



UNION POWER

NTUI

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E D I T O R I A L

Dear Comrades,

This issue of Union Power is coming after a long break and there are many reasons for this failure. I share the responsibility in not being able to give focus and priority to the bulletin that it deserves in our overall work. This becomes serious as we move toward our Second General Assembly and UNION POWER is the principle means of communicating with our affiliates. We intend to bring out six issues by the time we meet for the General Assembly in Mumbai.

General Election 2009

We have just gone through another general election in our country and a new government has been formed. There is much to be learned from the whole process. NTUI has to take into account this learning in carrying forward its collective trade union strategy.

The media reports on the election said that this was a verdict for stability. Many of the mainstream political parties, including those who faced reverses in the elections also took this view. This is however a convenient viewpoint that shirks responsibility and accountability. This is also a self-serving viewpoint to pave the way for continuing the current policies of imperialist globalisation in the country.

The post-election scenario can be summed up as follows. *First*, the decline in the BJP and NDA's political base has continued and their force is greatly reduced. *Second*, the global economic crisis has significantly shifted the political discourse from social and identity issues into the realm of economic concerns. *Third*, the non-BJP - non-Congress space in representative politics has neither declined significantly, nor collapsed, but it has not been able to give rise to a stable and coherent third force. In this respect the earlier assessment of NTUI was not entirely accurate. We expected that the non-BJP - non-Congress political space will expand significantly, giving rise to a third force that could push for a new and more pro-people Common Minimum Programme in the new government's policy framework. In such a scenario, the trade union movement and the social movements could have intervened in shaping the programme. Though, our assessment of the parliamentary strength of left forces has been broadly correct - that it would decline and open up a space for *reorganising of the left* - we underestimated this decline, and thereby also overestimated the possibility of the emergence of the third force. And *finally*, the disjunction between the emergence of a left mood in the country in the first UPA period and the incapacity of the parliamentary left to mobilise it into a political force has become more stark. This decade is witnessing the emergence of varied political and social forces in struggle against communalism and imperialist globalisation. It has however not been possible to crystallise and organise these forces into an effective left force in the absence of a cogent and clear political programme and strategy of the parliamentary left.

The Congress has, in contrast, turned out to be more astute. The dominant political class has succeeded in containing the left space that emerged with the rising assertion and claim of the poor on the political system through a programme of social welfare. The Congress learnt this lesson well where the NDA failed. Its ability to do this was facilitated by economic growth. But when the economic situation falters, the gap between expectations and

realities can lead to a political crisis, a factor that the trade union movement needs to keep on its horizon. The parliamentary left could have emerged stronger if it had worked within a framework that demarcates, contends and ruptures with the Congress on the terrain of economic and social concerns, closer to the experience and subjectivity of the masses. It could have mobilised the masses by allowing autonomy and independence to the growing mass movement, instead of sliding into an authoritarian mode both in relationship with mass organisations, and in the conduct of the government in the two states of left – front rule. The parliamentary left's claim on the progressive aspects of the Common Minimum Programme appeared hollow and distant. It could not have been otherwise, since it remained trapped in a shared ideological space with the Congress. It is still not too late for the parliamentary left to learn. For us in the NTUI, we are open to learning, sharing and struggling together to reclaim the conceded left space in Indian politics.

The NTUI believes in active participation of workers in politics at all levels. The issue is how does a trade union organise, prepare and enable the workers to step into this political life of a country. We recognise that historically workers are afflicted with local conditions of heterogeneity and subordination. It is through a long process of struggle and organisation that they emerge as a leading class in the political life of a country. And they can only begin this journey by organising themselves in the production process, or being active on an economic plane.

If we are to sum up all the experiences of the trade union movement in one word, its core point is to democratise the society, the production process and the state. In the realm of politics it can engage in this process only from the position of opposition. This oppositional space, the terrain of difference, struggle and resistance, has to remain always as a reference point to guide its strategy and tactics. The union movement negotiates the political interest of the working class in a democracy through the representative mechanism. It does this by changing the balance of force within this representative mechanism, shaping it and expanding the space for a class force. In order to do so it has to, first define, articulate, and formulate the political interests in terms of claims and demands, and second develop a political constituency of labour that can force the representative system to respond to these demands and claims. In many ways this perspective has formed the basis for NTUI's engagement with the political process.

Beneath representative politics there is a simmering rise of defiance and upsurge of people which in large parts of the country has taken the form of resistance. For NTUI, this is our domain for any engagement with the representative politics. The engagement is conditioned by our emergence from these roots of peoples' resistance, and returning to them.

