



UNION POWER

NTUI

A monthly bulletin of the New Trade Union Initiative

May 2010

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EDITORIAL

May Day 2010 - Unite for a Living Wage and Struggle for Democratic Rights

The country today is in the grip of severe inflation. The global crisis has destroyed jobs and livelihoods of working people. Now, inflation, a direct fallout of the response of governments to the crisis, is reducing the value of our work. The burden is unequal and more on working people who are being pushed to destitution.

Corporate India is today emboldened to launch a systematic attack on incomes policies and the small measures for social protection and welfare conceded by the government. It has come down hard on the NREGA. The Unorganised Workers Social Security Act 2008 has been a non-starter and legislation for universal food security appears remote in the foreseeable future. With a weakened Left, the UPA government has come to be dominated by the dominant right, both in the Congress and the Parliament, to 'reduce government spending'. The drive to remove regulations on capital and reduce the legal rights of workers is gaining momentum - be it the drive to expand indiscriminately mining activities without any concern for the rights of local people; or the increasing contractualisation of work in all areas of employment, including low-paid employment in the government; or allowing the growth of contract farming or industry in rural areas; the direction is becoming clearer and strong.

Minimum wage is a mockery of our constitutional commitment to a minimum living wage. Poverty levels are among the worst in the sub-continent with government estimates placing 70% of the population as surviving at below Rs. 20 per day per capita. Simultaneously, the 8-hour working norm is being challenged in almost all spheres of work. 1 in every 20 workers, even in the organised sector, work for over 8 hours in India today, often with no overtime pays. Work intensity has also increased substantially affecting health of the workers. Social security still remains an empty promise for most workers. Unorganized workers have been the worst hit by the global crisis. It is essential to have Universal Social Security provided through budgetary provisions. The National Minimum Social Security Benefit should be indexed to the National Minimum Wage.

Women continue to be one of the most vulnerable sections of the working class. In this centenary year of the International Women's Day let us remember that working class unity and strength can not be realized till women are brought in much larger numbers within the trade union movement. It is essential to give priority to organising the women workers and their leadership in all its programmes and activities.

The government, in its attempt to contain any form of dissent, has breathed fresh life into acts like the Armed Forces Special Powers Act

(AFSPA) in Kashmir and the north-eastern states, or the Chattisgarh Special Powers Act, in order to maintain a repressive state. In the name of fighting the 'naxalite menace', the government has formulated the internal security doctrine and equated all protests with terrorism and anti-state activity. This not only attempt to crush popular democratic struggles but also extends to trade union struggles for democracy at the workplace and legitimate and peaceful Right to Democratic Dissent. The predatory policies of the Government are forcing people to unite and resist.

On the other hand, the fascist forces are still out to divide the country on lines of religion, caste, language and ethnicity. Mumbai has been a recent witness of this chauvinism. Such chauvinism seeks to deny the workers their right to work with freedom and mobility in the country and destroys the unity of the working class. The support for such divisive forces among common people is in fact on the decline demonstrating maturity and confidence of the working people.

On this May-day NTUI calls all progressive unions in committing to a united, militant working class struggle against the offensive of capital and the anti-labour policies of the government and come together to safeguard democratic rights. We call on all other mass organizations and peoples' movements opposed to imperialist globalisation to join this struggle of the working people.

SPECIAL FEATURE

THE HISTORY OF MAY DAY

The history of May Day is the history of many militant working class struggles. In the beginning May Day symbolized the universal struggle of the working class for reducing working hours. In early capitalist society even children were forced to work for as long as 18 hours a day! From this we can well imagine how much more terrible were the suffering of the working women and men!

The capitalists forced the working class to work for long hours in order to increase their profits. As the purchaser of labour-power, it was in the interests of the capitalist 'to make the working day as long as possible, two working days out of one'. On the other hand, the worker, as a seller of labour-power, insisted that the working day should be reduced 'to one of definite normal duration'. As Marx pointed out in *Capital*, these two different positions led to a struggle between the rights of the capitalists and the rights of the working

class. The history of May Day is inseparably linked with this long and difficult class struggle.

