majority of the workers are silent spectators during the course of discussion. The need to hold the meetings regularly as also an important aspect of trade union democracy.

In my study of trade union functioning in the city of Solapur for my doctoral thesis I found this weakness of trade union movement in general.

The union activity is thus carried by handful of individuals while the majority of the executive committee members as well as rank and file workers remain uninvolved. This results in stagnation of membership in the union.

It has been observed that some unions do not get approval of a well attended General Body of the union before signing an agreement with the management. Commitment of the rank and file workers to the bipartite or tripartite agreement is an important aspect of trade union democracy. I have seen some cases when the productivity agreement could not be implemented since the workers did not agree with the commitment given by the union leadership. Hence, it is important to ensure that agreed norms of production by the members of the union are implemented properly. The practice of signing agreement behind the back of workers is hitting at the very concept of T.U. democracy.

Intolerance to any criticism by ordinary workers about the union functioning by a section of leadership is not conducive to healthy growth of trade union movement. Accountability of the leadership to ordinary members of the union is of vital importance to democratic functioning of trade unions. I am informed that one union in France when studied the reactions of members of the unions towards union functioning, the workers were found to be highly critical about the

undemocratic methods of functioning of the union

It is not the purpose of mentioning that all TUs do not functioning democratically. There are several unions who function democratically but erroneous trends are visible in some trade unions. There is urgent need to overcome this weakness of the trade union movement so that the qualitative growth of trade union movement in India is ensured to serve the interests of the working class more effectively.

### **WHITHER TRIPARTISM IN INDIA?**

The Union Labour Ministry has about 35 tripartite committees but most of them do not function effectively. Some of the committees have not even met for couple of years! Whenever the meetings are called they are normally half day affair and discuss issues perfunctorily which do not help in solving the problem. Some of the committees function as rituals and defeat the purpose of tripartite consultation. Some trade union leaders have gone to the extent of calling such meetings as "tea and biscuit committees". Postponement of already convened meeting is a frequent phenomenon.

It is also seen that the decisions taken in these meeting do not get implemented. Frequent changes in the Labour Ministry officials as well as Ministers are also one of the factors that are making tripartite machinery ineffective.

The Govt. of India has devalued the status of the Labour Ministry as an institution. This portfolio which was once held by stalwarts like Gulzarilal Nanda, Jagajivan Ram, V.V. Giri and others is now given to a Minister of State only. He does not have any authority over the employing ministries whose Ministers are holding cabinet status! I have seen in many tripartite committees senior representatives of employing Ministries are refusing to attend the meeting.

The Indian Labour Conference and the Standing Labour Committee have been converted into debating societies without arriving at decisions of long standing importance. During the last 10 years I cannot see a single decision of the Indian Labour Conference which has long term implications. The Standing Labour Committee which

was a committee to review the Labour relations scene in the country is being converted into a committee to decide the agenda of the Indian Labour Conference.

The devaluation of the tripartite machinery in India is indicative of the thinking of the Government to reduce tripartite consultation.

The Govt. of India is having regular dialogue with the employers' organizations through senior Ministers regularly attending meetings convened by employers organisations but there is no regular dialogue with the central trade unions. The decline of tripartism is in a way adversely affecting the right of trade unions to have a say in industrial relations machinery.

### **TRADE UNIONS AND WORKING WOMEN**

Job opportunity for working women in India is still a distant dream. In the organized sector the employment of women is only 10-11 per cent while in the unorganized sector it is about 30 per cent. Women are denied job opportunities in several sectors of employment. They are not allowed to work on heavy machines in several industries while Planning Commission itself is trotting with the idea of women oriented jobs like Papad making, Candle manufacturing etc. In Coal Mines there is a voluntary Retirement Scheme by which a woman would retire and a male family member would be given a job. Even now in several industries, including some MNCs pregnant women are denied jobs. The practice of women losing job after marriage continues in some of our industries. The laws concerning the rights of women at work such as Maternity Benefit Act, provision of Creche, ban on night shift work etc. are considered by some to be responsible for less jobs of women in our industrial undertakings.

