



# UNION POWER

**NTUI**

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## EDITORIAL

The ILO's Global Employment Trends Report 2013 states that India's labour force participation rate for women fell from 37 % in 2004-05 to 29 % in 2009-10 across all age groups, across all education levels, and in both urban and rural areas. To add to this recent National Sample Survey data tells us that of women workers in the country in 2009-10, a little over 1 out of 3 women of working age is working, at least part-time. Agriculture continues to remain the largest employer for women with an estimated 68.5% of women involved in crop farming and rearing livestock. Roughly 10.8% of Indian working women are in manufacturing, but only in a select few industries such as tobacco (employing 2.6% of all working women) and textiles and apparel (employing 2.3%). Construction is the third-largest employer of women employing about 5.1% of working women. An estimated 3.8% of women work in education, mostly in primary education and about 1.1% are employed by the health sector. Few women work in trade - about 2.1% of women work in grocery stores that sell basic food items and of course tobacco products. An estimated 3.1% of women are employed as domestic workers. And only 1% of working women are employed in government – state and central – services.

The substantial decline of women's participation in the workforce is explained by the fall in their employment in agriculture. As the crisis in agriculture has worsened, the number of jobs offered by the sector has declined. While men have retained their jobs women have even been pushed off the farms. This brings to the fore the core of patriarchy that dominates the labour market just as in every other sphere of life. As a result a large number of women are 'self-employed' in various hazardous tasks including waste collection or are being pushed into sectors that are in the domain of being 'illegal' such as sex work, and are hence being unaccounted as 'workers'. What the data further shows us is that women are primarily employed in low value added sectors and at the lower end of the value chain in each sector. Women are employed in the beedi rolling and almost not present in cigarette manufacturing in the case of the tobacco industry, in construction they are employed in low skill manual tasks and in the garment and textile industry its perhaps impossible to find a women in a supervisory job. While it is correct to say that a large section of women are employed in basic services such as education and health under government programmes (anganwadis, ASHAs, ANMs, para-teachers etc) reality is that these are 'jobs' as 'honorary' workers maintains them at the lower end of the wage hierarchy.

Legal regulation, inspection and enforcement are at their weakest in these low wage sectors resulting in high work intensity and long hours of work that are enforced by employers using a sustained violence in employment practices that range from threats of job loss to that of sexual violence. As a result, these disaggregated, dispersed and vulnerable isolated clusters of jobs for women workers pose the biggest challenge for building a gender equal work place.

There is significant evidence that even when women have or obtain the necessary skill set they are unable to ascend the wage hierarchy. Breaking through the low wage-low skill trap requires us to address not just the issue of equality of opportunity but also the equality of outcomes. But discrimination, including through violence, at the workplace or in employment relations alone does not determine women's economic participation. Women's participation is in equal measure affected by discrimination and violence at home and in public spaces which define the nature of women's participation in social life including at work.

Existing social and economic inequalities define nature of discrimination as well as of violence. With the neo-liberal attack intensifying on the working class, increasing inequalities, discrimination and violence of all forms, including against women, has increased. Hence violence against women cannot be seen as standalone but a product of the social and economic context. Patriarchy and hegemonic masculinity are associated with autonomy, capacity to control, mobility and power while 'femininity' is being increasingly defined as lack of these. If we have to stop violence, and therefore discrimination, against women, this has to change. Hegemonic masculinity restricts women in gendered roles in society, including at work. Global capital, particularly transnational corporations, in close collusion with northern governments aid and development programmes has come to epitomise this construction of masculinity. Global capital has used this to feminise the lower end of the wage hierarchy and widen pay disparity between men and women. It has also take women out of wage employment and pushed them to the realm of 'self employment', which is nothing but wage employment sans regulation hence greater exploitation. On the other hand, in a situation of declining employment opportunities, this feminisation is also perceived as a threat to this very notion of masculinity thereby creating irresolvable conflicts between men and women.

The resistance against capital thus has to include a resistance against patriarchy and masculinity that pervades all our lives, those of both men and women. Trade unions and other social movement are also not immune from these influences of the world around us. Low membership of women and negligible presence of women in leadership positions in trade unions is indicative of this. Hence, the working class struggle for larger share of wages must necessarily include a struggle against patriarchy and hegemonic masculinity, against unequal relations between men and women, and against relations of power and violence. This is not an easy task. Let us, men and women, together on this International Women's Day unite to build a sustained resistance to the divisions within the working class along lines of gender by promoting a culture against gender prejudice, domestic violence and harassment of women at home, in society, at work and in public spaces through a struggle for right to equality and dignity of women at home and in social, economic and political life. This too is necessary for us to build Union Power together.

