



UNION POWER

NTUI

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E D I T O R I A L

Over the last three years NTUI has made significant strides in consolidating the experience of democratic unions into a national trade union experience. This has also led to the strengthening of principles of economic equality, social justice and democratic rights within the trade union. This consolidation has helped us advance the role of the trade union in national development and translating the experience of our affiliates across the country.

In consonance with our constitution, NTUI is mandated to hold its second General Assembly this year. This is an important step in our review of the last three years, and charting the future course of action. Accordingly, the decision has been taken to hold the General Assembly in December this year in Mumbai.

There are several regions, states and sectors where our consolidation and growth has been below our expectation. Therefore, our preparedness for the General Assembly may not be sufficient. However, it is a felt need across unions of NTUI that the General Assembly should not just be held on schedule, but it should provide the critical opportunity to address our weaknesses and strengthen the organisation in responding to the challenges of neo-liberalism and imperialist globalisation. In so doing, we shall advance the participation of working people in the political life of the country. The General Assembly will further advance our engagement with various social movements and associate organisations which will assist us in widening our social perspective and provide an opportunity to widen the base of solidarity amongst working people.

The General Assembly will explore and understand the possibility of reorganisation of the left including the parliamentary left to arrive at a programme that addresses the needs of working people.

In order to advance the organisational consolidation of NTUI before the General Assembly, a series of regional, state and sectoral meetings have been planned in consultation with State Councils and Committees, all of which are to be completed two months before the General Assembly. A detailed timetable of the schedule of meetings will be circulated to all affiliate unions. We hope that this will be an opportunity for unions to come together and reaffirm solidarity at regional and industry level; for new unions to get to know NTUI; and to have a rigorous discussion on NTUI, its organisation and its intervention in the trade union process in different areas of activity. We also hope that this will contribute further to the deepening of the principles of autonomous democratic unions.

We call upon all affiliates of the NTUI make a positive and constructive contribution to the Second General Assembly so that we can all collectively ensure that we are able to arrive at strategies through summation of our experiences in order to take our struggles forward over the next three years.

In solidarity,
Ashim Roy

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SPECIAL ARTICLE

RE-REGULATING WORK AND THE WORLDS OF LABOUR

India's business elite has been hankering after legislative reform to free-up the laws governing the labour market. The present phase of capitalist development has come to be institutionalised from the decade of the 1980 onwards when the post-war Bretton Woods system collapsed to make space for capital to reassert its right to determine its own rate of return, and in order to do achieve this the product markets were first restructured. Across the world this restructuring was accompanied with aggressive and violent state repression of workers rights. The ILO's World of Work Report 2008 records that from 1990 onwards wage inequality has risen across all countries of the world including India and with the exception of Brazil and China.

The significant attack of industry has been on employment tenure. This started in the nineties with a series of so-called voluntary retirement measures in private industry. Many factories were emptied of tenured workers, using the carrot of large sums of money, along with the stick of violence, coercion and management promoted unions. The public sector soon followed suit in pressing VRS, which was also a convenient prelude to give a push for gradual privatisation. Government regulation on industrial closure, while still on the statute books, became virtually non-existent. The procedures for obtaining factory closure also completely lack the mechanism to check the veracity of corporate financial data and hence allow companies to obtain permission through fraudulent data and information most notably by the leading multinational Unilever.

With decline in tenured employment came a decline in trade union strength. A major casualty of this reduction in strength resulted in an attack on the right to collective bargaining. In the public sector, the periodicity of negotiations has increased from 3 years to 5 and even 10 years. In many private sector companies, trade unions for all practical purposes have lost the right to collective bargaining. Instances of refusal by employers to negotiate with unions, or even recognise unions chosen democratically by workers, are extensive and range from large Indian corporates like the MRF and KEC to multinationals like Unilever, Hyundai and Bosch.