Some trade unions do not take up working women's problems in their Charter of Demands. There is a tendency to consider the problems of women workers as their own problem and not the problems of the union. This has resulted in less women membership of trade unions. The issue is more severe in case of Dalit and minority women. Though formation of Co-ordination Committee of Working Women has created more awareness among the unions to take up the issues of women

workers, the task on the whole is sadly neglected.

Trade unions have to strive more to develop women activists in the unions. Today we find that even industries where women are in majority in the workforce, the union executive committees are dominated by male workers. In the industry level, state level or the national level the presence of women activists is still insignificant in India. In tripartite committees of Government of India the number of women is extremely small.

Trade unions have to give special emphasis to educate women on principles of trade unionism etc. so that they can discharge union responsibilities more effectively. Many times the union meetings are held at a time not convenient for women due to their domestic responsibilities.

Most of the women are at the lower levels of the ladder at the workplace. Their number is reducing at the level of skilled and highly skilled levels as well as executive level.

Sexual harassment of working women at the work place is widespread in India but the steps to check the menace are lacking. Women are reluctant to complain about sexual harassment due to lack of stringent action against the culprits and quite often the complainant's moral character is questioned by the perpetrators of crime. Molestation and rape of working women at the workplace or traveling to the workplace are quite often taking place but without much action by the authorities. Demanding sexual favours to facilitate promotion of a women employee is frequent in workplaces.

Despite directive from the Supreme Court the Govt. of India has not prepared a law to impose heavy punishment to the criminals. The Govt. of India has only defined what amounts to sexual harassment but no punishment is prescribed for the criminal acts. The unit level grievance committees are, also not functioning properly. Since at times perpetrators of crime are union members the unions do not take keen interest or try to pressurise the woman employee for mutual settlements in order avoid punishment against the culprit.

Hence, the trade union movement has to take up the question of

ensuring equality for women at the workplace. Increasing participation of women in the trade union movement will further strengthen the movement itself.

Trade union movement has to play a crucial role in the general womens movement for liberation and equality with men in all aspects of social life.

## **CURSE OF CHILD LABOUR**

India has a dubious distinction of employing the largest number of child labours in the world. Though it is difficult to assess the extent of child labour, it is observed that nearly 5 crore children in India are working at pittance of a wage instead of studying in the school.

ILO has funded several projects to create awareness among the workers about the need to abolish the system of child labour. However, there has not been worth noting decline in the number of children workers in our industrial undertakings.

Two decades ago the Govt. of India passed a law prohibiting child labour in hazardous nature of jobs. However, the law is by and large remained unimplemented and the number of children working in hazardous nature of jobs has increased during the last 2 decades.

The millennium goals specifically stipulate that the child labour in hazardous industries should be abolished by 2012. However, the indications point out that the goals are not likely to be achieved in India.

Child labour is a product of poverty prevailing in the social system. So long poverty remains in the society child labour cannot be abolished. It is observed that in U.S.A., UK and other advanced countries the phenomenon of child labour still prevails.

Minimum wages in the country are so low that parents find it difficult to maintain their children and educate them. Unless need based wages are paid to the workers child labour can never be abolished by legal provisions.

Studies conducted on the working conditions of child labour are clearly showing that they work in extremely vulnerable conditions and are deprived of adequate nutritional standard. Child labour is preventing the proper development of physique of a child whose health gets impaired throughout his life time. The condition of girl child labour is indeed pitiable. They are sexually exploited by employers. Their destiny is doomed at the tender age of their life.

Mid-day meal scheme has no doubt improved the number of children studying in school. However, privatization of the preparation of meal has been converted into a source of profit by unscrupulous contractors who have reduced nutritional quality and quantity of mid-day meal. Government should provide proper clothing and educational material to poor children which may help in increasing the students in primary schools.