The Beginnings

Ever since the early 19th century, starting with a strike by workers in the shoe industry in Philadelphia (USA) in 1805, the demand for first a 10-hour and then an 8 hour day went hand in hand with the struggle for higher wages. Though the struggle of the Philadelphia shoe workers was suppressed and their union destroyed, the working class did not lose heart. As one of the Unions told its workers in those days - *No great struggle was ever attained without danger and difficulty.*

The workers realized that the fight for regular, reduced working hours must be linked with the struggle for higher wages. Because whenever the struggles of the workers forced the capitalists to pay them higher wages, the exploiters tried to make up this 'loss' by lengthening the working hours. Thus most struggles for higher wages only added to the burden borne by the working class, instead of lightening it. Therefore the working class put forward two demands:

Reduce the working hours!

Raise the wages!

And many militant struggles were waged to win these demands.

One of the earliest of the struggles for eight hours work took place in Australia. The building workers under the influence of a Chartist, James Stephens, began a movement for eight hour day in 1850 in Melbourne. Three years later, the movement spread to Sydney. In 1855, Hug Landreth, the leader of the masons, called upon the workers to stop work after eight hours. When the employers refused to accept their demand, the masons of Melbourne, followed by other categories of workers, struck work in 1856. They finally won their demand. The eight hour day was firmly established in Melbourne. In Sydney and other places it took nearly another twenty years of struggle before the workers won the battle for an eight hour day.



8-Hour Banner raised by masons in Melbourne, 1856

Meanwhile in the USA, despite the difficulties faced by trade unions, the working class movement continued to grow. In 1863 the Machinists and Blacksmiths Union led by Ira Steward gave the call to wage a struggle for an eight hour day. Under his leadership the movement for eight hour day spread. In 1864 Steward organized the first workers' organization to fight solely for an eight hour day. The same year in Europe, the first convention of the International Workingmen's Association (also called the First International) led by Marx and Engels, declared: *Limitation of the work day is the first step in the direction of the emancipation of the working class.*

Two years later, in 1866, the National Labour Union (NLU) was formed. By now the American working class had realized that without "unity of action" among the workers from different parts of the USA, the struggle for an eight hour day would not succeed. The formation of the NLU was a step in this direction. At its first convention, attended by representatives of 60 trade unions in the USA, held in August 1866 in Baltimore, the NLU elected William H. Sylvius as its president.

The NLU led many militant struggles, most of which were for an eight hours' day, the First International which united all the workers of the world under one banner extended support and sympathy to the American workers. As far back as 1848 Marx and Engels had declared: "Workers of the world, Unite! You have nothing to lose but your chains!" Realising that this was a correct slogan, the NLU under the leadership of Sylvius began to work more closely with the First International.

The American working class's struggle for reducing the working day won a partial victory in 1868. On June 25, a bill allowing the government employees to work for only eight hours was passed. Immediately, the government bureaucrats began to cut the wages of the employees to make up the so-called 'losses'. This experience only made the proletariat more determined. Soon, in many states of the USA, workers went on strike. These struggles were partially successful inasmuch as in some of the industries where the workers went on strike, eight hour day became the law. Thus 1,800 bricklayers in New York City won the demand in 1868. Learning from this experience, the other trade unions in the city began a campaign for eight hour day in 1871. The next year, following a three-month strike the building workers in the city secured an eight hour day. The success of their comrades in New York made the workers in other parts of the country more determined and workers in many states of the USA won the struggle for the eight hour day.

Years of Depression and Repression

The year 1873 marked a severe international economic depression in Europe and United States that lasted until

1879 and even longer in some countries. It began with financial failures followed by industrial closures. Millions of workers became unemployed. Employers used this opportunity to lower wages and increase working hours. They used all methods, 'lockouts, blacklists and legal prosecutions' to crush the trade unions.

The great strike struggles of 1877, in which tens of thousands of railroad and steel workers militantly fought against the corporations and the government, which sent troops to suppress the strikes, left an impress on the whole labour movement. It was the first great mass action of the American working class on a national scale and, although they were defeated by the combined forces of the State and capital, the American workers emerged from these struggles with a clearer understanding of their class position in society, a greater militancy and a heightened morale. The number of strikes during 1885 and 1886 as compared with previous years shows the spirit of militancy of the labour movement. Strikes and lockouts in 1885 was about 700 and the number of workers involved close to 2,50,000. In 1886 the number of strikes more than doubled to 1,572, with the number of workers involved at 6,00,000.