The nineties onwards is also the period when contract employment became the norm in industry. Legislation for abolishment of contract employment stands seriously diluted. In an attempt at further de-regularisation 'trainees' are being hired to perform tasks of full-time workers. Even in sectors of industry where tenure of employment exists on paper, lack of union strength and weakness in labour law regulation has made employment tenure a sham.

Today, whether in the high end IT sector, or in the low end garment industry, there is no real barrier that management faces to a rule of "hire and fire". Labour law violations like non-payment of PF and gratuity; overtime work without payment; harassment at the workplace; arbitrary dismissals, are rampant in all these sectors. Individual workers find it difficult to stand up to these violations as job creation remains a mirage and unemployment extensive. Employers act with impunity, in the knowledge that the process of justice to workers through courts takes years, and even if workers succeed their victories are at best pyrrhic.

In today's environment for most workers the only real wage protection is the Minimum Wages Act. However, the implementation of this Act is woefully inadequate. Minimum wages are low and revised infrequently making it impossible to eke out an existence above poverty level. In many states the Minimum Wages Committees have not sat for up to ten years, even though they are mandated to sit and revise wages at least once every five years. Even when wages are revised, management representatives get the revision stayed on one pretext or another. At the end of 2004-05, about 836 million or 77 per cent of the population were living below Rs.20 per day (Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector, NCEUS, August 2007). Rs. 20 per day is a fraction of the lowest possible minimum wage in the country. Hence even by the definition of the Supreme Court of India, which has, of course, in recent years ruled extensively against workers, defined wages below minimum wage levels as amounting to forced labour and hence bondage.

The present phase of liberalisation has also freed the cap on executive pay and profit sharing. This has contributed to the growing income inequality in the country. Furthermore, while there is no ceiling on executive pay, bonus for workers remains capped. In 2007, the bonus ceiling for workers was raised after a gap of 14 years and is still below the wages of skilled workers hence continuing to contribute

further to the inequality. With the economic slowdown, as unemployment has increased workers are increasingly falling back on premature withdrawal of Provident Fund to tide over the present crisis. The Mumbai regional PF office alone received 15,000-20,000 withdrawal applications in excess of the normal count over the past couple of months.

This is the context in which trade unions in the organised sector function today. Unions in the private sector attempting militant struggles to uphold the two fundamental rights of workers of right to association and right to collective bargaining have to face the joint might of corporates and the state machinery. Attempts at union assertion are met with victimisation and mass dismissals. Police are used to forcibly quell peaceful struggles, as states compete with each other to show how investor friendly they are. The police attack on protesting Honda workers was not a stray incident. The never ending cycle of unfair labour practices committed by employers go unaddressed by government and collect dust with the judiciary, significantly undermining trade union rights.

However the global economic meltdown has opened up an opportunity for political change. Across the world, there is a definite move towards greater regulation and greater equity. This is a situation when trade unions are regrouping and collectively confronting the political establishment for better regulation of labour rights, and greater control over industry and capital. However the regrouping has to be on clearly defined positions. It has to be in opposition to the dominant political parties, all of whom in less or greater degrees, have an ideological position that is pro-capital and anti-worker. The advance has to be within a framework of trade union democracy, at a time when the country is facing violent suppression of all forms of dissent. For in reality Indian workers need more and not less regulation.

(An edited version of this article by Com. D Thankappan was published in *Business World* on 24 August 2009 titled 'The Good Old Unions').

NTUI INTERVENTION

RESPONSE TO DRAFT ON THE PAYMENT OF WAGES (NOMINATION) RULES, 2009

The Ministry of labour and Employment had called for amendments to the Payment of Wages (Nomination) Rules, 2009 last month. The NTUI

Secretariat responded to this call and sent in the following amendments:

Section 3 of the draft notification, states that every employed person should by declaration nominate a person conferring the right to receive the amount that may stand in his credit at the event of his death before that amount standing to his credit has become payable or where the amount has become payable, before payment has been made. If an employed person has a family at the time of making nomination, the nomination shall be in favour of the spouse or the spouse in preference followed by one or more members of his family, provided that nomination made by an employed person having a family in favour of a person other than member of his family shall be invalid. Provided further that a fresh nomination towards his/her spouse shall be made by the employed person on his marriage and any nomination made before such marriage shall be deemed to be invalid.