Trade union movement has to take more interest in the problems of child labour. The parents of child labour are at times members of trade unions and hence the question should acquire special importance for trade unions. The struggle to abolish the system of child labour should be closely linked with enhancing the wage level of the working class and abolition of poverty in the society as a whole. Giving sermons to hungry parents about the inhuman nature of the system of child labour will not carry any meaning. No poor father would like his son or daughter remain in poverty conditions.

The conspicuous consumption by the super rich in the Indian society should be treated as anti-social act so long scourge of child labour prevails in Indian society. But in to-days society they are the most glorified people!

## **SHOCKING CONDITIONS IN THE IT SECTOR**

The IT sector has developed faster in India which employs nearly 15 lakh workers. It is estimated that in the next 3-4 years the number is likely to increase to 20-25 lakhs.

A study conducted by V.V. Giri National Labour Institute has highlighted the shocking conditions in the IT Sector at NOIDA near the capital

city. The study compared the conditions with nineteenth century prison. In another place the study points out that the IT sector employees are living the life which was witnessed in the Roman slave ships.

The employees are working in two shifts which compel them to work for 12 hours or more a day. The bigger companies are paying better pay scales but in call centers the earnings of employees are very poor. Due to constant staring at computer screen the cathode rays emitted by the monitor affect the eyes of the employees while the cases of colour blindness are frequently reported by the employees. Some Australian trade unions have demanded that pregnant women should not be asked to work on the computer since it would affect the health of baby.

Due to excessive stress on brain the employees become irritable and many employees have a shattered family life due to continuous working in the night shift.

The IT sector workers do not have job security. At times employees are terminated without even giving notice to the employee. There is no uniformity in pay scales and working conditions. The attrition rate is perhaps the highest in the IT sector.

The IT sector managements do not allow formation of trade unions. Several employees had to face termination notices for just formation of unions or taking up the grievances of the employees with the management. There are instances of penal actions when employees made collective representation to the management demanding improvement in working conditions.

Many jobs from advanced countries are coming to Indian IT sector since wages in India are one tenth of the wages available to the workers in advanced countries like U.S.A.

My organization has addressed several letters to Govt. of India demanding legislation to govern the working and living conditions for the employees in the IT Sector. The Govt. is refusing to do so on the plea that any legal mechanism will prevent IT jobs coming to India.

Some State Govt. offer undue concession to IT sector managements to give encouragement to IT companies to start operation from the State. As a matter of fact there is a competition going on among different State Govts. to offer concession to IT sector. This naturally results in ignoring the condition of the workers. The T.U. movement has to take up the problem in right earnest to ensure proper working conditions to these employees.

In a similar manner the workers working in Export Processing Zones or Special Economic Zones are deprived of benefits of all the Labour Laws. Some State Governments have openly announced the exemption of SEZ from the purview of the labour laws. In a complaint to ILO, CITU criticized the powers given to Development Commissioners to decide the matters relating to labour. The ILO recommended that there should be independent mechanism to deal with problems of industrial relations but the Govt. of India has not implemented the observations of the ILO.

The workers in SEZ are not allowed to form a union and any worker opposing the exploitation is summarily dismissed from service and the labour department does not consider such cases as industrial dispute. As a result, the working conditions are extremely bad and inhuman.

The united demand made by the trade unions to cover the SEZ by labour laws and trade unions should be allowed to function in them is not accepted by the Govt. Only the company unions are allowed to functions which make a mockery of trade union movement.

## **PART – III**

### **TOMORROW**

## **FORMATION OF CONFEDERATION OF TRADE UNIONS**

We have already noted that the present disunity in the trade union movement is immensely damaging the collective bargaining strength of trade union movement. Therefore, there is an urgent need to evolve a common policy framework for the advancement of the working class and the trade union movement. Attempts to merge some trade unions have been made in the past which has not proved to be successful. The talks between AITUC and HMS and talks between HMS and INTUC about merger have not been successful which clearly indicate that immediate merger of trade unions is not possible in the present Indian context. Therefore it is necessary to make some interim arrangement for bringing together all trade unions on a common platform irrespective of ideological affiliations. Workers having ideological moorings should be welcome, but it should not be allowed to come in the way of common struggle of the working class against the attacks against their living standard.

