

NTUI Charter for the Elections to the 15th Lok Sabha

Preamble

The one and a half decade of policy changes induced by imperialist globalisation has resulted in:

- Occupational dislocation, unemployment and low growth of employment;
- Industrial closure, downsizing and retrenchment;
- Destruction of productive capacities and livelihoods;
- Creation of low-quality employment resulting from increased casualisation and contractualisation of employment, denial of labour rights, increasing violation of occupational health & safety norms, and intensification of labour exploitation;
- Privatisation and induction of labour displacing technologies;
- Industrialisation through SEZs enclaves, where foreign and domestic capital are provided with special incentives, tax breaks and lax labour law implementation;
- Increase in the disparity of income and concentration of wealth.

The UPA Government was formed in 2004 in the wake of massive rejection of these policies, and rebuttal of the falseness of the 'India Shining' slogan. The defeat of NDA was an expression of people's aspirations for national development, secular democracy and equitable reorganisation of economy and society. But, the UPA government did not substantially or fundamentally change from this path. Both, the BJP and the Congress, have a broad consensus on the neo-liberal, pro-imperialist economic policy. However, the present economic crisis and, both the opposition in parliament and the increased militant and persistent resistance outside it, have forced the UPA government to retreat. It has been forced to accept state intervention in the economy, fiscal expansion, and public investment.

The NTUI calls for strengthening of the political offensive against imperialist globalisation, and consolidation of secular and participatory democracy in the parliamentary election in 2009. The core objective is to define and frame the political space for the third front that is constituted by the convergence of:

- Reorganised Left forces for militant mobilization, democratic development and participatory democracy
- Consolidation of the forces for social equality and economic justice
- Unity of forces of democratic nation building and multi-layered federalism

In the Lok Sabha Election, NTUI calls for a campaign for a new CMP in the process of new government formation. The earlier CMP was a result of the 2004 general election and the government formation of the UPA. But, it was not a proactive decision emerging out of strategic consideration. The CMP resulted from an ad hoc action in relation to the fractured mandate of the people and the problems of government formation.

In this election campaign the prime task is to build an ideological offensive against monetarism and market fundamentalism. The NTUI's agenda is for a broad framework for a people's programme which is built on the key concepts of national development, decentralisation and federalism, planned economy based on domestic demand with expanding public sector, secularism, social equality, improving purchasing power of the working people, deepening democracy, worker participation, and peace in South Asia and the world.

To achieve this end, We Demand:

1. Protection of Core Labour Rights

- Ratification of ILO Convention 87 on Freedom of Association and Protection of the Right to Organise Convention, 1948 and Convention 98 on Right to Organise and Collective Bargaining Convention, 1949 and repeal of all legislation like ESMA that violates the freedom of association.
- Mandatory Recognition of Trade Unions by secret ballot.
- Expansion and mandatory implementation of The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 in all states.
- No ceiling on payment of Bonus.
- Takeover of abandoned and closed Tea Plantations by the Tea Board as per the Tea Act and payment of all dues to workers by the Tea Board in all cases of abandonment by the owner. Subsequent handing over of the plantation to workers' cooperatives if there are any.
- Legislation for regulation of employment and conditions of work in the informal sector, with separate laws for agricultural workers and non-agricultural workers
- Amendment of the Industrial Disputes Act, 1947 to include "Sales Promotion Employees" in keeping with I.D. (West Bengal Amendment) Act, 1981.

2. Sick industries

- Ensure the restructuring of Sick Industries in the public sector through mergers and amalgamations with profit making public sector enterprises.
- Ensure fixing of responsibility of both management and banks and financial institutions in the event of sickness in the private sector and restrict the right of both the management and the banks/financial institutions having a say in industrial revival where such responsibility can be fixed.
- In consonance with the provision of equality between secured creditors and workers under Section 529 A of the Companies Act, 1956, workers must enjoy the same rights of intervention in the revival of a sick industrial company.
- Ensure a time bound mechanism for arriving at a revival and rehabilitation plan for a sick industrial company under the BIFR/NCLT.
- In the event of a secured creditor moving the Debt Recovery Tribunal to recover their dues it must be made mandatory to issue a notice to workers.
- In the vent of failure to revive a sick industrial company, there must be a time bound mechanism for distribution of liquidation proceeds to both the secured creditors and workers wherein there is an agreement between a majority of secured creditors and workers that assets of the company under liquidation may be sold through an Asset Sale Committee, created under the direction of the appropriate High Court, comprised of equal representatives of secured creditors and representatives of workers or their trade union so that secured creditors and workers may realise their dues expeditiously outside winding up.