The NLU was destroyed by 1872 and succeeded by two organizations - the Knights of Labour and the Federation of Organised Trade and Labour Unions of the United States and Canada. These two organizations, despite many drawbacks, continued the struggle which the NLU had begun. And the fight for eight hours day once again became the main issue.

On 7 October 1884, the Federation passed a resolution which called upon all workers to observe 1 May 1886, as the day on which they would stop work and force the employers to agree to an eight hour day. Many national unions, especially the Carpentry Workers' Union and the Cigar Workers' Union began to conduct propaganda for the 1 May strike. Though the city of Chicago was the centre of the great strike it also took place in New York, Baltimore, Washington and other places in the U.S.A. A notable feature of this strike was the large scale participation of unorganized workers.

On May 1, 1886 a great flood of workers flowed out of the factories, stopping work, shouting slogans and challenging the oppressive authority of the capitalists. The employers and their government did their best to suppress the strike. On May 3, 1886, in Chicago, the police attacked a rally taken by the workers of McCormick Reaper Works. Six of the workers were killed and many injured seriously. The next day, hundreds of workers gathered at Haymarket Square in Chicago to protest against this murder. The meeting was

peaceful. When it was about to end the police attacked the protestors. A bomb was thrown into the crowd, killing several policemen and four workers.

Many prominent working class leaders were arrested and after an unjust and unfair 'trial', four workers - Parsons, Spies, Fischer and Engel were sentenced to death and hanged on 11 November 1887; the rest received various terms of imprisonment. There were no doubts that the trial was unfair and unjust. In fact, six years later, the Governor of Illinois state (where the trial was held) said that the Haymarket Square Case was a false case!



Pamphlet calling for the Rally at Haymarket Square

In 1888, the Federation decided to wage the struggle for eight hour day with more determination. This decision was taken at a convention held in the city of St. Louis. At this convention the Federation once again decided to go on strike for an eight hour day on 1 May 1890.

The First International had dissolved itself in 1876. More than a decade later the necessity for an international working class organization to meet the challenge of the capitalist class arose again. This new organization, called the Second International, came into being under the leadership of Frederick Engels at a meeting held in Paris on 14 July 1889 - the centenary of the Bastille Day.

At this meeting a resolution was moved calling upon the Second International to organize a strike in all countries and in all towns on the same day to win the right for an eight hour day. The day was fixed for 1 May 1890. Thus the Second International, recognizing the courage and militancy of the American working class and in honour of the Haymarket Martyrs, declared May 1 as the international protest day of the working class.

First International Worker's Day - 1 May 1890

May Day 1890 was celebrated in many European countries and in the United States. The Carpenters' Union and other building trades entered into a general strike for the 8-hour day in the US. Despite the Exception Laws against the Socialists, workers in the various German industrial cities celebrated May Day,

which was marked by fierce struggles with the police. Similarly in other European capitals demonstrations were held, although the authorities warned against them and the police tried to suppress them. In the United States, the Chicago and New York demonstrations were of particularly great significance. Many thousands paraded the streets in support of the 8-hour day demand; and the demonstrations were closed with great open air mass meetings at central points. The international protest day of the workers, the First May Day, was a resounding success!

First May Day in India

In India, though the earliest struggle for an eight hour day took place when 1200 workers of Howrah Railway Station went on strike in April 1862 - 24 years before the great Chicago demonstration - the first May Day was observed only in 1923.

The first May Day celebration in India was organised in Madras by the Labour Kisan Party of Hindustan on 1 May 1923. This was also the first time the red flag was used in India. The party leader Singaravelu Chettiar made arrangements to celebrate May Day in two places – one, at the beach opposite to the Madras High Court; and the other at the Triplicane beach. A resolution was passed in the meetings urging the government to declare May Day as a holiday. In 1927, May Day was observed with simultaneous demonstrations in Calcutta, Madras and Bombay. In Bombay, the demonstration was attended mainly by municipal workers, mill workers, and railway-men, mainly lower and middle grade workers.