The formation of a Confederation of trade unions can be a way to find out an interim arrangement of trade unions to come together on a united platform on common issues facing the working class. The decision of a Confederation should be by unanimity or by consensus and not by a majority opinion. A Confederation can adopt a policy on agreed decision through a process of dialogue among the central unions while continuing debate on issues on which there are differences within the trade unions. In this way, measures can be taken to evolve a common understanding among the trade unions to strive for a movement on common issues acceptable to all. A recent experience of all Central Trade unions coming together on a common platform on burning issues of the working class, namely, rise in prices of essential commodities, growing unemployment and need to extend

relief to unemployed persons, non implementation of labour laws and steps to ensure their full implementation, provision of proper funding for ensuring effective social security schemes for the unorganised workers and opposing the policy of disinvestment of profit making public sector undertakings. The Convention held in Delhi on 14<sup>th</sup> September, 2009 evolved a complete united understanding among all the trade unions, decision to organise a National Protest Day on 28<sup>th</sup> October, 2009 and holding a massive demonstration before Parliament during the Winter Session, is an extremely welcome step which can be further developed in the interest of all. As noted earlier, this unity developed from above is to be converted into unity from below, which alone will create a confidence in the minds of the workers that through unity and determination the working class can achieve their demands. Therefore, I consider that formation of a confederation of Indian trade unions can give concrete organisational shape to the trade unions in India which can strive for better bargaining power for the working class.

Workers can have their political affiliations, they can join political parties, but the Confederation will be an agency only to organise struggles on some common issues. There may be occasions when Confederation may have to take a stand on political issues but such decisions can be by evolving common understanding within the trade unions. The Confederation can take steps for further unification of trade union movement by bringing together all industry wise federations into a common organization and also take positive measures to strengthen trade unionism in the unorganized and rural sector. Already a welcome trend is emerging in the country when all industry wise federations are coming together on common issues and achieving their demands through joint movements and struggles.

If confidence is restored among the trade unions, then it is possible to take measures to unify the local unions in a phased manner by adopting a principle of merging of small unions into large union by deciding its strength through secret ballot.

There is an urgent need to strengthen the democratic functioning of the trade unions if a Confederation is to succeed. There may be difficulties in formation of a Confederation, but trade union organisations will have to be convinced through proper debate and

confidence building measures. The confederation can be formed only after a united understanding is developed among all the trade unions. It is hoped that the trade unions movement in India will rise to the occasion and give a positive response to the proposal as a step towards unification of trade union movement.

Already a campaign is being made by the champions of globalization that the trade union movement has become irrelevant in today's context. Organizational unity of the trade union movement in India will certainly prove that the relevance of the trade union movement is much more to-day than any other time in the history of the trade union movement.

### **FORMATION OF ONE UNION IN ONE INDUSTRY**

The trade union movement has to properly develop its own perspective in the present challenging situation while an objective of formation of one union in one industry should be accepted by all. Steps should be taken in the direction of bringing together trade unions with a view to ultimately achieving complete unification of the trade union movement. The formation of a single trade union can be achieved only if the trade union democracy has properly introduced within the trade union movement. Many trade unions have split due to undemocratic functioning and individual aggrandisement. Unfortunately, a trend is emerging in India where some persons tried to make trade union functioning as a source of personal income. Such trade union leaders will always object to formation of single trade union within the industry. Therefore, there is a need for development of the consciousness in the working class against such individualistic tendencies. In some sectors, there are only single unions which are in a position to serve the working class better. The present disunity can be reduced by creating awareness among the mass of the workers in favour of building a united trade union movement. If the objective of formation of a single trade union in an industry is accepted, then it is possible to work out the modalities of merger of trade unions on democratic lines. In order to ensure that all groups are given the fair treatment, it would be useful to implement the concept of proportionate representation so that a particular group can not be kept away from the leadership by a dominant group.

