



# UNION POWER

**NTUI**

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## EDITORIAL

### The Challenges before us and the Way Forward

The NTUI successfully held its Third General Assembly at Aluva, Kerala from 19 to 21 November 2013. More than 700 delegates from 16 states across the country participated actively in the deliberations. Our membership in Kerala not just contributed to the rich debates at the Assembly but also enriched it with the cultural metaphor of their militant politically advanced traditions that is necessary to take the working class movement forward. The four years since the Second General Assembly held at Mumbai in 2009 has been a period of organisational expansion but of many challenges too.

Both the political and the economic resolutions, debated and adopted at the Third General Assembly, noted the crisis of capitalism caused by the cycle of persistently declining real wages leading to low demand which in turn reduces jobs and investment and that unemployment and low pay actually represents the core of imperialist globalisation which is based on growing inequality both within and between nations. It is this drive of capital's that has institutionalised contract, and other forms of irregular work sustained through the brutal attack on the right to freedom of association and undermining of democratic rights. And, whilst capital is faced with its deepest crisis yet, progressive forces have not been able to unite around meaningful or substantial alternatives and have for the most part been left defending the status quo. To change this, the NTUI committed itself to uniting the working class with progressive and democratic forces to defeat imperialist globalisation and resist the right-wing offensive by building a nationwide alliance between trade unions and social movements for an alternative economic paradigm that can meet the needs of the working class and democratise the economy and society.

For this, it is imperative to advance our collective understanding of working class unity both through further democratisation of our own organisation and by redefining our understanding of trade union unity. Fragmentation of the trade union movement along party political differences has only led to weakening of union power. And this persists. The political strength of working class can only be gained through class struggles that is both focused and sustained. The struggle of the working class is a political struggle – it is a struggle for a just share of wages, it is a struggle for a dignified existence - it is a struggle to win a society for the working class and it is this struggle that we need to take forward unitedly and with a shared collective purpose. At its foundation the NTUI neither sought to be the sole representative of the working class nor the sole trade union in the country. It recognised that several traditions would continue to exist and new ones would emerge. Several comrades from varied progressive, democratic and militant traditions joined us, in solidarity, at Aluva just as we have joined each other's struggles and sought to build united fronts. These efforts need to be strengthened.

The numerous struggles of different NTUI affiliates across the country on the issues of minimum wage and social security are core to gaining the experience that has achieved this understanding. These are the struggles for a just share of wages, the right to livelihood and a dignified existence. Hence the challenge before us is to consolidate this experience to build a nationwide struggle on winning a greater share of wages. The NTUI has since its inception laid

stress on the need to build alliances with social movements to acquire necessary political experience for the working class to strengthen its resistance. The fact that the overwhelming number of contract workers, and other workers denied any measure of labour rights, today are women, dalits, adivasis or from minority religions indicate the need to engage more substantially, at the ground level, with social movements and people's organisations in order to bring in their experiences to trade union struggles. The NTUI had understood the Assembly of Working People as a way to bring these varied political experiences in engagement with one and other while recognising that there is unevenness in different sections of working people. This is necessary to ensure the representation of working class demands in public policy in order to engage capital and government directly. We need to energise and redouble our efforts to take this forward. A Workers Charter in advance of the 2014 General Elections is a first step in this direction that must reflect a realistic assessment of the balance of force and lay the ground for contention in the immediate future.

This sets the immediate ground for the struggle against imperialist globalisation. This struggle will, however, not succeed within national boundaries alone. The progressive movement is built on the premise of working class solidarity across the world. We, in the NTUI, have benefited from the learning and experience of progressive trade unions across the world. We have stood together in support of each other's struggles. This experience must now translate into coordinated strategies and actions. While we do so across continents, if we are to succeed, we must build strong solidarity and mutuality within our region and our sub-continent. We have always understood that we can only build a peaceful subcontinent if we build a democratic subcontinent. This must become central to our struggles for strengthening working class solidarity across the world.

These are our challenge in the coming days. These challenges must be addressed. To win, we must be able to engage and draw out capital and government. To win, we must be able to influence politics and the agendas of political parties. We will achieve if we can root our strategies in concrete struggles that draw on our experience, be able to sustain our struggles and to translate them into countrywide struggles. This must remain the imperative for building a united, democratic and militant New Trade Union Initiative.

## SUMMARY REPORT OF THE THIRD GENERAL ASSEMBLY OF NTUI

The New Trade Union Initiative has brought together not just trade unions that have historically remained autonomous but also progressive trade unions tendencies that have clearly articulated the need for autonomy of trade unions from political parties. NTUI has broken new ground, since its Second General Assembly in Mumbai in December 2009, in unionising in new areas of work as well as in new regions while it has also faced significant challenges in the last four years.

NTUI held its Third General Assembly at the industrial town of Aluva in Kerala from 19 – 21 November 2013. More than 700 delegates and observers from the states of Andhra Pradesh, Assam, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Jammu and Kashmir, Jharkhand, Karnataka, Kerala, Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh, Uttarakhand and West Bengal representing different sectors ranging from highest end manufacturing and services to rural workers including agricultural and forest workers, women workers in honorarium work, in the garment industry, in domestic work, construction workers, contract workers in electricity and power, attended the Assembly.



The Assembly took off to a spirited start on 19 November, with 5,000 members of NTUI affiliates from Kerala along with 700 delegates representing 87 affiliates marched on the streets of Aluva along with 11 trade union representatives from 8 unions and 7 countries marching through Aluva town with red flags and banners to the cry of slogans in languages from throughout the country and traditional drumbeats of Kerala. The march culminated at the Priyadarshini Town Hall – renamed Comrade VB Cheriyan Nagar to salute his memory and pay tribute to his contribution to the history of autonomous trade union movement and to the formation of NTUI.

The public meeting was chaired by the NTUI President, Com. D Thankappan. NTUI delegates from across the country and fraternal trade union delegates were welcomed warmly by Com. Laxman Iyer, the President of NTUI Kerala State Council and was addressed by senior leaders of AICCTU, AITUC, AICTU. Comrades Tapan Dutta of the Bangladesh Trade Union Centre, Carl Rosen of the United Electricals (USA) and Philip Martinez of the CGT (France), each representing a continent, extended their fraternal greetings to the NTUI. The public rally was also addressed by Comrades R Kuchelar, Anuradha Talwar, Ashim Roy and M Rajan. Com. K R Sadanandan thanked the gathering on behalf of the Reception Committee. The public meeting concluded with a vibrant cultural performance.

**Report of the Proceedings of the General Assembly**

The two day delegate session of the third General Assembly was convened by Comrade Gautam Mody at the Priyadarshini Hall auditorium on 20 November 2013. Comrades D Thankappan, M A Patil and V Chandra formed the presidium for the Assembly proceedings.

**20 November 2013**

Constituting the General Assembly, Com. Gautam Mody opened the Delegate Session by recounting the past five years as one of unprecedented attack on the working class and its struggles. But despite this, new and militant struggles emerged across the country with the struggle of the Maruti workers at the forefront. He welcomed the leaders of the Maruti Suzuki Workers Union to the Assembly. On behalf of the Reception Committee, Com Laxman Iyer welcomed all NTUI delegates attending the Assembly and extended a warm welcome to all international delegates at the Assembly.