To this the NTUI **added** that the nomination made by an employed person having a family in favour of a person other than member of his family shall be invalid, **except where it is clearly an established relationship of cohabitation with a person for more than three years.**

TOWARDS THE SECOND GENERAL ASSEMBLY

In order to advance the organisational consolidation of NTUI before the General Assembly, a series of regional, State and Sectoral meetings have been planned by the NTUI Executive Council in consultation with State Councils/ Committees. The following are brief reports of the two regional meetings held in August.

CHATTISGARH: A meeting of independent unions in coal industry was organised by Koyla Udyog Kamgar Sangathana on 17 August in Bilaspur that was attended by Comrades Ashim Roy and Darshan Singh Chawla. This meeting was organised at a time when workers were on an indefinite strike demanding parity with employees at SECL regarding social security entitlements. It was decided in this meeting to initiate a process of federating and an ad-hoc committee named the Coal Sector Sangharsh Samiti was formed to take this forward.

In another meeting on the next day Comrade Ashim Roy met with unions in the Cement industry and other unions in the extractive industry. It was decided to initiate a common programme for contract

workers in the cement industry. It was also felt that a process of coordination between the unions in the state has to be initiated that will take the state process forward. It was decided that this will be flagged off with a meeting on 'The State of Trade Unions in Chhattisgarh' to be organised early next year.

NORTH ZONE: The North Zone Meeting was held on 29-30 August in Saharanpur. Thirty activists from Punjab, Uttar Pradesh and Uttarkhand participated in the meeting. Comrades D. Thankappan, Ashok Chaudhary and Chandrashekhar attended the meeting. Gramin Mazdoor Union members from Sonbhadra, Jaunpur, and Tarai, Shivalik and Bundelkhand regions were present. It was decided in this meeting to expedite the registration of GMU. It was also decided that a collective effort will be initiated to set up cooperatives in the region and a strong alliance will be built with unions in the northern region to strengthen the union base in Uttar Pradesh and Utrakhland.

AFFILIATE NEWS UPDATES

PASHCHIM BANGA KHET MAJDOOR SAMITY ON DHARNA FOR AILA VICTIMS

Two and a half months after Cyclone Aila, villagers in the Sunderbans are still struggling. Food is scarce and so is work. Much of the land lies fallow, scarce rains have not been able to wash away the salinity caused by tidal waters during Aila. However the problem is not scarcity but lies with the unwillingness of the administration to meet its legal obligations.



PBKMS in Dharna before the DM Office at Alipore

The West Bengal Relief Manual gives a norm of free food grains of 12 kg of food grains per adult for the first month after a disaster. The maximum amount received as per a PBKMS survey is about 4 kg.

Applications for work under NREGA are being turned away. In just one block, there are more than 1200 members of PBKMS have applied for work. Since the mid-June, PBKMS has given two deputations to the District Magistrate along with several deputations and gheraos at 8 Blocks and many Panchayats with not much action from the administration. PBKMS organised a Dharna on 17 August before the office of the District Magistrate at Alipore, Kolkata with the slogan GIVE US FOOD OR JAIL US.

In response to PBKMS demands the District Magistrate:

- directed the SDO, Kakdwip to enquire into the illegal sale of relief rice grains in the area and to report on the matter within 3 days;
- issued orders to all BDOs and Panchayat Samity Sabhapatis stating that all applicants must be given 12 kgs per adult and 6 kgs per child within 1 week of application, and for this further allotments were being made available from the district;
- also issued order that the beneficiary list for damaged houses must immediately be displayed for 3 days at all Gram Panchayat offices. All complaints regarding the lists and the distribution for damages must be heard in presence of complainant and be disposed off within 7 days. A soft copy of the list was given to PBKMS.
- advised the BDOs to take action under section 25 of NREGA with a fine of Rs. 1000 against any person violating NREGA norms.
- ordered to open complaint registers at all levels to deal with complaints on NREGA and food distribution.
- also wrote to the Irrigation Department to pay minimum wages according to the Minimum Wage Act.