There is a tremendous sentiment of unity within the lower cadres in trade union movement and among the rank and file workers. Every person who has interest in the working class movement at his heart would whole heartedly welcome the move for unity of trade unions. This sentiment can be utilised for development of common organisation of working class by bringing together all the trade unions working in a particular factory or establishment. This would further help in ultimately formation of a single National Central Trade Union in India.

## **CULTURAL AND SOCIAL ACTIVITIES OF TRADE UNIONS**

To improve the quality of life of the working class, mere increase in wages is not enough. Hence, trade union movement will have to pay more attention to improve the cultural and social aspects of workers' livelihood. Very few trade unions in our country keep in touch with the family members of the workers. However, some of the unions which arranged periodic get together of family members, have received tremendous response from the workers and it helped to improve the social life of the workers. Several workers have got artistic and literary talents, some have composed poems, scripted dramas, wrote articles in magazines, acted in dramas and performed exceedingly well in sports and games. The trade unions, therefore, have to pay special attention to these aspects also to develop their cultural and artistic talents so that the cultural life of the workers and their families are improved radically, otherwise, the relations with workers becomes impersonal and some times even contradictory policies are taken by different sections of the workers. It is our experience that some of our unions have started libraries for the members of the unions to improve their reading habits. Even the trend to organise workers on the basis of caste and language are taking place which adversely affect the unity and understanding of the workers. Such trends should be avoided.

Due to lack of opportunity due to poverty conditions, several workers do not get opportunities for their cultural development. Trade Unions should help such workers and give them opportunity to develop cultural values in them. Trade Unions which have taken steps to organise literacy campaigns among the workers with a view to make all workers

literate had helped the unions in improving the quality of their membership. The trade unions have to play a role in removing false notions and illusions prevailing in their minds due to their social backwardness. Development of social and scientific outlook among the members of the union enhances the quality of the union activities.

## **TRADE UNIONS AND COOPERATIVE MOVEMENT**

Many trade unions have started cooperatives to help the workers in improving their living conditions. Cooperative Credit societies are being run by several unions to meet the credit needs of members of the unions. There are multi-purpose cooperative societies run by the unions such as supply of provision and other essential commodities, arranging transport facilities, running canteen for the workers in establishments, provision of holiday homes for workers at concessional rates for the members of the union. Some of the unions have also started developing cooperative banks and doing good work to help the members of the union. However, there are several complaints of corruption also in some of the societies and legal actions have to be taken against some of them. There should be better social control over the functioning of the societies and there is an urgent need to make the workers vigilant about the working of the societies. Unless and until the societies are run democratically, they cannot be successful.

In some undertakings, the managements have taken initiatives in forming workers cooperatives which are, in fact, not strictly cooperative societies of the workers, but are management run organisations which have been formed to avoid the implementation of the provisions of the Contract Labour (Regulation and Abolition) Act. The Trade Unions should object to formation of such fictitious cooperative societies which are in practice agencies to exploit them. There are examples of leaders keeping their control over the unions through their control over the societies having turn over of crores of rupees in some of the major undertakings in Public and Private Sector undertakings. Leaving aside these aberrations, the cooperative movement can play an important role in helping the working class in improving their standard of living of workers if properly organised.

## **SOCIAL RESPONSIBILITY OF TRADE UNIONS**

The trade unions being the most advanced section of the society should also have an attitude of doing positive work to help the needy people in the society. Some of the unions are doing good social activities like helping the poor people around the industrial areas by providing them medical facilities and trying to help them in organising their struggles for better living conditions. Some of the unions have even participated in gram Panchayat activities and trying to help the rural poor in giving them better quality of life. Such activities will popularise the union among the poorer section of the society. During national calamities or certain mishaps, trade unions have contributed good amount collected from the workers which reflects the social consciousness in the minds of the workers and their responsibility towards deprived sections of the society. The trade union cadres should be encouraged to help the poorer sections of the society whose standard of living is of extremely low level who find it extremely difficult to make both the ends meet. Some of the trade unions do not educate workers to create awareness about their social responsibility. Trade union movement should not make the working class a selfish class which looks after their personal interests alone and not fully concerned about the pitiable conditions of their brothers and sisters who live around them. It is necessary to create awareness among the trade union movement in our country so that it can play a much more important role in improving the working and living conditions of the people at large.