3. Employment Generation

- Promotion of a self-reliant industrial base that will create employment opportunities and promote high-employment industries.
- Diligent and aggressive implementation of the NREGA with an elected employment monitoring committee at every panchayat, every member of which must be a worker under NREGA.
- Increasing the entitlement to at least 100 days to every adult living in a rural area.
- Expansion of the list of permissible works to include rural public services and construction of rural infrastructure including under roads, electrification and housing.
- Specific rules for the payment of Unemployment Allowance that will specify the procedure for payment, a time frame for payment and punitive measures for non-payment and delay in payment.
- Rules for late payment of wages under NREGA.
- Appoint a district level officer specifically designated to hear any dispute regarding payment of wages and unemployment allowance, with delegated power to settle any such dispute within a specified time period.
- Enact Urban Employment Guarantee legislation.

4. Social Security

- Establish universal social security as a citizenship right. Legislation to guarantee complete budgetary support to a non-contributory and justiciable National Minimum Social Security Benefit that includes pension and health benefits including maternity benefits and accident relief.
- Establishment of a National Social Security Fund with an allocation of at least 3% of GDP.
- Pension at 50% of the last drawn wage or the national floor wage, whichever is higher.
- Pension schemes should include single and destitute women and not just widows.
- All health care benefits to be at the level as provided for by the ESIC.

5. PDS

- Ensure universal access of the Public Distribution System in both rural and urban areas with expansion of the distribution network, increases in quantities supplied in consonance with consumption needs and at prices in line with minimum wages.
- Expansion of PDS to include all essential commodities and its extension to all rural and urban areas in the country.
- PDS to be linked to control of prices of cereals and other essential commodities.
- Mobile Smart Cards for PDS so that migrant workers can access PDS wherever they go. Smart cards to take nuclear families as the unit for Household. A household may have a single member.
- Nutritional programmes, such as mid-day meals, supplemental nutritional programmes for pregnant and lactating women, ICDS, should be converged

with the PDS to ensure more efficient delivery. Stop creeping privatization of the ICDS.

- Transparent, participatory, effective, efficient and justiciable delivery system.
- Minimum Support Price to be so fixed for farm produce such that it provides an incentive for food production.

6. Urban Policy

- Introduce a policy of rent control, expand public investment in housing and ensure that all house evictions, in both urban and rural areas, are justiciable.
- Ensure that public owned urban transport facilities are introduced in all towns with a population of over 2,50,000; that dedicated bus lanes are in place in all cities with population above 1 million; public owned bus services reach every village; fares on both public and private bus services are affordable and are therefore as such maintained at not more than 10% of the lowest state minimum wage per day for the average daily journey of a working person.

6. Contract Work

- The Contract Labour Act is strictly implemented, for the progressive abolition of contract employment, and absorption of contract workers in perennial employment as tenured workers. Immediate constitution of a National Commission to examine the current situation of contract workers.
- A separate review of employment of contract workers, and implementation of the Contract Labour Act in the public sector in consonance with Supreme Court's 1999 judgment on the Gujarat Electricity Board case recommending such a review in the public sector.
- Wages to contract workers should be regulated strictly on the basis of equal wages for equal work. On the same principle, minimum wages for contract workers should be fixed as the lowest bargained wages to tenured workers in the industry.
- Labour Commissioners should be mandated under the powers of Clause 5 of the Minimum Wages Act, 1948 to declare minimum wages for contract labour in the industry wherein the lowest wage of an Industry wage award or a collective wage agreement, whichever is higher, should be the legal minimum wage for contract workers.
- The system of automatic licensing of contractors should be immediately stopped. Clear guidelines should be specified for qualification of contractors. Contractors convicted for basic labour law violations, including non-payment of minimum wages, should be debarred from obtaining licenses under the Act.
- License to contractors for the same work process or contract should not be for more than a year. This will help in controlling sham contracts in situations of work of permanent nature.
- In all cases of contract employment continuing for a year or more, the principal employer should be mandated to maintain a sub account for Provident Fund of contract workers.
- Labour cooperatives of contract workers should be given preference in employing workers on contract. The labour cooperatives should be given a 15% price preference, as is the norm for business with other cooperatives. Even in a situation where a labour cooperative is not the lowest bidder, the

cooperative should be given the first option of refusal for taking up the contract at the accepted bid.