NIRMAN MAJDOOR SHAKTI SANGATHANA (NMSS) FORCES DMRC TO PAY COMPENSATION TO CONSTRUCTION WORKERS IN DELHI

The Delhi Metro Rail Corporation (DMRC) has been misrepresenting the number of accidents at the metro construction sites across Delhi. In a run-up to the Commonwealth Games, the DMRC is under tremendous pressure to complete sections of the metro line connecting the Games sites. In the much publicized metro site accident at East of Kailash in

South Delhi, the DMRC claims that 5 workers died but the death toll was as high as 10.

Following a long struggle by NMSS, the DMRC was forced to pay Rs 50,000 as compensation for the families of each of those killed in the accident on July 13. An additional Rs 4,50,000, in fixed deposit will also be paid to each of these families over the next three years.

Seven workers, who suffered major injuries, have also been paid full compensation of Rs 50,000 each while eight others with minor injuries were given Rs 10,000 each.

OTHER NEWS UPDATES

CENTRAL TRADE UNIONS PLAN NATIONAL MEET ON 14 SEPTEMBER 2009

The nine recognised central trade unions, namely, AICTTU, AITUC, AIUTUC, BMS, CITU, HMS, INTUC, TUCC, UTUC, came together in Chennai and decided to hold a national convention on September 14 in Delhi to chalk out a common future programme against the UPA government's failure to check price rise, job loss and breakdown in the public distribution system.

JET AIRWAYS FIRES PILOTS FOR JOINING UNION

Jet Airways has fired two of its senior pilots, Balaraman and Sam Thomas, for joining the National Aviators Guild - the pilots' union - which was registered with the labour commissioner in Mumbai last month. In November 2008, Jet had also fired 32 foreign pilots in order to cut costs. The two fired pilots enjoy the support of over 600 union members, union officials said. They added that pilots were considering going on strike if the two were not reinstated.

NEW MANGALORE PORT TRUST TERMS CARGO HANDLING WORKERS' AGITATION ILLEGAL

The cargo handling workers struck work at the New Mangalore Port on 1 August 2009 opposing the rationalisation of the manning scales (staffing pattern) and deployment of labour. Following mechanisation of cargo handling, the major ports in the country have been asked to implement the new manning scales, as recommended by the National Industrial Tribunal, which would reduce workforce drastically.

CAMPAIGN UPDATES

CAMPAIGN FOR PEACE

Preparatory meeting to strengthen the Campaign for the Repeal of the Armed Forces Special Power Act (AFSPA) was called by several human rights groups on 29 July 2009 in the NTUI office. These groups included the Campaign for Peace & Democracy, Manipur (CPDM), INSAF, Manipur Student's Association Delhi (MSAD), Naga people's Movement for Human Rights, Delhi (NPMHR), New Trade Union Initiative (NTUI), and The Other Media. The AFSPA has been brutally used in the states of the North-east and Jammu and Kashmir to suppress the democratic right to dissent leading to gross human rights violations. From Sharmila's satyagraha has strengthened people's resistance to the AFSPA. While the AFSPA must be repealed, the larger issue is that of demilitarization. A larger meeting has been planned on 13-14 November 2009 in New Delhi.

Stop! Militarization of Democratic Processes and Space: A Public Meeting was organised by several human and democratic rights groups and activists on 04 August 2009 at the India Islamic Cultural Centre, Delhi. It was attended by Com. Ashim Roy.