## **RATIFICATION OF CORE CONVENTION OF ILO**

The Govt. of India has been extremely slow in ratifying the ILO conventions. The number of conventions ratified by the British Govt. during 28 years of their colonial rule was about the same ratified by the Govt. of India during the last 62 years of independence. The Govt. of India had not ratified the conventions relating to freedom of association and right to collective bargaining. The 37 conventions of the ILO ratified by India have also not been implemented in their true spirit.

The ILO has eight conventions as the Core Conventions and it is expected that the Govt. of India should take steps to ratify them at an

early date. In the year of 90<sup>th</sup> Anniversary of the ILO, the Govt. of India is expected to ratify some of the Core Conventions. But no such steps are forthcoming from the Govt. of India. The Director General of the ILO Mr.J. Somaria has visualised that ratification of the Core Conventions is an important pre-requisite to ensure dissent work for the working population. But the Govt. of India's positive approach is not forthcoming so far. The Core Conventions of the ILO are as follows:

S/No.	Nomenclature	Convention No.	Year of Adoption
1	Freedom of Association and Protection of the Right to Organise	87	1948
2	Right to Organise and Collective bargaining	98	1949
3	Forced Labour	29	1930
4	Abolition of Forced Labour	105	1957
5	Minimum age	138	1973
6	Worst Form of Child Labour	182	1999
7	Equal Remuneration	100	1951
8	Discrimination (Employment and Occupation)	111	1958

Out of these Core Conventions, the Government of India has so far ratified only 4 Conventions relating to Forced Labour, Equal Remuneration, Abolition of Forced Labour and Discrimination in Employment and Occupations. The other 4 are not being considered for adoption by the Government though India is one of the founder member of the ILO.

The trade union movement in the country should unitedly take steps through nation wide campaign and movements to ensure that the

Govt. of India ratifies all the Core Conventions of the ILO. If the Govt. of India takes steps for ratification of the Core Conventions, it would give a positive message to the developing countries all over the world to follow suit and take steps to ratify these conventions.

The advanced countries are advocating linkage of ratification of the Core Conventions with trade relations. The trade unions movement of India while opposing the very concept of linking the trade relations with such ratification, should continue to press Govt. of India for early ratification of the Core Conventions which will ensure better working and service conditions of the working population of India.

### **THE ROLE OF MAFIAS**

As in several countries in the world, mafias are playing an unsavory role in trade union movement. In coal mines, for example, mafias are controlling the social life while playing a negative role in the development of the industry. In a study conducted by the Union Labour Ministry during 70s, several mafias who were parading as trade union leaders were acting as money lenders and recovering monthly interest amounts from the workers. Some of the trade union leaders are indulging in taking benami contracts and amassing ill-gotten wealth at the cost of development of industry and living conditions of the workers. The existence of mafia is perpetuating in coal mines and other industrial undertakings due to political patronage they receive from several leaders. These mafias have private armies to terrorize workers and the people. Such existence of mafias is depriving the genuine trade unions from carrying out normal legitimate trade union activities. Several trade union leaders have been brutally murdered by mafias who do not respect any law of the land. Such a detrimental system if allowed to continue in our country because of the secret donations they give to various political parties to enable them to carry forward their depredations. A strong action against such activities in our industrial undertakings is very much required to stop such gangsterism within the trade union movement.

### **PROBLEMS OF OCCUPATIONAL HEALTH AND SAFETY**

With the advent of modern technology in our industry, several new health hazards have also developed in our industrial undertakings.