The role of the NTUI in bringing together progressive forces therefore becomes even more important. The Assembly of the Working People is a process to link NTUI with social movements. We started in a small way this year. It has to be taken forward with greater vigour and purpose. Our participation in struggles like the campaign to release Dr. Binayak Sen has to continue, and we have to lend critical input and support to all such struggles for democratic rights

and the right of the working class to democratic dissent. This is where the core force for formation of a genuine Third Force can make a beginning.

At the same time, on a trade union agenda, we have to be in the forefront of campaigns for working class rights with the government. The continuing struggle for better implementation, and expansion of the NREGA; the campaign for implementation of the Unorganised Workers' Social Security Act and for an appropriate legislation on food security, the struggle for contract workers rights, no tolerance for violation of labour rights and universal recognition and acceptance of trade union for collective bargaining, the livelihood rights of forest and coastal communities – all these will continue to be core guiding principles for the activities of NTUI.

In solidarity,

Ashim Roy

General Secretary

INTERVENTION OF NTUI IN THE 15th GENERAL ELECTION

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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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 sealing 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.

16. 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.

17. 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.

18. 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.

19. 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.

AFFILIATE INTERVENTION IN THE 15TH GENERAL ELECTION

Tamil Nadu: More than 20,000 construction workers from various districts in Tamil Nadu marched in Chennai on 20 April 2009 to raise their demands prior to the 15th general elections. In the period 2006-2008, the state government had systematically diluted the democratic functioning of the Labour Boards by appointing political nominees and undermined its tripartite nature through government orders and notifications. In September 2008, despite the earlier ruling of the Chennai High Court asking the state government to withdraw GO 23, dated 4.3.2008, on grounds of being procedurally and substantively violative of the Tamil Nadu Manual Workers Act, 1982, the government passed successive GOs 122, 123, 124 that progressively undermined the role of the trade unions. By these orders the Labour Boards have been arbitrarily shifted to the Revenue Department, trade union rights have been curtailed, and the right to collective bargaining, registration and assisting workers has been denied to unions along with making the representation in Labour Boards a prerogative of dominant political parties. Comrades M. Subbu, General Secretary, TMKTS, Sujata Mody, President, Penn Thozhilalargal Sangam, K. Nehru, President TMKTS (Thiruvanamalai), S. Shenbagasubbu, Treasurer, TMKTS and Milind Ranade, President, Kachra Vahatuk Shramik Sangh, Mumbai addressed the public meeting.

Kerala: NTUI Kerala State Council leaders Comrades T. S. Narayanan and Krishnammal contested as independent candidates in the 14th Lok Sabha Elections from Chalakkudy and Kollam constituencies. Their campaign concentrated on the dangers of the present economic policies and attempted at providing an alternative model of economic policy. Though resources were limited, the alternative provided in the campaign caught the attention of the voters given that both the LDF and UDF had nowhere in their campaigns raised the issue of the ill effects of globalization.

The National Fish Workers' Forum (NFF) and the *Kerala Swathantra Matsya Thozhilali Federation (KSMTF)* together led a campaign with political parties to openly state their position on the fisheries sector. At a press conference, Comrade T Peter, President, KSMTF, stressed on the need for a fisheries policy and a separate ministry for fisheries. He also reiterated their long-standing demand for a ban on import of fish and operation of foreign trawlers in Indian waters as well as a reduction in the tax on outboard engines. Other demands included scrapping the move to replace the Coastal Regulation Zone with the Coastal Management Programme and writing off the loans availed by fish workers and fish vendors.

AFFILIATE REPORTS

Jammu and Kashmir Trade Union Centre (JKTUC):

Several demonstrations and rallies were organised in the months of February and March demanding a simultaneous implementation of the 6th Pay Commission recommendations by the state government for government employees in the state of J&K. The Employees Joint Action Committee, of which the JKTUC is a part of, chalked out a programme to hold demonstration on 22 July and strike work for one day on 23 July 2009. Massive demonstrations and rallies were held on these days.

On 13 June, a union of 3200 Rehber-e-Ziraat workers affiliated to the JKTUC. A one day meeting was organised to demand the regularisation of their services. Comrade Suhail Kumbay, General Secretary, Rehber-e-Ziraat-Mr. along with Comrades Mohammad Shafi Khan and Nisar Ali Mir addressed the meeting.

Jharkhand Theka Mazdoor Union (JTMU): A new union, Jharkhand Theka Mazdoor Union, was registered in Ghatshila copper mines area. The founding conference of the union was held on 15 March 2009 and was attended by Comrade Mohan Kothekar, Joint Secretary, NTUI.