Delivering the Presidential Address, Com Thankappan began with a resolution condoling the demise of Com VB Cherman. He thanked all comrades from Kerala for fulfilling Com Cherman’s wish to hold the Third General Assembly in Kerala. He stressed on the urgent need to build substantial resistance through unity of the working class. “Our struggle will have to be new, innovative and immense despite our size” he emphasised.

Fraternal delegates Comrades Venkat Reddy of the All India Centre for Trade Unions (AICTU), NP Samy and P Chennaiya of the National Centre for Labour (NCL), Bachcha Singh of Mazdoor Sangathana Samithi from Jharkhand, Shekar Dayal from Mumbai Electric Employees Union, Verghese Chako from Kamgar Agadi from Goa and Dipti Gopinath from Airport Authorities Union, Mumbai while extending their fraternal greetings raised critical issues of the need to organise workers in the unorganised sector and fight for social dignity, of contract labour in mines and electricity generation in the context of growing privatisation of utilities.

Com. Ram Niwas, member, provisional committee of the Maruti Suzuki Workers Union,



extended revolutionary greetings and thanked the NTUI for its solidarity for their struggle even though they were not affiliated to the NTUI. Committing to continue their determined struggle against the Suzuki management and the state apparatus, he appealed for solidarity from all unions present, including critical

financial support.

**Presentation of the Organisational Report**

Presenting a brief overview of the Secretariat Report for the period 2009 to 2013, Com Ashim Roy emphasised NTUI’s understanding of trade union unity and the importance of accommodating multiple political tendencies acknowledging the important role played by Com V B Cherman in enriching this understanding. He added that though NTUI was created as a national trade union centre of independent unions, there is a need to reach out and forge alliances with wider sections of working people as capital’s firm stranglehold can be more effectively challenged with wider unity.

He reaffirmed NTUI’s commitment to struggles for minimum wages, for social security, for land and livelihood and defence of democratic rights. He expressed pride in the efforts of NTUI affiliates across the country to unionise contract workers and support their struggles. “We have to see that the Contract Labour Forum constituted by NTUI grows in to a formidable body” he added.

Concluding his address, Com Roy noting the present nature of capital and the supply chain, laid stress on the need to build relationships internationally with trade unions especially in highly globalised industries like

garments, auto etc to fight capital along the chain. He further, noted with concern the condition of Indian immigrant workers, especially in West Asia, and the need to hold our government accountable for safeguarding the rights of its citizens.

***Presentation of the Financial Report***



Com M Subbu presented the financial report and noted with immense concern that funds raised through receipt of affiliation dues was only 36 percent of total receipts, with the 32 percent coming from union donations and the remaining 32 percent coming from loans. Autonomy is not just determined by politically committing to it, but

through a commitment to raise finances for it as well. He called upon affiliates of the NTUI to commit to finance their political commitment to trade union autonomy.

The responses to the Secretariat Report were many but there was a consensus on the Report. Some delegates of course expressed their disappointment in the report not reflecting some of the critical struggles of affiliates in the last four years. The key issues raised by affiliates in their response are:

***On Working class unity:*** The need for wider working class unity and NTUI’s perspective of unity were affirmed by a large number of affiliate representatives. Com Milind Ranade speaking for Kachra Vahatuk Shramik Sangh described NTUI’s support of the Maruti worker’s struggle as stemming from this notion of unity and solidarity that extends beyond our own membership. The struggle to hold the unions of honorarium workers in Punjab together in face of leadership attrition was a formidable challenge in the last term. Com. Germanjit Singh from Mulazim Manch stressed the need to radicalise unionising in the unorganised sector along with other progressive forces in order to grow the NTUI. Com. Vaskar Nandy of Paschim Banga Cha Bagan Shramik Karmachari Union cautioned that in a time when capital can reorganise itself very easily, democracy is not enough to determine critical questions of building left unity. Creating political consciousness of the working class is most essential to take the struggles forward.

***Freedom of association and recognition of unions:*** The issue of freedom of association and recognition of

unions was raised by several affiliates. Comrades Retu Singh of Garment and Allied Workers Union, Haryana spoke of the government and employer nexus in the state of Haryana to prevent any effort at unionising – be it in Maruti or in the garment industry or of contract workers. Both Comrades Rama from Binodini Shramik Union and Bharati of Karnataka Sex Workers Union narrated their legal battle for registration of their unions in the face of extreme harassment.

***Contract labour struggles:*** NTUI’s reach amongst contract workers was apparent in the responses. Many unions discussed the spread of contract employment in their sectors, and the urgent need to unionise contract workers. Com Azeez Latif, KSEB Karar Thozilaly Union narrated their successful attempt to unionise contract workers in the Kerala State Electricity Board that has in a short period emerged as the largest state-wide union of contract electricity workers; Com DC Gohain of Jharkhand Krantikari Mazdoor Union explained that the continuing struggles of contract workers at UCIL and SAIL in the face of extreme victimisation and harassment were sustained through the strong political consciousness amongst membership including through the union’s ability to link the struggles of displacement with those of contract workers. Com. Babu Bhaladhare of the Rozandari Mazdoor Sena said that through their struggle of contract workers in the electricity sector in Nagpur, the contract workers today earned much better wages, but regularisation has not been achieved.



***Minimum wage and Social security:*** Wage in the informal sector was a matter of concern for many unions. Com. Madina of Garment and Textile Workers Union, Bangalore described the significant victories in their struggle for better minimum wages, and for Dearness Allowance for garment workers. The issue of social security, particularly in the informal sector, was raised by many. Com. Krishnammal from the Kerala State Cleaning and Destination Workers Union highlighted the complete absence of ESI, PF and other social security benefits for cleaning workers and domestic workers who are mostly women and many of them are migrants too. Com. Maya Parameshwar of Maharashtra Anganwadi Karmchhari Sangh announced

that right after the General Assembly their union was launching a struggle for pension for honorarium workers in Anganwadis, as well as Asha and Mid-day meal workers. Com. Ranso Patil of Sakhar Kamgar Union Kolhapur described the problems of workers in sugar mills, who due to the seasonal nature of work, are paid very low pension even after years of work, and are denied gratuity. Com. Kadarivel of Tamil Manila Kattida Thozhilargal Sangam recapitulated the lead taken by TMKTS to get a tripartite welfare board for construction workers in the state. But, the government today is doing everything to destroy the tripartite Board, and weaken unions in the sector.

Com. Kunnikanaran of the Revolutionary Motor Workers Union raised the issue of taking up a wage struggle in a sector where workers were not paid wages but paid commissions. He also brought up the issue of migrant workers in Kerala from states of W. Bengal, Assam, Orissa, Bihar who were employed through multiple layers of sub-contractors. Com S A Azad of Nirman Mazdoor Shakti Sangathana raised the critical issue of dealing with workplace injuries especially for construction workers and making principal employers responsible for such accidents. He discussed different strategies, including filing complaints with the NHRC.

Complementing the debate on social security, Com. Ashis K Ghosh of All West Bengal Sales Representatives Union described the dangers of how FDI in pharmaceuticals and proposals for a WTO-linked patent regime would not just adversely affect rights of workers in the sector and also health rights of all citizens through clinical drug trials, cost increase of basic medicines, etc.