Thousands of chemicals are being used in our industries which adversely affect the health of our workers. Despite world wide campaign to ban the use of asbestos, it is still being produced in India and its consumption is increasing year by year. The Ship-breaking industry is exposing the workers to several dangerous chemicals adversely affecting their health. In coal industry also, a dreaded disease Pneumoconiosis is causing health hazard to thousands of workers every year. Workers are exposed to several carcinogenic substances adversely affecting their health. The Govt of India has amended the Factory's Act to provide some measures against Occupational hazards but its implementation is tardy and workers continue to suffer. In road accidents, more than 40000 workers are dieing every year. In the absence of any statutory mechanism to ensure full protection to workers, victims of occupational diseases are suffering.

The multinational companies who observe strict rules regarding occupational safety in their country are not doing so in India. The example of Union Carbide in Bhopal which violated all safety norms which they were implementing in USA. On 3<sup>rd</sup> December next, the country would be observing 25<sup>th</sup> Anniversary of the Bhopal gas tragedy when this aspect should be duly underlined.

Safety education is sadly neglected in India which must be appropriately stressed in the forthcoming period so that workers are properly informed about the safety norms. India should identify occupational diseases for every industry and adopt suitable measures to protect the workers from these hazards. Any worker becoming victim of the occupational disease should be fully rehabilitated by the employers. In absence of identification of industry wise occupational diseases, the workers are suffering in an acute manner without any rehabilitation attempt. The imposition by some managements to impose voluntary retirement for such workers should be put an end to. It is necessary to ensure full statutory inspections which should not be given up in the name of abolition of inspector raj. Strong measures are necessary if the inspectors misuse their powers and resort to corrupt practices to avoid action against the employer.

In the forthcoming period, steps must be taken to develop internal

safety organization by involving trade unions at all levels. Workers inspectors should be developed to inspect the working conditions and point out the neglect of safety at the shop level.

Stringent punishment should be provided for violators of all Safety norms. Workmen's Compensation should be enhanced substantially to fully rehabilitate the workers.

International experience in ensuring safe working conditions and knowledge available in different countries should be properly studied and steps should be taken to improve the safe conditions in our industrial undertakings. Cost considerations should not come in the way of taking measures to provide safe working conditions for our working class.

## **CHALLENGES OF ENVIRONMENT AND CLIMATE CHANGE**

Due to industrial development rampant degradation of environment is taking place in our industrial undertakings. Huge forest cover is getting denuded due to arbitrary cutting of trees by forest mafias which is affecting rainfall in the country. Large numbers of trees are cut to provide land for factories, mines resulting in destroying the ecological balance. Growing urbanization has also resulted in loss of tree cover in several parts of the country.

Thousands of hectares of tree covered land is vanishing every year to provide newspapers for the people all over the world. The task of replanting of new trees is not being taken seriously.

The carbon dioxide emitted by thermal power stations to provide energy for the people, the emission of polluted gas by lakhs of private cars and buses all over India has resulted in increasing the carbon dioxide content in the atmosphere which is warming the world. Despite waning against green house effect the temperature at a global level is increasing rapidly. With increasing atmospheric temperature several species are vanishing in the world including India. Due to severe air pollution human health is adversely affected. New epidemics are emerging at a global level even endangering human life.

Global warming is resulting in melting of ice at the north and South

Poles. If this process continues that sea level may increase and some cities around sea shore are likely to submerge under water.

The ozone layer in the atmosphere is getting depleted which is likely to create dangerous impact of sun rays which is being prevented by the ozone layer.

The changing seasons, produce conditions of drought due to shortage of rainfall, deepening of the water table under the earth are dangerous portents the world is facing today.

The advanced countries in the world are the major polluted in the world. The emission of carbon dioxide in the atmosphere is the largest in these countries. They don't implement the norms set forth by Kyoto Declaration which proposed reduction in carbon dioxide emission by different countries. However, the advance countries are trying to impose restrictions of emission norms which is likely to adversely affect the further development in developing countries.

India is a one of the major developing country which has to evolve policy regarding climate change in the forthcoming period. We should not be pressurized by the advanced countries in the name of reduction of emission of carbon dioxide in the atmosphere.