Kamani Employees' Union (KEU): The KEU won a historical legal victory in March 2009 in obtaining the legal dues of workers prior to liquidation. The relative speed in obtaining the order was largely as a result of the sale of assets through a High Court supervised Asset Sale Committee that comprised both the secured creditors and the union. Through this committee the secured creditors and the union entered into consent terms whereby for the first time workers were able to obtain their dues outside of winding-up. The union, probably for the first time in Indian law, was empowered by the Bombay High Court to distribute workers' dues to all its members who were employed in the closed KMA Limited in Mumbai and Bangalore. The court direction, which bypassed the normal procedure of going through the Official Liquidator, has enabled the union to distribute the dues of nearly 1100 workers of around Rs.35 crores within a month of the High Court order.

Kerala Power Workers Unity Centre (KPWUC): The KPWUC was in the forefront of agitations against corporatisation of the Kerala State Electricity Board. After the one day strike on 9 September 2008, circle-level dharnas were held in Alappuzha, Kollam, Thodupuzha and Perumbavoor. On 26 March, 2009 a massive dharna was conducted before the State Secretariat at Trivandrum by the permanent and contract workers. In each of these programmes the union strongly expressed their stand on corporatisation and reiterated the demands for contract workers along with exposing the treacherous positions taken by other unions in the matter.

Janakeeya Ksheera Karshaka Samithy (JKKS): JKKS has been continuously agitating for the welfare of farmers engaged in milk production and livestock. The Expert Committee constituted by the Government under the chairmanship of Prof. R. Hailly has been constituted with no representation from the farmers or their unions causing serious concern. A detailed memorandum containing a 12

point charter was prepared by JKSS on 12 May 2009 and handed over to the Chairman.

Paschim Banga Khet Majoor Samiti (PBKMS): Though a writ petition was filed in the Calcutta High Court in December 2008 for unemployment allowance, and compensation for late payment of wages under NREGA, it was only due to sustained struggle that forced the authorities to pay unemployment allowance to 28 workers and compensation to 50 workers. In South 24 Parganas, wages worth Rs.1.30 crores were due to more than 5000 workers. This too was paid in the last week of June.

Penn Thozhilalargal Sangam (PTS): PTS made new inroads with the workers in the garment factories in the Madras Export Processing Zone (now an SEZ), Tambaram and in Ambattur. Following two months of regular community and local area meetings with garment workers, the Garment and Fashion Workers Union was founded on 1 May 2009. PTS also opened up a new branch office in Guindy to facilitate its work in the area among the unorganised and garment industry workers.

Working Peoples Trade Union Council (WPTUC): A new union has been formed at the Wonjin Autoparts, a Korean managed company, in Maraimalai Nagar with Comrade R.Kuchelan as the president of the union. There are nearly 100 permanent employees and another 200 contract workers and casuals working in the company. A hunger strike was held on 7 May 2009 at the factory gate demanding higher wages. Disputes have also been raised in the Labour Department.

International Metal Workers Federation Conference: Comrades R. Kuchelan and Gautam Mody attended the 32nd IMF World Congress held at Sweden on 24-28 May, 2009.

CAMPAIGN UPDATES

Asian Floor Wage: The campaign on the Asian Floor Wage (AFW) was initiated by the NTUI in 2006. It has reached a decisive stage, with a public international launch scheduled for 7 October 2009 on the occasion of the International Day of Decent Work. The campaign shall focus on the large international retailers Wal Mart, Carrefour, Tesco, Aldi, Lidl, and others. It shall also focus on large global brands and large garment manufacturers in Asia. In India, apart from the NTUI, the AITUC, HMS and INTUC are participating in the AFW campaign.

Centenary Celebrations of the International Women's Day: The year 2009-2010 is being celebrated as the Centenary year for the International Women's Day. Several women's organisations in Delhi have come together and formed a Centenary Committee to organise programmes through the year till 8 March 2010. NTUI activists attended the Women's Day programme in Delhi on 8 March 09.

NEWS UPDATES

All India Consumer Price Index Number for Industrial Workers and for Agricultural and Rural Labourers

The All India Consumer Price Index for Industrial Workers (CPI-IW) for December based on new series (2001=100) in 78 centres during April 2009 and May 2009 has increased only by one point from 150 in April 2009 to 151 in May

2009. And the All-India Consumer Price Index Numbers for Agricultural Labourers and Rural Labourers (Base: 1986-87=100) for May 2009 increased by 7 points each to stand at 475 points for both the series.