***Livelihood struggles and struggles of rural workers:*** Unions from the informal sector upheld the need for NTUI to focus on struggles of the marginalised and vulnerable sections of society. Com Ashok Chowdhury, All India Union of Forest Working People, appreciated the contribution of NTUI in the formation of the union of forest workers. It is important, he noted, for trade unions to engage politically in struggles of land, water and other natural resources as in the present phase of capitalist expansion the target is land and other natural

resources. Taking this point forward, Com. Lakhan Sahu of Pragatisheel Cement Shramik Sangh asserted that while we agree on unity, achieving it is not easy. It takes real democracy – bringing together struggles of water, forest and land to working class struggles to achieve this. Com. Devabrat Sharma, Asom Mojuri Shramik Union and Bagisa Shramik Santha, brought to the fore the various issues affecting tea plantation workers in Assam, he stressed on the need and narrated their struggle for it to fight for a right to primary education in mother tongue to address the fundamental cause for social and educational disadvantage. Com. E George of Jeeva Cashew Workers Union highlighted the need for unity with adivasis in livelihood struggles.

***Privatisation:*** The critical question of privatisation of public enterprises and sale of public assets was raised by the Cochin Shipyard Employees Union facing the challenge of the proposal for IPO at the shipyard to raise resources for its expansion plans and how this will affect the rights of workers, especially contract workers.

***On Building Sustained Struggles and Political Education:*** Com. Santosh Ranjane from Thermax Kamgar Sangathan, Pune described the 50 day strike of the Bajaj Auto workers. This with the discussion on deepening political consciousness through education of membership was commented upon by many of the respondents in taking forward the challenges before us in a sustained manner at the national level.

Com. Roy acknowledged the fact that the draft Report did not fully capture all struggles of all affiliates, and assured to incorporate them in the final Report. He added that there was a need for sustained debates, a nurturing of multi political tendencies and constructive engagement with social movements to take the organisation forward.

### **21 November 2013**

The second day was opened with Comrades Jose Oliva representing the Food Chain Workers Alliance in the United Workers Congress (USA) and Seyit Aslan (General Secretary) from the Food Industry Workers' Union of Turkey, an affiliate of DISK extending their fraternal greetings. With several Pakistani, Bangladeshi and Sri Lankan invitees being denied visa, Com. Karamat Ali, of the Pakistan Institute for Labour Education and Research stressed on the need for working class solidarity across borders to unitedly reject politics of hatred of the ruling class especially in South Asia. He pledged support on behalf of comrades in Pakistan for the struggle against Maruti Suzuki along with Comrades Masamichi Watanabe (Deputy Secretary General) and Itsuko Nagasaka representing Zenoren (Japan).



The political resolution on **Unity of the Working Class with Progressive and Democratic forces to Defeat Imperialist Globalisation and Resist the Right-wing Offensive** was moved by Com Ashim Roy and seconded by Com V Chandra. The resolution noted that the deepening of economic recession has intensified the predatory nature of capital to extract profits through primitive accumulation evident in the increasing incidence of land and resource grabbing throughout the world and widening inequality across nations and peoples. This has led to wider inequality across nations and peoples. This economic crisis has precipitated a political crisis globally. The resolution further notes that this global crisis has intensified class struggle across the world leading to direct actions in many instances. But this has been countered by intensified attack on the working class both from capital and the Government, that has responded by increasing militarisation of police and an increasing policing of labour. The resolution notes that the trade union movement has to respond to these emerging needs and struggles and pledges to defend the freedom of association and the right to collective bargaining as core components of human rights and build a strong coordination to defend trade unions, trade union rights, and trade unionists. This intensified mood of the working class to resist the offensive of capital and state has broadened the scope for united action and NTUI pledged its commitment to catalyse this unity at state, regional and industrial levels through effective and sustained joint committees. The political crisis has even opened the ground for right wing offensive.

Proposing the economic resolution on **Building a Militant Struggle for a Living Wage and to Increase the Wage Share**, Com. Gautam Mody noted that the global crisis of capitalism has led both, to a persistent decline of real wages that has been the cause of low demand which in turn has reduced jobs and investment; and to a self-seeking financial sector that only distorts the real economy. The resolution recognises that unless the imbalance against wage growth is addressed there is no possibility of an end to the crisis. The present phase of Imperialist Globalisation and the domination of finance capital has led to a greater attack on working class through increased unemployment and a continued

decline of the real wage, made worse in India due to the agrarian crisis. The unemployment and low pay has widened inequality both between countries, and among people within countries. But the global crisis has also weakened the sway of US imperialism, and brought forward other forces. However, the contours of a multi-polar economic regime are yet to emerge.



The resolution further notes that India's integration with the global economy has accentuated the unsustainability of its economy. Both land acquisition and public-private-partnerships have brought out the complicit nature of the relationship between capital and the state as also the extent of malfeasance and corruption within the economy. The NTUI recognises that the present economic paradigm is based on the exploitation of the working class and cannot address their needs and therefore the NTUI commits itself to building a nationwide alliance of trade unions and peoples' movements for an alternative sustainable economic paradigm based on the principles of autonomous national development that can meet the needs of the working class and democratise the economy by building a struggle to increase the share of wages in the national income. Com. MA Patil seconding the resolution, stressed that the need to intensify and widen the struggle for decent wage and social security and protection to include all sections of workers.

Amendments to the constitution proposed by Com D Thankappan and seconded by Com N Vasudevan.

There was broad consensus on both the Political and the Economic Resolutions and to the Amendments to the Constitution, which were adopted unanimously by a show of hands.

**The Election:** The election result for the election of the principal office bearers was announced by Comrade Vijaychandran, the Chief Election Commissioner. The election did not involve voting as three nominations filed for the positions of President, General Secretary and Treasurer were unchallenged. Comrade N Vasudevan was elected the President. Comrade Gautam Mody and Com M Rajan were elected the General

Secretary and the Treasurer respectively. The Third General Assembly reflected the maturity of the organisation which put in to practice the agreed convention that no principle office bearer would hold their office for more than two consecutive terms. Comrades D Thankappan, Ashim Roy and M Subbu stepped down from their positions as principal office bearers and welcomed the new leadership that was elected unanimously. Comrades Anuradha Talwar, Milind Ranade, Sujata Mody, Pradeep Roy, K. Murugapreman and Roma were elected as national secretaries.

days of the General Assembly without which the active participation of all delegates in the Assembly would simply not have been possible.

Com. Mody announced the list of Executive Committee members and the Committee of Office Bearers. Comrades R Kuchelan (*Working Peoples' Trade Union Council*), M A Patil (*Sarva Shramik Sangh*), Ashok Chowdhury (*All India Union of Forest Working People*), Ashim Roy (*Chemical Mazdoor Panchayat*), M Subbu (*Tamil Manila Kattida Thozhilalargal Sangam*), R Laxman Iyer (*Kerala State Council*), V



**Front Row:** From R to L: Comrades N Vasudevan, President, Gautam Mody, General Secretary and M Rajan, Treasurer  
**Back Row:** From R to L: Comrades Roma, Milind Ranade, Anuradha Talwar, Sujata Mody and P K Roy, Secretaries

Com Thankappan expressed tremendous confidence in the ability and dynamism of the new leadership, assuring them of his fullest co-operation. Com Ashim Roy and M Subbu welcomed the new leadership and assured all support as vice-presidents of the organisation.