- Seniority of contract labour should be recognized for preference in employment as tenured workers in any company.

7. Revision of Minimum wage based on need based wage measure

- Fixation of a Need-based minimum wage for rural and urban areas. Separate minimum wages for urban and rural areas based on the cost of living in each area of a state and not on the nature of employment. A separate minimum wage for workers with a minimum level of education.
- Regular revision of minimum wages keeping in accordance to the revision of Dearness Allowance.
- Government to promote Industry level wage agreement with lowest level of the industry wage being higher than the base level of the regional minimum wage to incorporate the productivity gains of the industry.
- Non-payment of minimum wage to be made a cognizable offence in consonance with the Reptakos Bret case in which the Supreme Court ruled that non-payment of minimum wage amounts to a condition of forced labour.

8. Land Policy

- Repeal of the Land Acquisition Act, 1894 and rejection of the underlying principle of eminent domain.
- Repeal of the SEZ Act, 2005
- A new legislation for industrial development framed on the principle of democratic development of regions and people which will include a justiciable framework for land acquisition, prior informed consent of all affected people, participatory process to protect the interests of all stakeholders with an integrated comprehensive rehabilitation procedure that will be justiciable.
- Establish autonomous governance structure within states for all adivasi areas with the legalization of all their customary rights including non-alienation from land without the consent of the gram sabha.
- Legal protection of all customary rights of fishing communities.
- Panchayat common land that has been privatized to be returned to the Panchayat.
- Surplus land should be redistributed to all such that each family is given at least one acre of homestead land with no land alienation of SCs and STs.
- The land ceiling limit should be downgraded.
- Debt waiver to agricultural workers.

9. Health

- Enact a Right to Healthcare Act under which all Indian citizens can get free, easily accessible, quality healthcare services;
- Expand public health care system to restore and actualise the state's responsibility for health of citizens
- Raise budget allocation for health to 5 percent by 2012 and to 10 percent of GDP by 2015 and planned and balanced development of all healthcare systems.
- The three levels of public health systems, ESI and OHS must be integrated in a comprehensive manner.

- Ensure quality and universal service provision in anganwadis to all girl children, women and all those in the age group 0-6 as per the Supreme Court directive
- Provide pregnant and lactating women daily financial support equivalent to the daily minimum wage for a period of six months (three months before and after child birth);
- Enact a Rational Drug Policy that allows the sale of only generic drugs and also limit the patent holding rights on all drugs to a maximum of five years;
- Commission to assess and award full compensation to the affected people, penalty for the environment damage and cancellation of the licenses of all industries causing pollution.
- To rejuvenate and strengthen Public Sector Units in Pharmaceutical industry to counter the monopolist aggression of organized national and multinational companies.
- All essential drugs to be included under Drug Price Control Order (D P C O). Stringent measures to be taken to stop manufacturing spurious Drugs.
- Government should ensure that all components of health systems are involved in an integrated response to the specific health needs of working populations.
- The workplace should also serve as a setting for delivery of other essential public-health interventions, and for health promotion.
- ESI hospitals and clinics specialising in OHS should be set up in areas identified as hosting large numbers of vulnerable workers/industries.
- Add occupational diseases, injuries and health hazards to Workmen's Compensation Act if it is not listed in schedule 3.
- Higher compensation for death or permanent disability due to occupational health hazard. Special assistance to all those suffering from occupational diseases in service and post retirement.
- Research on tropical diseases including malaria, filarial, sickle cell anaemia.

10. Education Policy

- Public sector institutions of under-graduate and post-graduate professional education must increase enrolment without a significant decline in teacher-student ratios to improve access.
- Expand investment in good quality school education.