PRESS STATEMENT

Release of Dr. Binayak Sen: A Step towards achieving the Right to Democratic Dissent, New Delhi, 28 May 2009:

The Supreme Court granted bail to Dr. Binayak Sen on 25 May 2009. Binayak was arrested by the government of Chhattisgarh on the 14 May 2007 and charged under sections of the Chhattisgarh Special Public Security Act (CSPSA), 2005, as well as the Unlawful Activities (Prevention) Act (UAPA), 1967, and sections of the Indian Penal Code for his alleged links with Maoists. The bail was granted on a personal bond by a vacation bench of Justice Markandey Katju and Justice Deepak Verma.

This has been a victory for all the human and democratic rights organizations and other people's movements that have been consistently struggling and demanding for his release. NTUI welcomes this verdict of the apex court but also questions the decision of the same court to reject his earlier bail application though there has been no change in the objective condition since then. The worldwide campaign for his release along with the sustained public exposure had put to question the legitimacy of the judiciary. It is a moment of relief that this stigma has been averted but there are many more political prisoners who still remain incarcerated for want of a strong and independent human rights framework within the judiciary.

The two year long campaign for the release of Dr. Sen has shown the enormity of the capacity required of social and political forces in order to defend human rights of activists in areas of strife and armed conflict. It shows the long path that the society needs to traverse to deepen the ideology of Human Rights in the judiciary and protect it from the prejudices of the dominant political opinion and the exigencies of the state.

This struggle had also witnessed the much needed consolidation of a large number of democratic and human rights organizations, people's movements, trade unions, social, political and cultural activists and individuals on a single platform to not only demand Dr. Sen's release but also to demand for the repeal of anti-terror laws such as the CSPSA, UAPA. Binayak's arrest was symptomatic of larger efforts by the state to curb all forms of democratic dissent. The past decade has seen the steady acceleration of state-sanctioned repression that functions to abolish any space for reasoned debate. Nowhere is this fact clearer than in the mineral rich belt of Central India, where the process of displacement for 'industrialisation' has been particularly violent and anti-democratic.

This consolidation and convergence of the efforts of people's organizations culminated in the peaceful 'Raipur Satyagraha for Binayak' that was launched in Raipur on the 16 March 2009. Social and political cultural activists and individuals across the country have joined this Satyagraha every Monday since then and courted arrest in Raipur. The ten satyagrahas saw senior leaders of trade unions and workers'

organizations like Trade Union Solidarity Committee (Mumbai), Paschim Banga Khet Majoor Samiti (West Bengal), Pragatisheel Cement Shramik Sangh (Chattisgarh), Jan Adharit Engineering Mazdoor Union (Chattisgarh), Mehnatkash Aavas Adhikar Sangathan (Chattisgarh), Chattisgarh Mukti Morcha, National Forum for Forest People and Forest Workers (Bilaspur), Jagrit Adivasi Dalit Sangathan (Barwani, Madhya Pradesh) along with Bhopal gas tragedy survivors, many social, political and cultural activists and individuals join forces with senior leaders of the NTUI to court arrest.

On the surface, the injustices inflicted on Dr. Binayak Sen reveal the very face of the state he has spent his activist life exposing. At a deeper level, it brings to light the various machinations by which the state has been subverting democratic principles. Laws like CSPSA function almost exclusively to provide a veneer of legality to gross exhibitions of force by those in power. What Dr. Sen's arrest represents however, is not the mere crushing of activities that are critical of the state. It represents something more sinister: that *all* critique and questioning of the state can be deemed subversive and anti-national. That *all* space for democratic dissent can be usurped by the state in the name of 'Public Security.' The way the state and the court has treated Binayak shows that neither has any interest in returning his offer of critical engagement with anything other than suppression.

The NTUI views that the shift of the Release Binayak Campaign from building public opinion to political action of mass demonstration, continuous civil disobedience movement in Raipur and a countrywide action culminating in the simultaneous demonstrations on the second year of incarceration of Dr. Sen on 14 May 2009 as a significant move towards providing the political thrust. The lesson it draws from this experience is the need to overcome the fragmentation of the human rights movement in India.

NTUI believes that there is a need to consolidate and move towards a countrywide federation of human rights organisation that has enough capacity and centralisation to monitor and assess the human rights situation in the country and build national focus and political thrust. Such a framework can provide the space to integrate the political strength of national mass organisations like NTUI in creating a robust and strong line of defence for human rights and for human rights defenders.



Raipur Satyagraha for the Release of Binayak Sen