CAMPAIGN ON OCCUPATIONAL SAFETY AND HEALTH

On 4 August 2009, 6 workers perished in a tanker fire at the yards in Alang beach that took 6 hours to extinguish. Two fatal accidents were also reported in May and June 2009. It is estimated that 3-5 workers die every month either from occupational disease caused by ship borne hazardous substances like asbestos or PCBs, or from explosions, fires and other accidents. The primary reason of these deaths is the criminal negligence of ship owners of developed countries who escape decontamination cost of obsolete ships with impunity with the active connivance of Indian officials. An occupational health survey conducted by the National Institute of Occupational Health of workers at the ship-breaking yards in Alang found that 16 % of the workers examined were exposed to asbestos that leads to incurable lung cancer and other diseases.

On behalf of Indian Platform on Ship-breaking, NTUI and other environmental, human rights and labour organisations demanded that the Minister for Shipping appoint an independent fact finding investigation to ascertain the working conditions of the migrant workers and their environment. Also it

was noted that about 200 ships are beached in Alang currently in violation of both the international and national law.

INTERNATIONAL NEWS UPDATES

ILO CONVENTION ON DOMESTIC WORK

In March 2008 the Governing Body of the International Labour Organisation (ILO) decided to include the item “Decent Work for Domestic Workers” on the agenda of the 99th session of the International Labour Conference to be held in 2010. The ILO has been arguing for some time in favour of a specific legal instrument for this particularly vulnerable category of workers. This step towards the development of a new legal instrument should contribute to filling a huge gap in terms of promoting decent work for all.

Deadlines to look out for:

January – August 2009: Draft a ‘Law and Practice Report’ about domestic workers. Deadline: end August.

January – June 2010: International Labour Conference in Geneva in June where the first official discussion on a Convention or a Recommendation will take place.

August – November 2010: Draft of the instrument(s) will be published. Deadline: end November.

January – June 2011: In March, two new ILO reports: one on the replies received from the three parties: governments, unions and employers; the other a revised text of the proposed instrument(s).

The **International Labour Conference** in Geneva in June where the Convention and/or Recommendation will be agreed.

UPDATE OF SSANGYONG MOTOR STRUGGLE OF KOREAN METAL WORKERS’ UNION

The 20 July police and management raid on the Korean Metal Workers’ Union Ssangyong Motor Branch sit-in strike continues into the second week.

Police helicopters continue dropping corrosive chemical substances on the sit-in strikers. Police and management have coordinated to blockade food, water, medical care from entering the plant and isolating the strikers, but the Ssangyong Motor workers are holding out despite severe conditions and serious human rights violations. In tripartite

discussions on 24 July the three parties agreed on a “principle of seeking a peaceful resolution” and agreed to begin negotiations on 25 July.



Workers occupy the Ssangyong plant.

The management unilaterally decided not to participate in negotiations and demanded that the workers should first give up their sit-in strike and accept the principle of redundancy dismissal. Following this the police and management attack on the sit-in strike intensified.

10TH NATIONAL CONGRESS OF CUT IN SAO PAULO

The 10th Ordinary National Congress of the Central Única dos Trabalhadores – CUT Brazil was held on 3 - 8 August 2009 in São Paulo. This is the main forum of CUT that meets every three years to discuss and deliberate on the challenges before the Brazilian working class. And this is also where the new National Board of CUT is elected. Besides the 10th CONCURT, an International Seminar was organised on the 3 and 4 August for the international delegates. Comrade Gautam Mody represented NTUI in this Congress.

NEWS UPDATES

WPI TO REMAIN THE BASIS FOR CALCULATION OF INFLATION

In a reply to a question raised in the Rajya Sabha the Minister of State for Finance stated that the government does not intend to change the method of calculation of Inflation based on the Wholesale Price Index (WPI) because of the absence of aggregate Consumer Price Index (CPI) figures at the National level.

Over 150 countries in the world use the CPI to track inflation, while the WPI is only used by 24 countries including India. The National Statistical Commission (2001) has recommended that the Central Statistical Organisation (CSO) should compile a national consumer price index by computing the CPI (Urban) and CPI (Rural) separately and then combining together into an All India Index. Data collection for CPI (Urban) has commenced.