May Day – Day of Solidarity against Precarity

Over eighty years have passed since then. The call given forth in 1889 now resounds throughout the world. The regulations on work earned through years of struggle are now fast disappearing. This is giving birth to new forms of protest, new struggles and new organisations. Alarmed by the grip of this protest and struggle, the ruling class has attempted to destroy it by transforming May Day into a holiday.

May Day is not a holiday. It is day of protest and a day of solidarity! It is the day on which the international working class pays homage to comrades who have laid down their lives in the struggle for a society without exploitation and oppression. It is also the day on which the working people of the world pledge to continue the struggle for a socialist society.

[Revised and Edited version of the BLAST pamphlet brought out by the All India Blue Star Employees Federation, Mumbai in English, Marathi, Hindi, Malayalam]

MAY DAY REPORTS

Tamil Nadu: WPTUC - May Day was observed at the office of WPTUC. Comrade R. Kuchelan after unfurling the red flag addressed the workers, tracing the importance and genesis of May Day. Puducherry workers of the union coming under the leadership of WPTUC observed the May Day in a unique way by Blood Donation Campaign as has been organized every year, signifying and symbolizing the importance of the May Day. This programme was conducted by our people at Puducherry and it was commended by the Government of Puducherry.



PTS May Day public meeting at Pallavaram

PTS and GAFWU – A public meeting was held at the government high school grounds in Pallavaram, in the suburb of Chennai. It was attended by more than 200 women workers in the informal sector from Kanchipuram, Thiruvallur and Chennai. The meeting was addressed by Comrades Sujata Mody, President PTS, women's right activist Olga Aron, as well as activists from Garment and Fashion Workers Union. Union Identity cards were distributed to newly selected branch leaders in each district as well as committee leaders.

TMKTS – Flag hoisting at each district. Large number of construction workers, both men and women, attended the public meetings organized at the district level.

Andhra Pradesh: Kurnool Building and Construction Workers Union - The Kurnool Building and Construction Worker's Union celebrated May Day in Kurnool. The NTUI May Day handbill was translated and published in Telugu and distributed widely in the city and also sent to contacts throughout the state. Local meetings were held in 3 centres and a central meeting was held at Dharmapeta Community Hall and attended by more than 300 workers. Following this, a local construction workers union comprising of 120 members merged with the Kurnool Building & Other Construction Union in the last week of May. This union has considerable following in the locality and has its own office.

Karnataka: Karnataka State Rural Workers Union – Meeting in Bangalore on 2-3 May. Attended by organisations from 14 districts of Karnataka, it was decided that the process of unionisation should be initiated at the grassroots and it should be then taken to the taluk, district and state levels. This union of NREGA workers will be called *Grameen Coolie Karmikara Sangathane*. It was also decided to register the Union at State level with members from the districts of Bidar, Davangere and Raichur.

Punjab and Haryana: Punjab Bhatta Mazdoor Union – The Punjab Bhatta Mazdoor Union, led by Comrade Tarsem Jodha, merged with the NTUI affiliated Lal Jhanda Itt Bhatta Mazdoor Union. This was announced during a joint rally held in Sangrur district on 18 April. This was followed by a conference of state delegates from both unions celebrating May Day in Jalandhar during which a joint leadership team was formed with Comrades Inderjit as President and Tarsem Jodha as General Secretary.

Mazdoor Ekta Manch – Mazdoor Ekta Manch, a platform of unions in the garment industry in Haryana, held a successful May Day rally this year. Garment workers overcame fear and marched through the streets of Gurgaon for the first time.

Uttar Pradesh: Sarv UP Grameen Mazdoor Union – A May Day meeting was organised in Badlapur, in district Jaunpur by the Sarv UP Grameen Mazdoor Union. The meeting was attended by over 200 members from the district. The formation of the union was officially announced at this meeting. Comrade Mohan Kotheekar, Joint Secretary NTUI was present at this meeting.