11. Women

- Ensure legislative protection of women's reservation.
- District level Secretariat for women members of the district Panchayat to support and facilitate their participation in governance.
- Mandatory representation of women in all public committees.
- Make violation of the statute for equal pay for equal work a cognisable offence.
- Ensure protection of labour rights for self-employed and home based workers
- Redefine the minimum wage norms to include monetisation of domestic work in a family
- Build a credible mechanism for addressing discrimination in labour markets.
- Prevent discrimination in employment of women in extractive and heavy industries

- Ensure legislative prevention of gender violence including at the workplace. Legislation to provide legal sanction for Vishakha Guidelines.
- Recognition of Sex work as work and legal protection of their right to work.

12. Backward Castes, Religious Minorities, Adivasis and Other Backward Communities

- Improving access of dalits, muslims, adivasis and other backward communities to higher education through an increase in quotas proportional to population in order to increase mobility and reduce inequality.
- Increase scholarships available for dalits, muslims, adivasis and other backward community students to ensure lower drop-outs due to lack of financial resources.
- Ensure that the private sector commits itself to meaningful affirmative action in private sector employment.
- Clear all backlog in recruitment in the reserved category.

13. Government Employment

- The wage policy should be such that the national minimum wage should be at par with the lowest pay on the government scale.
- A cap on executive pay.
- No contractualisation of government services
- Expansion of employment opportunities for women, dalits and adivasis.
- Principle for increase in wage should be the same for all categories of employees.
- Expansion of public services through increased recruitment.
- Ensure accountability of public servants at all levels of public service and public norms should be ensured through transparent and democratic processes.

14. Public sector

- Public sector investment and expansion of state ownership;
- Revamping of the cooperative sector by providing fiscal support, building up PSU cooperative partnership and democratisation of cooperatives;
- Expansion of the wage share by reversing the trend in the decline of wage share in the value addition;
- Democratic accountability of public sector and public services;
- Restructuring of the public sector to build on existing capacity of indigenous technology especially in the capital goods and wage good sector; ensure that India Investment Fund caters exclusively to the public sector; and, link the fiat of public sector undertakings to park their free cash flow with public sector banks with preferential interest rates on loans for the public sector.
- Public Sector Employees Pension Scheme should be linked with the cost of Living Index like any other pension scheme.
- Regularisation of all contract workers working in the Public Sector
- Removal of all restrictions on Medical Reimbursement Scheme in the Public sector.
- Removal of ceiling on gratuity and on salary in computation of workmen compensation in the Public Sector.
- Scrap the Electricity Act, 2003.
- A comprehensive State sponsored pension scheme.

15. Private Sector

- Workers' participation to be made mandatory in Corporate Governance with a specific role of trade unions in monitoring the functioning of corporations.

- A cap on executive pay and bonus; higher personal income taxes in the top income tax band and introduction of new tax bands at higher income levels; taxation on assets;
- Ensure that industry tax breaks and concessions granted to capital are made conditional on not laying-off workers, including contract workers, and not introducing pay cuts.
- Ensure liability on all directors of a company including “independent” directors in the event of corporate mis-governance and malfeasance.
- Enforce adequate measures for technology transfer and registration of local patents by MNCs operating in the country.

16. Macroeconomic Reform

- Regulation of the financial sector including strict regulation of foreign investment and introduction of a long-term capital gains tax
- Suspend trading in all commodity derivative markets and regulate and where necessary control prices and revive the mechanism of the price commissions.
- Accountability and transparency of the use of public money.
- More transparency in PF and Pension with mandatory actuarial calculations to be released every year.
- All new infrastructure investment to be made exclusively in the public sector. Further, review all Public-Private Partnership agreements and terminate all such agreements that are in violation of either scheduled deliverables or financial parameters.
- Restructuring of global financial institutions that enables and allows autonomy in national economic development

17. Foreign Trade Policy

- Protect strategic industries and agriculture from key concessions agreed upon within the WTO framework and enter into new-bilateral and multi-lateral trading agreements with countries in the global south that are based on principle of equality, reciprocity and mutual respect and bring net gain to the countries involved.

18. Foreign policy

- Independent non-aligned foreign policy
- Promotion of South-South cooperation with emphasis on South-Asian co-operation based on the principle of unilateral concession and non-reciprocity.
- Complete nuclear disarmament.
- Withdrawal from any defence co-operation with the U.S. and complete economic and political sanction against Israel.
- Peaceful resolution of the Kashmir problem through Indo-Pak negotiation and talks with all representatives of the people of Kashmir.