Com N Vasudevan thanked all affiliates for reposing faith in him to take over as President. "This is a huge responsibility and I believe it should be shouldered collectively to take the organisation forward. We have to continue striving for unity, democracy and ability to work with multi-political tendencies, to make NTUI a leading working class organization across the country", he stressed.

Com. Gautam Mody paying rich tribute to the three outgoing principal office bearers pledged to continuously strive to deepen democracy within the NTUI. He thanked the Kerala State Council, on behalf of all delegates for their hospitality that was clearly driven by their political energy and commitment to build a united trade union movement. He thanked the comrades both in Kerala and the NTUI central office who had worked for the success of the General Assembly as also those who had volunteered tirelessly providing simultaneous translation through the three

Chandra (*Koyla Udyog Kamgar Sangathana*), Dilip Pawar (*Vishwakalyan Kamgar Sangathana*) and Subhash Naik Jorge (*Kamgarancho Ekvott*) were nominated as vice-presidents and Comrades D C Gohain (*Jharkhand Krantikaari Mazdoor Union*), Mohammad Shafi Khan (*J&K Trade Union Centre*), Bharti Sharma (*Ghar Kamgar Shramik Sangh*), K R Sadanandan (*Kerala State Council*), Deepak Bhalerao (*Sarva Shramik Sangh*), S D Ranjane (*Thermax Kamgar Sangathana*), Devabrat Sharma (*Assam State Council*) and Germanjit Singh (*Mulazim Manch*) as joint-secretaries.

Laying out the challenges before the organisation and the way forward, Com Mody emphasised that "...To win we must be able to engage and draw out capital and government, to influence the political landscape and the agendas of political parties. We will achieve this if we can root our strategies in concrete struggles that draw on our experience, to sustain and translate them into countrywide struggles. This must remain the imperative for building a united, democratic and militant New Trade Union Initiative."

With a note of thanks by Com Narayanan of the Kerala State Council, Com Vasudevan declared the Assembly closed.

REPORT OF THE INTERNATIONAL CONFERENCE  
22-23 November 2013, Aluva



The NTUI International conference was held on 22- 23 November 2013 at the YMCA, Aluva. About 30 affiliate representatives of NTUI were joined by international comrades trade unions and union support organisations from Bangladesh, Pakistan, Sri Lanka, Japan, Turkey, France, Germany and USA to discuss critical issues of contract work, migration and discrimination along with cross-border strategies on solidarity, including for peace and democracy.

The first day of the Conference was an exploration of common grounds through a sharing of cross border experiences.

**Experience of unionising contract workers:** This session was co-chaired by Comrades Ashim Roy and Carl Rosen (UE-USA). Flagging off the discussion, Com. Roy stated that the incremental nature of the process of contractualisation of work ensures that the danger of it is not recognised when the process begins, but much later, when the damage has been done. Com. Rosen added that while new methods for unionising contract workers were being always explored, UE has been trying to organize contract workers at the industry level, as was done in USA in the 1930s. UE's efforts to unionise contract workers in Chicago – a major transportation and logistics hub – in which more than 200,000 workers are employed is seen as an extremely challenging situation but also one full of opportunities – opening up the possibility of affecting the supply chain.

Com Jacob Horwitz of the National Guest Workers Alliance – USA, sharing their experience of unionising 'guest workers', where workers are tied to one company and one job, by their visas, and threatened with deportation when they form unions, spoke of their legal struggle to counter this. Other deliberations focused on issues of raising this in the ILO, various tactics employed by employers to circumvent the law as in the case of municipal contract workers in Mumbai. Summing up the discussions, there was a general agreement there could be no universal model for unionising contract workers but in the present phase of globalisation it is important to recognise the limitations of standalone legal strategies and the need to explore extra-legal innovation through mutual learnings.

The next Session on **Migration, Discrimination and Workplace Democracy** was co-chaired by Comrades M Subbu and Jose Oliva (United Workers Congress – USA). Broadly underlining the issues of loss of identity, lack of social security, social and economic discrimination, ghettoization and a loss of democratic rights as faced by migrant workers across sectors, regions, and even nations, Com. Subbu invited Com Oliva to share the experience of United Workers Congress (UWC) in organising immigrant workers in USA.

The single biggest challenge that confronts the US working class is that of building unity of workers from multiple ethnic identities. Racist stereotyping and violence leading to exclusion of people of colour and

other ethnic and religious minorities pose enormous barriers to organising these excluded workers. The UWC as an alliance of workers who are either by law or by practice excluded from the right to unionise in the United States has used the institution of Workers' Centres as the first step towards unionising such workers. Com Jacob Horwitz also from the UWC responding to the issues of organising migrant workers at their destination point. Comrades Anannya Bhattacharjee of Garment and Allied Workers Union, Haryana, Tapan Dutta of the Bangladesh Trade Union Centre and M Rajan, spoke of organising both at home and at the destination point, be in within national borders or internationally. This requires building national and international alliances towards a common struggle.

The third and the final session of the day on **Exploring Commonalities and Bridging Strategies** was co-chaired by Comrades Sujata Mody and Christian Pilichowski of the (CGT-France). Framing the session Com Sujata Mody stressed on the need to expand our horizon beyond the framework of labour rights and address issues of human rights, questions of nationality and citizenship, ethnicity, gender to collectively face the unprecedented onslaught of capital. Com. Pilichowski noted that in order to explore commonalities and bridge strategies the need is to arrive at a common minimum programme that focuses on: i) protection of existing rights at workplace and increasing the share of wages both in countries of the global north and of the south; and ii) universal social protection. He stressed the need for strong union to union relations for building mutual trust.

The Asia Floor Wage Alliance as a regional industry based campaign aimed at bringing together garment workers was discussed at length. Comrades from Bangladesh and India unionising garment workers also expressed their reservations against such an Alliance and the need to be grounded in struggles of unionising efforts. Commenting on this and the larger question of citizenship and nationality, Com Karamat Ali noted that there is a need to go beyond trade union strategies and engage with politics at a broader level. His present effort at forming a South Asian Network for the garment industry to link unions, lawyers, labour support groups and build a network of solidarity is one such attempt. Concluding the session, Com Pilichowski emphasised the need to devise new forms of sharing, co-operation and alliances.

Peace and democracy has been at the centre of NTUI's political agenda from its inception. The morning session of the second day was dedicated to a session on **Peace, Democracy and Identity** and how it affects working class. This session was co-chaired by Comrades D. Thankappan and Karamat Ali of PILER (Pakistan).