IDENTITY CARDS DISTRIBUTED TO ESIC BENEFICIARIES IN BANGALORE

The Union Minister for Labour & Employment released the first set of 'PEHCHAN' Identity Cards for distribution to ESIC Beneficiaries in Bangalore. This is a pair of Magnetic Plastic Card to be given to all ESIC insured persons as well as to their family members which will enable them to avail of treatment anywhere in the country. The card will have the photographs of all the family members and their biometric details. Around 2.40 crore Smart Cards would be prepared under this project. The Pehchan Card will be valid for lifetime across all ESIC hospitals and dispensaries in the country subject to certain conditions. A unique number will be assigned to each member so that they can continue using the Card even in case of a change in job.

GOVERNMENT PROPOSAL TO REPLACE LABOUR INSPECTORS WITH COMPANY SECRETARIES

The Ministry of Labour and Employment is attempting to do away with labour inspectors and replace them by a system in which firms can submit a certificate from a company secretary that validates their compliance with the numerous employment laws. The Union Labour Secretary said that the ministry was working out the amendments required to the relevant laws.

EXCERPTS FROM THE LABOUR BUREAU'S QUARTERLY REPORT ON EFFECT OF ECONOMIC SLOWDOWN ON EMPLOYMENT IN INDIA DURING APRIL - JUNE 2009

The Labour Bureau has been conducting a series of quarterly "Quick Employment Surveys" to study the impact of economic slowdown on employment in India. The scope of these surveys is limited to the sectors understood to have been badly affected by the slowdown viz. Textiles, Metals, Leather, Automobiles, Gems & Jewellery, Transport, IT/BPO and Handloom/Powerloom are covered.

At overall level, the employment in these sectors has declined by 1.3 lakh during April-June, 2009 over March, 2009. The most affected sectors are the export oriented units especially in Textiles and Gems & Jewellery. In the non-exporting units, the employment has in fact increased slightly during the period under study. The results reveal that in Metal & Automobile sector, the units are offering more jobs to contract workers. The maximum decline in employment is seen in Textiles sector where it has declined by 1.54 lakh during April-June over March, 2009. The sector-wise changes in employment of direct workers and contract workers in the period April-June over March, 2009 in absolute terms (in lakh) are presented below.

| Sl No | Industry/ Group | April - June, 2009 | |
|-------|------------------------|--------------------|-------------|
| | | Direct | Contract |
| 1 | Textiles | -1.52 | -0.02 |
| 2 | Leather | 0.04 | 0.02 |
| 3 | Metals | -0.26 | 0.25 |
| 4 | Automobiles | 0.06 | 0.17 |
| 5 | Gems & Jewellery | -0.21 | 0.01 |
| 6 | Transport | -0.02 | 0.01 |
| 7 | IT/BPO | -0.38 | 0.04 |
| 8 | Handloom/ Powerloom | 0.57 | -0.08 |
| | Overall | -1.71 | 0.40 |

The economic slowdown has also adversely affected the average earnings received by the workers. The sector-wise average monthly changes in earnings are presented below:

| Sl. No. | Industry/ Group | April | Apr-May | Apr-June |
|---------|------------------------|--------------|--------------|--------------|
| 1 | Textiles | -1.08 | 0.01 | -1.10 |
| 2 | Leather | -1.49 | 1.52 | 2.43 |
| 3 | Metals | 3.42 | 0.82 | 2.39 |
| 4 | Automobiles | 15.90 | 6.77 | 5.36 |
| 5 | Gems/Jewellery | 7.17 | 2.49 | 4.68 |
| 6 | Transport | 6.50 | -0.79 | -0.02 |
| 7 | IT/BPO | -3.47 | -1.30 | -2.18 |
| 8 | Handloom/ Powerloom | -4.00 | -1.23 | -0.63 |
| | Overall | -2.11 | -0.52 | -1.29 |

GOVERNMENT SIGNS AGREEMENTS WITH WORLD BANK ON FOUR PROJECTS

The Government of India signed agreements with World Bank for three projects, namely 'Chiller energy efficiency project', 'National agricultural

innovation project (Additional Financing)' and 'Uttarakhand decentralized watershed management project (Additional Financing)' this month.