Chhattisgarh: Chhattisgarh Cement Shramik Vikas Manch - On 1 May workers and peasants demonstrated under the banner of the "Chhattisgarh Cement Shramik Vikas Manch" at the gates of the Ambuja Cement Plant at Rawan, district Raipur. This plant was acquired by the Swiss multinational cement giant Holcim in 2005. They demanded immediate eviction of the Holcim company from its illegal encroachments on the commons, grazing land, burial ground and village roads of the surrounding villages Rawan, Bhadrappali, Pounsari, and Khairtal. They also demanded permanent jobs to the peasants whose lands had been acquired for the plant, mines, and railway line and who, after 27 years, have yet to be given permanent employment by the plant as laid down in the State Rehabilitation Policy. Attached were demands for payment of minimum wages and of deducted PF dues. At another Holcim plant – the ACC Jamul Cement Works in district Durg, workers and their families held a large procession on 30th April in the workers' bastis. A public meeting was held on the May Day and the plant remained closed. At

the Ultratech Cement Plant at Hirni, district Raipur workers distributed pamphlets and 60% workers stayed off work. The workers of Century Cement at Baikunt, district Raipur organized under the independent “Chhattisgarh Cement Karmachari Kalyan Sangh” closed their plant and held a demonstration at Raipur. The Chhattisgarh Cement Shramik Vikas Manch had resolved earlier that all the cement plants would observe strikes and also hold demonstrations in solidarity along with peasants and unemployed youth of the surrounding villages this May day.

Maharashtra: Maharashtra State Council of NTUI for the first time celebrated May Day at Azad Maidan this year. About 2000 workers from the organized and unorganized sectors assembled at Azad Maidan. There were women and men in equal numbers. May Day this year also happened to be the golden jubilee year of the formation of Maharashtra State. Comrades M.A.Patil (Vice-president NTUI and President - Maharashtra State NTUI), N. Vasudevan (Secretary NTUI and General Secretary – Maharashtra State NTUI), Milind Ranade (Secretary NTUI and Jt. General Secretary Maharashtra State NTUI) and Ramesh Nair of Voltas Employees Union spoke about the importance of the day for labour, on the 8-hour working day, living wage for workers, universal social security, wage payment through cheque system, plight of unorganized workers, united fight against contract labour system.



At the Azad Maidan function NTUI honoured Com. Yeshwant Chavan (founder President of NTUI) for his contribution in the struggle for the formation of Maharashtra State. Comrade Chavan was one of the Secretaries of the Samyukta Maharashtra

Samiti which spearheaded the struggle for Maharashtra. Meeting also paid tribute to other leaders of the Samyukta Maharashtra Samity like Comrade S.A. Dange, Veteran Socialist Shri S. M. Joshi, and writer, journalist, theatre personality Acharya Atre and several others.

Comrade Chavan, while giving a brief background of the struggle for language based State formation, said people dreamt of a State where employment, housing,

better education, health will be available for them. But 50 years of experience has showed that only a handful prospered. This was not the Maharashtra people fought for 50 years ago. To change the present into a bright future Comrade Yeshwant Chavan called upon workers to build unity and to equip themselves politically in order to create a new social order so that real justice would belong to the toiling masses.

NEWS UPDATES

Railway Motormen strike for dignity: The demands of motormen of the Mumbai locals have been pending since January 26, when they first decided to go on strike. However, the Railway authorities had stepped in then with the assurance that a fast track committee would look into their demands. The Joint Action Forum of motormen also intimated its decision to go on strike in May if no move was made to settle the demands. The fast track committee had not even met the union once since then.

From 3 May, the motormen went on an indefinite hunger strike and many were hospitalised demanding better conditions of work, dignity and decent wages. The motormen sat in protest at the Churchgate station here awaiting the letter of assurance from the Western Railways General Manager. At least 170 striking motormen were arrested on 4 May at the Chhatrapati Shivaji Terminus (CST) on charges of unlawful assembly and obstructing rail employees from reporting to their duties. Earlier, 20 motormen were dismissed as they refused to report for work.

The Maharashtra government took the striking motormen to the Bombay High Court but the judge slammed the government for forcing motormen to put in overtime. Not only is this exploitative, said the judge, but it also endangers commuter safety. Home Minister R.R. Patil visited the Churchgate station and assured the group of motormen that orders revoking the 20 dismissals had been cleared. The Home Minister's reassurances led to the strike being called off. A committee will be formed to decide on the demands by June 15.