Laying out the need for trade unions to engage effectively with and educate its membership, especially in South Asia, on questions of national jingoism and war mongering, Com D Thankappan stressed the fact that war is integral to imperialism and affects the working class across borders. Com Karamat Ali, also a noted peace activist in the region, reiterated that the sub-continent is loaded with multiple identities and constantly creating newer ones and these multiple identities have to be negotiated before working class identity can be assumed. The fact that there are workers but not a conscious working class makes it susceptible to divisions. Increasing militarisation with increasing intervention in democratic spaces and domains of democracy is stifling progressive struggles. Religious identity has been used in the region to define patriotism and we cannot assume working class identity as long as we challenge this notion of patriotism. Com. Carl Rosen of UE agreed that the notion of patriotism has been the biggest obstacle to anti-war protests in the US. As a counter to patriotism, the fact that the imperialist forces are constantly in search for oil, water and other natural resources in all the wars was stressed by Com Seyit Aslan of DISK (Turkey) and hence the need for the working class to recognise this and oppose all wars and not just struggle for economic and social rights. Thus the notion of peace, added Prof. Mritiunjoy Mohanty of the IIM Kolkata, needs to be expanded in terms of resources, with trade unions taking clear positions against wars over natural resources. Com Vaskar Nandy of Paschim Banga Cha Bagan Shramik Karmachari Union raising the question of identity stressed that it must be viewed within the locus of oppression so that it can be raised as a trade union question. Com. Masamichi of Zenroren spoke of their efforts at pushing for elimination of nuclear weapons after the triple disaster at Fukushima.

Wrapping up the discussion Com Ali noted that the issue of identity has to be looked at in relation to the state as it is in the interest of nation states to homogenise its people. As a specific move towards building concrete regional cooperation in South Asia, Com Ali suggested immediate co-operation between unions in South Asian countries (i) to protect rights of fisherfolk in the Arabian Sea and the Bay of Bengal and (ii) to discuss a common framework for garment and textile workers in the region.

The final session on **Cross Border Solidarity and the Way Forward** was co-chaired by the newly elected president Com N Vasudevan and general secretary, Com Gautam Mody. Laying out the basic tenet of cross border solidarity, Com Vasudevan emphasised the need for a common basis for working class struggles as these necessarily transcend borders. All class conscious trade unions across borders should stand together and oppose

all forms of war. He urged all present to initiate concrete steps and devise strategies for effective cross border solidarity.

Among the various suggestions from the International delegates, UE laid stress on building strong and sustained worker to worker relation through sharing of experiences, leading to common cross border protests. The International League for Brand Responsibility felt that direct workers' exchanges and building union to union relations along the supply chain across borders as important. Zenroren narrated their collaboration with the CGT in support of Nissan workers in Japan in this context.

Com. Gautam Mody concluded the conference by spelling out the framework international relations of the NTUI in the coming years, laid stress on the importance of developing stronger trade relations in the subcontinent as necessary for defending democracy in the region. The inviolate right of governments in the subcontinent to deny visas to trade union leaders is a clear attempt to create barriers to exchanges amongst the working class in the region. But the struggle at Maruti has been a cementing force for international solidarity both in the subcontinent and with unions in countries of the global north. Solidarity becomes concrete and effective when it is between equals. Development of strong national centres is key to effective solidarity. On the question of southern alliance, he said, that the need to build and strengthen union to union relations in the global south is fight against imperialism. It is equally critical to cement our ties with the unions in the global north in recognition of the inherent dichotomy of interests of workers in the global North and those in the South created by capital. The fact that anti-immigrant movements have taken xenophobic proportions in the global north, cannot be denied. As immediate steps NTUI would strengthen the union to union relations in auto and auto ancillary industry; in garment industry, where our engagement with different alliances would also have to be reviewed; and in MNCs in the subcontinent. NTUI shall also attempt to build strategic alliances with southern unions within GUFs as a part of ensuring that the GUFs address the needs of their southern affiliates. NTUI would host a 4 country exchange meeting with CGT, Zenroren, KCTU and UE on arriving at a collective strategy on unionising contract and other agency workers, including immigrant workers. The NTUI recognises that despite its stated position on peace and democracy in the subcontinent it has been less successful in grounding this strategy. The fact that the subcontinent is the largest importer of military hardware must be recognised in the context that India is now significantly integrated into the US-Israel military project. It is our responsibility across borders to

politically educate our membership and build an effective resistance to the increasing militarisation. The fight against imperialism must begin with the struggle for democratisation in our country and for peace in our subcontinent.

## AFFILIATE NEWS

**Honorary Workers Demand Regularisation:** 29 November 2013, Thane: Thousands of members of Maharashtra Rajya Anganwadi Karmachari Sangh marched to the Collector's office in Thane district of Maharashtra and submitted a memorandum demanding regularisation, pension and other retiral benefits, sick leave, restoration of payment of festival bonus withdrawn in the district since 1995. The members wore black sarees as a symbol of protest. Com M A Patil, President of the union called for an indefinite strike from 6 January 2014 if the state government take steps.

7 December, Amritsar: ASHA workers from all over the state held a rally followed by a protest demonstration in Amritsar demanding payment of minimum wages - Rs.6475 to ASHA workers, and Rs.10000 to the Facilitators, coverage under ESI, PF, and reinstatement of retrenched staff from the State government. Com Germanjit Singh and Harinder Dosanjh speaking at the demonstration also demanded Central Government intervention.

24 December, New Delhi: More than 1500 Anganwadi workers members of different constituent unions of the Akhil Bharatiya Anganwadi Karmachari Kriti Samiti joined a two day dharna at Jantar Mantar in Delhi on 23 and 24 December. This was the national level demonstration following the earlier state level ones with the same demands of regularisation and commensurate benefits. They also demanded the implementation of the recommendations of the Parliament Committee Report on Empowerment of Women of August 2011.

Simultaneously, on 24 December ASHA workers under the banner of Akhil Bharatiya ASHAs and Facilitators Kriti Smiti also held a day long protest demanding recognition as 'workers' and regularisation, free medical benefits including their families, rest rooms at health centres and 50% reservation to the posts of ANMs. A 7 member delegation met the Director - NRHM, at the Ministry of Health and Family Welfare. The Ministry has just approved an assured monthly honorarium of Rs.1000 for ASHAs based on a basic set of activities which they perform every month. Com Gautam Mody, General Secretary and Com Anuradha Talwar, Secretary addressed the demonstration.

**AIUFWP holds regional conference: 2 December, Lakhimpur Khiri:** The All India Union of Forest Working People (AIUFWP) held its first regional conference on 1 and 2 December in the Dudhwa National Park in Lakhimpur Khiri, Uttar Pradesh.

More than 4000 members, mostly women from 100 villages in the Terai region participated in the rally on 1 December 2013. Com Ashok Chowdhary, General Secretary, AIUFWP addressing the rally stressed on the importance of union membership to fight the onslaught on the forest rights movement by the state. Regional representatives presented reports and put forward their action plan. A roadmap for the forthcoming union activities was decided and resolutions were passed to focus on strengthening women leadership and building pressure on the state for declaring Taungiya villages as revenue villages.

**GAFWU launches postcard campaign for minimum wage: Chennai, 5 December 2013:** Nearly three lakh workers, mostly women are employed in about 5,000 garment units around Chennai work for extreme long hours for meagre salaries. In a bid to draw the attention of the government to their demands for an increase in the minimum wages, members of the Garments and Fashion Workers Union are conducting a postcard campaign. The Union is demanding that the State government fixes the minimum wage of garment workers at Rs.10,000 a month. At present daily wages of garment workers is around Rs.130 - Rs.140. The union has been fighting for a revision in wages since 2009. It obtained an order in 2010 to vacate an interim stay sought by employers not to implement the Minimum Wages Act notification. But employers are now forcing workers to resign or rejoin the company to avoid giving them hikes.

On 4 December, the Labour department officials assured the union members that a draft notification would be released soon on the minimum wages.