The total cost of the Chiller Energy Efficiency Project is US \$ 83.27 million out of which Global Environment Facility (GEF) Grant will be US\$ 6.3 million, Montreal Protocol Ozone Projects Trust Fund (OTF) Grant will be US\$ 1 million and amount of US\$ 5.85 million will be from a Spanish Carbon Fund for which International Bank for Reconstruction & Development (IBRD) is acting as trustee. The remaining amount of US\$ 70.12 million would be raised by Chiller Owners themselves.

The total cost of National Agricultural Innovation Project (Additional Financing) is US \$ 95.34 million out of which Global Environment Facility (GEF) Grant will be US\$ 7.34. The amount of US\$88 million is IDA co-financing.

The total cost of Uttarakhand Decentralized Watershed Management Project (Additional Financing) is US \$ 97.49 million out of which Global Environment Facility (GEF) Grant will be US\$ 7.49. The amount of US\$90 million is IDA co-financing.

The government signed agreements with World Bank for 'Haryana Power System Improvement Project' here today i.e., 17th August, 2009. The total cost of the Project is US \$ 471 million out of which US \$ 330 million will be financed by the World Bank.

PRESS STATEMENT

STATEMENT FROM TRADE UNIONS AND LABOUR SUPPORT GROUPS CONDEMNING THE 'SABOTAGE THEORY' OF UNION CARBIDE CORPORATION BLAMING A 'DISGRUNTLED WORKER' FOR THE 1984 BHOPAL GAS DISASTER

We the undersigned trade unions strongly condemn recent statements made by Union Carbide's spokesperson Tom Sprick in the international media suggesting that the Bhopal gas tragedy which has claimed at least 23000 people so far was instigated by a "disgruntled worker."

The sabotage theory is an insult to the working class. If Carbide really believes that a worker was responsible for the disaster, it must present itself along with the evidence it claims it has before the Bhopal Chief Judicial Magistrate's court, instead of acting in a cowardly fashion by claiming innocence while it continues to elude Indian courts. The only report that claims sabotage - and not corporate malfeasance and

neglect - was commissioned and paid for by Union Carbide itself.

We welcome the Bhopal CJM court's order of 31st July 2009 which directs the Indian Government (CBI) to renew its efforts to produce Warren Anderson, former CEO of Union Carbide, before the court. Union Carbide and Warren Anderson have sought refuge in the US and have failed to submit themselves before Indian courts for nearly two decades.

Mr. Sprick's press statement that "it makes no sense to continue to attempt to criminalise a tragedy which no one could have foreseen" is a complete canard and baseless. In 1985, a 12-member fact-finding committee from the International Confederation of Free Trade Unions, International Federation of Chemical, Energy, and General Workers Unions had concluded that "*the disaster was caused by insufficient attention to safety in the process design, dangerous operating procedures, Lack of proper maintenance, faulty equipment, and deep cuts in manning levels, crew sizes, worker training and skilled supervision. Smaller releases of toxic chemicals had occurred in the past, leading to one death and numerous injuries. Little was done to correct these problems despite vigorous protests by the Union representing Bhopal Workers.*"

It is a shame that even after 25 years Union Carbide wants to hoodwink the world with its big lie.

We demand that the Government of India implement the Bhopal CJM court's order to arrest Warren Anderson. Survivors of the disaster demand justice and not charity.

8 August 2009

Endorsed by: AICCTU; AITUC; CITU; HMS; INTUC; NTUI; TUCI; WFTU and others.

ALERTS

Joint Trade Union Rally against WTO in Delhi on 3 September 2009

NTUI Conference on Rural Work on 11-12 September 2009 at the Shramik Disha office in Patna

NTUI Eastern Zone Meeting on 13 September 2009 at the Shramik Disha office in Patna

NTUI Meeting on Women and Work at the Shramik Office in Mumbai on 20 September 2009