Strike Crushed in Air India: Following the Air India crash on 22 May at Mangalore that killed 158 passengers, the management enforced a ‘gag’ order on union leaders speaking about the accident as well as on airline's safety issues or staff problems. In protest, almost 20,000 of Air India's ground and technical staff, represented by the two unions, Air Corp Employees Union (ACEU) and All India Aircraft Engineers' Association (AIAEA), went on a flash strike on 24 May. The Bombay High Court declined to grant ex-parte relief to Air India, which sought the court's intervention

for a stay on the strike. However, the Delhi High Court declared the strike illegal on 26 May in response to the company's submission to the court that the strike was violative of sections 22 and 24 of the Industrial Disputes Act and that it had caused 50% loss to the airline since it began. Following this AI dismissed 17 officials and suspended 15 engineers, of them 12 belong to the ACEU and 5 to the AIAEA including ACEU president DK Shetty, general secretary JB Kadiyan, regional secretaries located in Mumbai, Chennai, Hyderabad and Kolkata and AIAEA general secretary YV Raju, and regional secretaries located in Delhi, Mumbai, Chennai and Kolkata. Hours after crushing the two-day strike, the state-owned airline also de-recognised the two unions and sealed their offices across the country. National Aviation Co. of India Ltd, which operates Air India, will meet all its labour unions on 1 June, except AIAEA and ACEU. Air India has a total of 13 unions, including AIAEA and ACEU.

The Labour and Employment Ministry on 28 May said that the suspension and termination of Air India employees is not applicable when the conciliation process at the level of Chief Labour Commissioner is on. On 14 May, the unions had issued a notice for a strike to commence from 31 May. The court had restrained them from going on this strike too.

Uniformity in Minimum wages: The Union Government has set up five Regional Committees in order to reduce the regional disparities in the minimum wages of same or similar scheduled employments. The regional disparity in minimum wages is attributed to differences in socio-economic and agro-climatic conditions, prices of essential commodities, paying capacity, productivity and local conditions influencing the wage rate. The Committees would periodically interact with State Governments and Union Territory Administrations to deliberate on matter of regional interest as well as bridge the gap in the minimum wages of the same scheduled employment.

Workplace rights for Domestic workers: An 11-member task force appointed by the central government has submitted the final draft policy on regulation of domestic work and other welfare measures. Among the significant recommendations are the rights to leave and retirement, employment contracts, minimum wage, safe working conditions and conditions for termination of employment. The task force has asked the government to declare a minimum wage for domestic work and also wants it to set working hours and weekly off besides introducing welfare measures such as health and life insurance and skill training. The government has accepted the recommendations and would present this before the cabinet. The task force has also recommended that the government initiate a process to identify and register domestic workers at state, district

and panchayat levels. It has also insisted on registration and strict monitoring of all placement agencies for domestic workers.

Parliament Passes Employees' State Insurance (Amendment Bill) 2009: The Parliament passed the Employees' State Insurance (Amendment) Bill, 2009 on 6 May 2010. Some of salient amendments are:

- The age limit of the dependants has been enhanced from 18 to 25 for the purpose of dependants' benefit.
- The definition of "Factory" under Section 2(12) has been amended to facilitate coverage of smaller factories and cover all factories which employ 10 or more persons whether these are run by power or without power.
- It enables ESIC to enter into agreement with any local authority, private body or individual for commissioning and running ESI hospitals through third party participation. It also enables ESIC to appoint consultants and specialists on contract basis.
- State Governments are allowed to set up autonomous organisations to give ESI Scheme benefits.
- It provides for grant of exemption by appropriate Government to factories/ establishments only if the employees get substantially similar or superior benefits
- The procedure for determination of contribution has been streamlined to avoid 'harassment of employers'. The Inspectors now shall not inspect books of accounts beyond five years.
- Accident benefit extended to accidents while commuting to the workplace;
- Social security benefits have been extended to apprentices covered by Standing Orders and also to trainees. Medical treatment also extended to those who retire under Voluntary Retirement Scheme or take premature retirement. A new Chapter V-A has been included to enable extension of medical care to non insured persons against payment of user charges.