**Findings of the Fact-finding Committee on the abuse of Uranium Corporation of India Limited (UCIL)'s abuse: 6 December 2013, Jamshedpur:** At the request of the Jharkhand Krantikari Mazdoor Union (JKMU), a fact-finding committee was constituted of Prof. Babu Mathew of the National Law University, Delhi, Ms. Sudha Bharadwaj of PUCL-Chattisgarh, Mr Birsing Sinku of Birsa / Johar and Com. Gautam Mody, General Secretary, NTUI to examine the extensive abuse of labour and democratic rights by Uranium Corporation of India Limited (UCIL). Extensive examination of news reports and records of the JKMU including court documents and judgments, tripartite agreements and employment and land acquisition papers as also documents relating to the environmental

impact of UCILs operations in the region as well as after meetings with the Deputy Commissioner – East Singhbhum District, with employees of UCIL, including office-bearers of JKMU, and their families and residents of affected villages, the committee arrived at the following findings:

1. There is an inadequate assessment of the environmental impact of UCIL's operation in the region and its medium- and long-term effect on the local population. The impact in particular with regard to the disposal of low-grade ore and tailings and its effect on the quality of water, including ground water, appears to be untested.
2. 346 Workers at the Banduhurang mine have been illegally retrenched in July 2013 despite having been in employment since 2005. The retrenchment is illegal and the denial of reinstatement is both outside the spirit of the Industrial Disputes Act 1947 and judgments of the Hon'ble Supreme Court.
3. UCIL has unfairly dismissed Sagar Besra and Raju Kunkal both permanent employee at Turamdih mine who are also office-bearers of the JKMU- Turamdih unit without providing an opportunity for a free and fair inquiry. This dismissal is clearly aimed at sending a warning to the membership of the JKMU that has a growing membership in the Turamdih mine where its candidate won the canteen election with an overwhelming majority. Furthermore, Sagar Besra has emerged as a spokesperson for the affected peoples and a mediator between them and UCIL.
4. UCIL has also transferred 9 women employees, who are members of the JKMU, from the Turamdih Hospital to the Banduhurang mine despite the fact that employment of women in mining is prohibited under law.
5. The actions of UCIL with regard to its actions its employees amount to unfair labour practices. Despite various disputes in this regard being raised by the JKMU the Assistant Labour Commissioner (Central) Chaibasa has failed to act to protect the rights of workers within the spirit of the law.
6. Several office bearers of the JKMU have been charged with false criminal offences and have been arrested at various points in time. Despite the fact that even courts have held that some of these cases are without basis and proof, the attack on the democratic rights of the membership of the JKMU persists.

In view of the foregoing the Committee called upon:

1. UCIL to address the various actions it has indulged in that are illegal and outside the law in recognition of its obligations of the Atomic Energy Act, 1962 and engage in collective bargaining with the JKMU in good faith.
2. The District Administration to ensure that:
  - (i) There is a rigorous assessment of the environmental impact of UCIL's operations in the region including on ground water.
  - (ii) False cases against the membership of the JKMU are withdrawn forthwith
3. The Deputy Labour Commissioner (Chaibasa) ensures that:
  - (i) The illegally retrenched workers of the Banduhurang mine are reinstated and paid wages for the period that they were denied work.
  - (ii) Action is taken against UCIL for indulging in unfair labour practices.

**Decision on public stockholding programmes for food security:** The WTO limits the support that governments can provide farmers. The government's support to farmers is computed as the amount of food procured by the government multiplied by the difference between the administered price and a fixed external reference price (1986-88 world prices). The limit to the subsidy a government can provide its farmers is referred to the *de minimis* limit. This limit is calculated as 10% of the total production of the food in the country multiplied by the administered price. This is of direct concern to developing countries such as India that procure food for their food security programs at the administered minimum support (AMS) price. An interim solution was agreed upon in Bali which protects developing members from being challenged at WTO on grounds of exceeding their AMS limit. But this has a number of riders including an agreement to establish a work programme to recommend a permanent solution no later than the 11<sup>th</sup> Ministerial Conference.

## CAMPAIGN NEWS

**Climate change negotiations held in Warsaw: 24 November 2013:** The United Nations Climate Change Conference was held in Warsaw between 11- 23 November 2013. This was the annual session of the parties to the 1992 United Nations Framework Convention on Climate Change (UNFCCC). The Conference discussed (i) a timetable to guide negotiations over the next two years for a final agreement to cut emission levels in 2015; (ii) the setting up an international mechanism for 'loss and damage'- This mechanism will mobilise and secure funds, technology and capacity building activities to address loss and damage in developing countries most vulnerable to the effects of climate change; and (iii) Adaptation Fund.

**Decisions from WTO's Conference in Bali: 8 December 2013:** The 9<sup>th</sup> Ministerial Conference of the World Trade Organisation (WTO) was held in Bali, Indonesia from 3-7 December 2013. The four important issues discussed in this conference pertained to export subsidies (including trade facilitation), food security programs of developing countries, administration of tariff quotas and general services of WTO.

The some of the decisions taken at this Round of the Ministerial Conference are as follows:

**Agreement on trade facilitation through customs cooperation:** This will be a legally binding multi-lateral deal to simplify and speed up customs procedures. It also includes provisions for goods in transit.

## NEWS UPDATE

**Industry Associations oppose the Haryana govt decision to hike Minimum Wages: 17 November 2013:** The Chief Minister Bhopinder Singh Hooda at the Gohana rally on 9 November announced a hike in minimum wages in the state. Effective from 1 January 2014, the minimum wage for workers in the unskilled category will be Rs 8,100 a month, which is a significant leap from the current Rs 5,341.

**Denied wages for two years under MGNREGA, workers compensated:** A total of Rs. 5.17 lakhs was paid as compensation to 91 workers in Jharkhand who were denied wages for over two years under the Mahatma Gandhi National Rural Employment Guarantee Act in a landmark order passed by the Labour Commission in Murhigram panchayat, Khunti block. The compensation amount was recovered from the Block Development Officer, Block Programme Officer, Rozgar Sevak and Panchayat Sevak.

**Railway employees decide on 'strike ballot': New Delhi, 28 November 2013:** Over 13.5 lakh railway employees exercised their franchise on 20 and 21 December to decide on calling a general strike to press for their long-pending demands. More than 90% members have voted in favour of an indefinite strike.

The decision to call for the 'strike ballot' was taken at the 89th Annual Conference of All India Railwaymen's Federation (AIRF) held from 22-24 November in Patna. The main demands include scrapping the new pension scheme and introducing guaranteed pension and family pension schemes that were available prior to January

2004; removal of pay anomalies of the 6<sup>th</sup> Pay Commission; and payment of arrears and allowances of drivers of goods and passenger trains. The other demands include filling all vacant posts, of which 1.5 lakh are safety related; sanctioning additional posts commensurate with the increase in number of trains and workload, etc.

The National Federation of Indian Railwaymen (NFIR) also in its 27<sup>th</sup> National Convention held at Vishakhapatnam on 10-12 December 2013, decided to call for a strike ballot on 17 and 18 January 2014. Both the AIRF and NFIR had presented a charter of demands to the government in July 2013.

**Assam fixes Minimum wages for private security staff:** *Guwahati, 27 December 2013:* The Assam government, after consultation with the Minimum Wages Advisory board, has fixed the minimum rate of wages payable to the employees of 'Private Security Agency Houses'.