While adopting a policy to protect environment and reducing emission of carbon dioxide in the atmosphere India should not succumb to the blackmail of reducing the progress of economic development in the country. Suitable pollution control technology should be implemented to reduce atmospheric pollution while accelerating the rate of economic development.

## **SIMPLIFICATION OF LABOUR LAWS**

The plethora of Labour legislation in India is causing several problems for the trade union movement in dealing with Labour Relations machinery in tackling the problems issues by the workers. Even employers are sometimes saying that it is difficult for them to deal with all the Labour Laws. There is an urgent need to plug the loopholes of the Labour legislations which enable the employers to find ways and means to avoid their implementation, e.g., there is a ceiling of

wages for coverage of workmen in several legislations which prevents large sections of the workmen from coming within the purview of the law. Then several laws provide arbitrary powers to the administration to exempt certain units from the purview of the Labour Law. This power is misused rampantly and corruption is also involved in granting exemption to certain units from the purview of the law. Moreover, certain clauses in the law remained so vague that they are liable to be interpreted in different ways which only encourage litigation. The First National Labour Commission tried to prepare a Labour Code by bringing several laws under common umbrella legislation. However, it was actually an amalgamation of various labour laws and no attempt was made to improve their content. As a result, it was not acceptable to the trade union movement. In many countries, there are only limited numbers of labour laws, but they are implemented strictly by the governments while, in India, there are plenty of labour laws, but most of them have remained unimplemented. It is necessary to have a detailed discussion to improve the present Labour legislation and consolidated them on five major topics, viz.

1. Wages and other terms of service conditions
2. Social Security
3. Industrial relations
4. Welfare measure
5. Vocational training and employment guarantee

If comprehensive labour laws are prepared and they are properly administered, it will certainly help to make the labour laws beneficial to the working class. It is, therefore, necessary to increase the coverage of the labour legislation in a phased manner so as to ultimately cover all workers to ensure that nobody is excluded from the purview of the Act.

The Trade Union movement should initiate detailed discussions on the issues and prepare concrete proposals to see that the laws become more effective and beneficial to the interests of the workers. Then, attempts can be made collectively to pressurize the government of India to introduce such beneficial labour legislation. At a certain stage, there may be resistance from the side of employers to implement some of the progressive provisions, but united assertion by the trade union movement will ultimately result in taking effective measures to reform the present labour legislation.

## TRADE UNIONS ARE INSTRUMENT IN SOCIAL CHANGES

The present society is based on the economic inequality and political discrimination. The prevailing corruption in the bureaucracy and political leadership is coming in the way of accelerating social progress and the bottlenecks in eliminating poverty in the society. In the Indian context, when the profits of big business houses are increasing sky-high and the poor people committing suicides and killing their kith and kin just because they are unable to provide them the elementary needs of human existence. The present capitalist society is based on exploitation of the working class and the toiling people of our country and the trade unions movement is resisting the very basis of the exploitation. In such a situation, the trade unions have an important role to play in changing the present society into a more progressive and toiling people oriented society. Today, the profits and share markets are given more priority than the needs of the common people. The conspicuous consumption of the upper strata of the society is increasing at a faster rate while the poverty and destitution is swelling day by day. Under these circumstances, the trade unions and the working class have a social responsibility to champion the cause of the toiling masses and leading them for a social change in favour of the poor people and take the stringent measures against exploitation. Here, the trade unions can play very effectively. They would be able to perform their historic responsibility in deciding the destiny of the common people of India. The World Social Forum has given a slogan "Another world is possible". The working class has to play a leading role in bringing about such a new world order. India has accepted Socialist Pattern of Society but it is essentially building a capitalist society. The trade unions have to struggle to bring a genuine socialist system in India which will ensure happiness for all. As the Indian philosophy has advocated Sarve Sukhinaha Bhawanti, Sarve Santi Niramayah. This concept can be implemented in its true spirit only under a socialist system which abolished exploitation of man by man. It is hoped that the trade union movement of tomorrow should reorient to approach and strive for such a social transformation. The history has given this responsibility on the working class. Let us prepare working class to discharge its historic mission.

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