PRESS STATEMENTS

30 May 2010, New Delhi: Air India - Trampling Employees' Rights and Passenger Safety Concerns

The New Trade Union Initiative strongly condemns the dismissal of 58 employees and suspension of 24 others as well as the de-recognition of two registered trade

unions of Air India (AI) by its management on 26 and 27 May 2010. This action is retribution for the strike launched by approximately 20,000 employees of AI to protest against showcause notices issued to two union leaders for talking to the press about alleged discrepancies in AI's adherence to safety norms with regard to flight operations.

A substantive issue involved in this incident is the safety of airline passengers. The International Civil Aviation Organization's 2006 report on aviation safety found India to be a habitual defaulter with respect to compliance with international safety norms. India's track record in qualification and training of technical personnel was found to be particularly worrisome. Recent reforms in Indian aviation have not embraced issues of safety. It was this concern that was echoed by Y.V Raju, General Secretary of the AIAEA, when he complained to the DGCA and spoke to the media about the competence of the Kingfisher engineer who certified an AI Airbus 320 flight for take-off from the Mangalore airport on 22 May 2010. However, the management instead of addressing this concern, adopted a confrontational stance and took disciplinary action against union leaders on the basis of an internal memo circulated in July 2009, which prohibits AI employees from making public statements that may damage the image and commercial interests of the carrier.

The NTUI is of the opinion that the need to protect a company's reputation must never be allowed to override safety concerns. Passenger safety is of primary importance and unions can, and must, act as the conscience of consumers in a service industry, maintaining a vigilant eye on matters of safety. A mere lapse in protocol in this instance should not be allowed to obscure the overarching concern about safety in flying. Further, the NTUI notes that the responsibility of developing an internal mechanism and institutional culture to address such concerns lies with the Ministry of Aviation and AI. It is the absence of a transparent and credible mechanism that has led to spilling of such concerns into the public domain and contributed to the precipitation of industrial action. The NTUI also calls upon the trade union movement to build a broader public consensus to support inclusion of safety issues into bargaining strategies and industrial action.

The NTUI further notes that the due process of law has been interfered with repeatedly over the course of these events. Once the strike was called, the National Aviation Company of India Limited (NACIL), which operates Air India, rushed to the Bombay and Delhi High Courts, seeking directions for an end to the agitation. The Delhi High Court passed an *ex-parte* order, terming the strike illegal and also prohibiting unions to go on strike afresh from 31 May in terms of the 14 May strike notice. In respect of the latter, it ruled

that conciliation proceedings will be conducted on 28 May. Seemingly emboldened by this decision as well as the government's stance that it will support stringent disciplinary action against striking employees, the AI management dismissed and suspended 17 employees on 26 May. This number went upto 82 by 27 May, accompanied by de-recognition of the two unions and the sealing of their offices despite the fact that conciliation proceedings are in progress before the Chief Labour Commissioner. The NTUI condemns this anti-union and vindictive stance of the AI management and demands from the Government respect for the principle of collective bargaining and continuation of dialogue with the striking unions to amicably address employees' concerns.

Further, the repeated use of the Judiciary by the Executive to de-legitimize unions is an ominous trend. Not only does it undermine the separation of powers between the two, it also shifts the scope of adjudication from evaluating executive actions to prejudging union actions on the basis of limited facts and prima facie assumptions. The NTUI feels that the judiciary needs to be more circumspect about entertaining petitions under its writ jurisdiction, particularly when alternative forums have been specifically established to address legality of a strike.

Finally, the AI incident is fundamentally a manifestation of the strained relationship between unions and the management that has been a product of the opaque and arbitrary manner in which the restructuring of AI is being conducted. The Minister of Civil Aviation in particular has been out of step with his government, conducting himself more as an agent of dismantling the public sector instead of restructuring it. His repeated statements about privatization and outsourcing of responsibilities have created an atmosphere of apprehension and distrust among members of the AI staff, precipitating untoward actions.

The NTUI demands that:

- Safety Audit of Indian aviation industry be undertaken and made public
- AI conduct an inquiry into the violation of safety norms at Mangalore Airport on 22 May
- Withdraw the dismissals and suspensions of AI employees
- Withdraw the derecognition of the two registered trade unions AIAEA and ACEU that together represent nearly 60% of AI employees
- Ensure a transparent mechanism to address safety concerns expressed by unions and passengers
- Ensure that the continuing restructuring of AI takes place in a transparent manner