In addition to the rate of wages fixed, the employees and security personnel will be entitled to Variable Dearness Allowance (VDA) to the extent of 75 per cent of the rise or fall in the Index Point of All India Consumer Price index (CPI) for Industrial Workers, an official release said on Thursday. As per the notification, the minimum daily wages of Assistant Security Officer has been fixed at Rs. 300 and monthly Rs. 9000; Supervisor's daily wages at Rs. 250 and monthly Rs. 7500; Gunman's (Armed) daily wages Rs. 220 and monthly wages Rs. 6600; Security Guard's (Unarmed) daily wages at Rs. 180 and monthly wages Rs. 5400; and for other Unskilled Employees daily wages at Rs. 160 and monthly Rs. 4800.

The employees, as per this schedule, will also be allowed a day of rest every week which will ordinarily be Sunday.

**HEFOI supports struggle of ACCOR workers in Indonesia:** *30 December 2013:* Hotel workers in Delhi and Goa held solidarity protest actions in support of the struggle of the union of Accor workers at the Ibis Tamarin in Jakarta Indonesia.

The Jakarta union has been struggling for rights and recognition since it was formed and registered in August 2012. The union, affiliated to the national hotel and restaurant federation FSPM, had submitted a Charter of Demands to the management in July and again in November, 2013 which included issues of unpaid overtime, unfair distribution of the service charge on which employees rely, the conversion of contract workers' jobs to permanent positions and the start of long-delayed collective bargaining negotiations. The management responded brutally. Union members

have been victimized and harassed by their immediate superiors to resign their union membership. The union president remains unjustly suspended from work.



Hotel Employees Federation of India (HEFOI) held a protest action in Delhi on 14 December in front of the Ibis Delhi Airport Hotel. Police was mobilised but they continued their action. This was followed by the protest rally of about 140 hotel workers from North and South Goa that culminated before the Novotel Goa Shrem Resort on 17 December.

**Trade Unions March to Parliament in a show of Unity:** *13 December 2013:* On 12 December, the united voice of the working class echoed in Delhi when around two-and-a-half lakh workers marched to Parliament under the banner of National Coordination Committee of Trade Unions, irrespective of their affiliations.

The protest march to Parliament on 12 December comes ahead of stake sales in Coal India and Indian Oil Corp, which are crucial for the government to meet the disinvestment target of Rs 40,000 crore for 2013-14. In May 2013, the 11 Central Trade Union Organisations (CTUOs) submitted a 10-point charter of demand to the Prime Minister that included halting of disinvestment, raising monthly minimum wage to Rs 10,000, a universal social security cover including an assured pension for all, equal wage for equal work for contract workers and concrete steps to contain inflation. The CTUOs are also demanding that the government announces concrete measures for employment generation, removal of all ceilings on payment and eligibility of bonus and provident fund, increase the quantum of gratuity and compulsory registration of trade unions within a period of 45 days and immediate ratification of the ILO Conventions 87 and 98 on freedom of association and collective bargaining.

The Prime Minister at the 45<sup>th</sup> session of the Indian Labour Conference publicly acknowledged that the demands raised by the trade unions was legitimate and constituted a group of ministers headed by AK Antony

to look into the demands but nothing concrete has been done by the government. The fact that there is total lack of action from the government on the demands that the CTUOs have continuously been raising for the last four years, jointly in various forms and from all platforms, brought them to the streets on 12 December within ten months from the two day countrywide general strike on 20-21 February 2013.

On 13 December, Prime Minister Manmohan Singh assured a delegation of the National Coordination Committee of Trade Unions that he would expedite the implementation of all recommendations of the three-member Committee, headed by Defence Minister A.K. Antony. The delegation led by the AITUC general secretary Com. Gurudas Das Gupta also met Mr. Antony and urged him to speed up the committee's recommendations.

## LEGAL UPDATE

**Draft rules for Manual Scavengers and their Rehabilitation Act released:** 7 November 2013: The Ministry of Social Justice and Empowerment released draft Rules for the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 on 7 November 2013. The Act received the assent of the President on 18 September 2013 and would come into force from 6 December 2013.

**Sexual Harassment of Women at Workplace comes into effect:** 9 December 2013, New Delhi: The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 came into force with effect from 9 December 2013, with rules being notified by the Ministry of Women and Child Development. It was passed by the Lok Sabha on 3 September 2012 and by the Rajya Sabha on 26 February 2013 and got the assent of the President on 23 April 2013 but was notified only on 9 December 2013.

The Act seeks to cover all women, irrespective of their age or employment status and protect them against sexual harassment at all workplaces both in the organized or unorganized sector. It provides for a constitution of an Internal Complaints Committee (ICC) and Local Complaints Committee (LCC). All workplaces employing 10 or more than 10 workers are mandated under the Act to constitute an ICC.

Complaints from workplaces employing less than 10 workers or when the complaint is against the employer will be looked into by the LCC. On filing a complaint, the Committee is duty bound to complete the inquiry within 90 days, failing which a penalty will be imposed. One of the contentious provision of the act is that it prescribes punishment for filing frivolous complaints.

The other important provision include, an employer being fined Rs 50,000 in case of violation of his duties under the Act and repeated non-compliance of the provisions of the law can even lead to cancellation of licence or registration of the organisation.

**SC and ST (Prevention of Atrocities) Amendment Bill, 2013 introduced in Lok Sabha:** 12 December 2013: The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2013 was introduced in the Lok Sabha by the Minister of Social Justice and Empowerment, Kumari Selja on 12 December 2013. The key amendments relate to:

- **Addition of categories of atrocities:** The Bill adds new categories of actions to be treated as offences including: (a) making an SC/ST individual do manual scavenging, (b) obstructing an SC/ST chairperson or member of a panchayat from performing their duties, (c) imposing a social or economic boycott on an SC/ST individual or preventing the individual from availing public services, and (d) preventing an SC/ST individual from using common property resources, entering places of worship, educational institutions, etc.
- **Modification and addition of definitions:** The Bill clarifies the meaning of 'wrongful' in the context of wrongful occupation of land of SC/STs and adds definitions of economic and social boycott, victim, witness, etc.

The Bill defines 'consent' in considering non-consensual actions of a sexual nature against SC/ST women. Consent is defined as an unequivocal voluntary agreement through words or non verbal communication. The Bill adds that not offering physical resistance shall not be regarded as consenting to the sexual activity. In addition, a woman's sexual history, including with the offender shall not imply consent or mitigate the offence.

- **Establishment of Exclusive Special Courts and Exclusive Public Prosecutor:** The Bill specifies that state governments must establish an Exclusive Special Court for one or more districts to try offences under the Act. In districts where the number of cases is lower, a Court of Sessions may be specified as Special Court to try offences under the Act. An adequate number of courts must be established to ensure that cases under the Act are disposed of within two months.
- **Rights of victims and witnesses:** The Bill adds a chapter on the rights of victims and witness. It specifies that it shall be the responsibility of the state to make arrangements for the protection of victims, their dependents and witnesses.

- **Modifications in the role of public servants:** The Bill specifies the duties of public servants with regard to SC/STs, including: (a) registering a complaint or FIR, (b) conducting the investigation and filing the charge sheet in the Exclusive Special Courts or Special Courts within 60 days, etc.

**Standing Committee recommends integrated policy to check child labour:** *14 December 2013:* The Child Labour (Prohibition and Regulation) Amendment Bill, 2012 was introduced in the Rajya Sabha in December 2012 and was referred to the Standing Committee. The Bill seeks to ban employment of adolescents. The Standing Committee noted that there was no provision in the Bill to regulate the work condition of adolescents. It suggested that this along with wages criteria and settlement of disputes related to the age of the child be made part of the principal Act to "minimize exploitation". The Committee recommended the Centre frame a new child labour policy instead of a fragmented approach like amending the existing law.

## INTERNATIONAL NEWS

**South Korean Rail workers end 22 day strike:** *30 December 2013:* The Korean government in December announced that it aimed to form a new subsidiary for the state-run Korail so that other public firms could buy the shares of the new affiliate.

The Korean Railroad Workers Union (KRWU) began its strike on 9 December with an 80 percent strike vote. The strike quickly developed into one of the sharpest worker-government conflicts in the recent past, attracting support from the national union confederation, the KCTU. Korail said it would dismiss 4,213 unionists and filed a damages lawsuit against 194 union leaders. A court issued arrest warrants for 10 union leaders for obstruction of business operations. On 17 December the police raided the union's offices nationwide.

Thousands of railway workers and union activists staged a three-week strike and took to the streets of Seoul against privatisation and layoffs. The KCTU called a general strike on 27 December. About a lakh of workers marched that day in Seoul demanding no privatization and the resignation of the Park government. Riot police cracked down heavily on the protesters and forcibly arrested around 140 union members on charges of obstruction of justice.

Korail union leaders decided to end the strike on 30 December after two major political parties agreed to form an ad hoc committee in the National Assembly to study the feasibility of rail privatization. Korail is now seeking an injunction to seize the assets of the union

and its leaders as part of its 11.6 billion won damages suit. Management has summoned 256 unionists to a penalty commission, a routine step toward dismissal.

## PRESS STATEMENT

**The Government of India Sells Food Security Short at the WTO:** *New Delhi, 13 December 2013:* The 9<sup>th</sup> WTO Ministerial held at Bali from 6-9 December 2013 once again demonstrated the inequity between nations and peoples of the global north and the south as the basis of determining international trade agreements. It has also brought forth the lack of unity of purpose reflected in the foreign policy of nations in the global south. The success of the WTO Bali Package lies in the fact that the foreign policy of the nations in the global south is fraught with divisions stemming from their relationships of dependency on the United States and the European Union. The NTUI joins several peoples' organisations and social movements in the country and across the world in condemning the Government of India in signing the Bali package that will compromise the country's sovereignty to legislate on not just food and agriculture, but also in the determination of its foreign policy.

The Bali negotiations were preceded by intense negotiations on the Doha Round and its three unresolved issues - a package for the Least Developed Countries (LDCs), trade facilitation and on agriculture. The LDC package has few actual developmental benefits and is limited to 'best endeavours' rather than binding commitments. WTO members reaffirmed their commitment to duty free, quota free market access for LDCs. With limited exportable goods and services of LDCs and with rapidly declining tariffs, the benefits of duty free, quota free market access tends to zero. Improvements in rules of origin and non-tariff barriers would have been more beneficial to LDCs as these are the barriers that really block market access. In sharp contrast, the trade facilitation clause has not just ensured binding commitment from all nations to greater market access for the countries in the global North, it also imposes costs on countries in the global South. Meeting trade facilitation commitments will require investment, and many will even be capital intensive. Countries in the global South will require finance and technology to upgrade and improve trade facilitation which will further widen the inequity between the nations of the global north and the south. In fact both the LDC package and the trade facilitation clause will only accentuate the terms of trade against the countries of the south and reinforce the unequal global division of labour maintaining the global south as the home to low value added, low paid and unsafe jobs.

Negotiation on Agriculture, more specifically on food-stock holding, was the most contentious issue at Bali. In the Uruguay Round of WTO negotiation developing countries agreed that subsidies cannot exceed 10 per cent of the production value. The issue in question was the price benchmark for the valuation of the volume of food stocks countries can legally hold. Since the reference price for calculating subsidies is the average international market price of 1986-88, it results in serious over-estimation of the current level of subsidies given by countries. India's position was to use current prices, which would mean amending the agriculture agreement of the Uruguay Round of WTO negotiation. In the Uruguay Round in 1994, India and 122 other countries had agreed to limit their price proposed to farmers to 10 percent of the total agricultural output. However, with India's food stock piles and procurement rising in recent years, the country was in breach of the 10 percent limit. India's claim has been that the country will have to continue procuring even more grains to meet the limited entitlements under the National Food Security Act 2013. Hence, India proposed an interim arrangement until a more permanent solution can be reached. This was opposed by the United States that proposed a 'sunset clause' of four years in which time every country would ensure it remains within the 10 percent limit. This was not acceptable to India. The final agreement is an interim mechanism until a permanent solution is found. This means that more negotiation is still required to find a permanent solution. The interim solution - the "peace clause" - will mean that countries in the global south cannot be sued under the Agreement of Agriculture for holding large stocks for food security purposes but will remain open to disputes being raised under the Agreement on Subsidies and Countervailing Measures for their food security programmes as discriminatory market practices. In contrast the huge agricultural subsidies of the USA and the EU were never at any point even discussed and remain intact and unquestioned.

Thus, though the Government of India has bought itself time at Bali, it is important to note two issues that will determine the future course of policy action. One, the ability of the Government of India to alter the course of its foreign policy and pursue a strong policy of building solidarity of nations in the global south, including with Brazil and China in order to tilt the balance of power in the following rounds of negotiations that will affect the sovereignty of nations. The objection by Cuba supported by the Latin American countries of Nicaragua, Bolivia and Venezuela to the "trade facilitation" agreement ignoring the continuing US embargo on Cuba forced the alteration of the text to reflect Cuba's concern. This is a reflection of the possibilities of tipping the balance through regional solidarity even if in this case it did nothing to resolve

the issue. And two, the ability of the Government of India to pursue the issue of agriculture from the perspective of food security and sovereignty and not merely to protect the interests of large farmers. If indeed the Government of India needs to gain more manoeuvrability in its negotiations it will have to ensure that the Minimum Support Price (MSP) serves the distributional ends that it is aimed at. The MSP is aimed at providing remunerative prices for small and marginal farmers whose produce is meant to feed the public procurement system. In effect, however, small and marginal farmers have been pushed out of the agricultural market owing to lack of economies of scale while large farmers have gained through increasing consolidation of land. If indeed government is serious about advancing food security, as it claims, it must ensure a remunerative MSP that shores up the small peasantry rather than employing it to serve large farmer including corporate farming interests. In fact the addressing the domestic agrarian crisis in order to ensure food sovereignty must precede the next round of WTO negotiations.

The NTUI calls upon the Government of India to ensure that the entitlements under the NFSA and protect the livelihoods of small and marginal farmers are adequately protected in future negotiations of the WTO and to achieve this it must put in place a foreign policy that reinforces solidarity and mutuality within the global south. Furthermore, government must recognise that all international treaty obligations must be ratified by Parliament.



**NTUI Convention  
Manifesto of Workers  
for the General Election 2014**

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