## AFFILIATE REPORTS

### INTERNATIONAL WOMEN'S DAY

**Kolkata:** 11 autonomous trade unions and mass organisations including NTUI affiliates Paschim Banga Khet Majoor Samity, Binodini Shramik Union, and the All Bengal Sales Representative Union along with the Hawkers Sangram Committee, Shramajivi Mahila Samity, Bagan Suraksha Committee (Jalpaiguri), Gogo Gaonta (Birbhum), Paschim Banga Swarojgari O Radhuni Union, Paschim Banga Nirmaan Shilpa Shramik Union ( Organising Committee), Shramajivi Samanvay Committee, West Bengal Government Employees Union (Nabaparjaya) and domestic workers unions participated in a large and colorful rally in Kolkata and held a public meeting on 8 March at Esplanade. Low wages and no social security benefits along with increasing harassment at workplace including sexual harassment were issues raised by almost all the unions present. In addition, unions of domestic workers and sex workers raised the issue of the continuing refusal of the state government to recognise their right to register their unions. The march from Sealdah to Esplanade rang with slogans demanding equal wage for equal work and an end to violence on women both at home and at workplaces.



**Chennai:** A 16 member delegation of the Penn Thozhilalargal Sangam (PTS) and the Garment and Fashion Workers Union (GAFWU) met the state Minister for Labour and Employment and submitted a memorandum demanding increasing the minimum wage for garment workers, notifying minimum wage for domestic workers, access to low cost housing and free bus passes for women workers and sanction of old age pensions.

Later in the day, over a hundred PTS activists and GAFWU members from the Unitex factory came together to celebrate the International Women's Day and pledged to continue in their efforts to build union

power for women workers and ensure their greater participation in political life. Revolutionary songs sung by the members echoed their spirit.



**Uttar Pradesh:** Colourful and vibrant Women’s day programmes were held at Robertsganj, Sonbhadra on 8 March, in Adhaura, Kaimur on 9 March, in Karvi, Chitrakoot on 13 March and in Palia in Lakhimpur Khiri on 15 March by various constituents of the NFFPFW - Mahila Kaimur Kshetra Mazdoor Kisan Samiti, Kaimur Mukti Morcha, Vangram and Bhudhikar Morcha, Tharu Adivasi Mahila Mazdoor Kisan Manch, Terai Kshetra Mahila Mazdoor Kisan Manch, Vantaungiya Samity – in association with other organisations. The organisations celebrated both the International Women’s Day and the birth anniversary of Savitribai Phule on 10 February, remembering her struggle for women’s rights.

The women in the rallies raised slogans against atrocities and sexual violence against women. They protested against the false notice of breaking law and order served by Sub divisional Magistrate to many of the women leaders in the forest rights committees.



**Delhi:** The ASHA Workers and Facilitators Union and the Mid-Day Meal Workers Union of Punjab demonstrated at Jantar Mantar in Delhi and submitted a memorandum demanding regularisation of employment and for better service conditions to the union

government. About 500 women workers representing these two unions gathered at Jantar Mantar on 18 March. They were joined by Comrades, D Thankappan, Anuradha Talwar, Ashok Chowdhary and Dinesh Prasad, the state secretary of NTUI Punjab.

**NFFPFW becomes All India Union of Forest Working People:** *Patna, 3 March 2013:* The National Forum of Forest People and Forest Workers (NFFPFW) in a widely participated three day extended national committee meeting from 1– 3 March held at Shramik Disha, Patna decided to form an all India trade union of forest based working people. The union’s name was unanimously decided as All India Union of Forest Working people (AIUFWP). With participation from Orissa, West Bengal, Bihar, Jharkhand, Uttarakhand, Uttar Pradesh and Madhya Pradesh the participants decided that the NFFPFW will be dissolved once the union is formally founded at the next Conference in May 2013 and its constitution, the draft of which was discussed at length at this meeting, adopted.

**Kerala State Council of NTUI elects new President:** *Trivandrum, 10 March 2013:* At extremely well attended meetings of the NTUI Kerala State Committee, on 9 March and the State Council, on 10 March it was resolved to elect Com. R. Lakshman Iyer, Advocate and President of the KSEB Karar Thozhilalar Federation (and President of several other independent unions) as the President of the NTUI Kerala State Council. His election comes as a strong endorsement of NTUI’s commitment to multiple political tendency and to both consolidate its present membership and grow beyond its our political reach in Kerala right now. The State Council also reaffirmed its commitment to host the Third NTUI General Assembly in November 2013 in Kerala.



**Remembering Com. V B Cherian: Working Class Unity and Trade Union Democracy:** *New Delhi, 25 March 2013:* The NTUI organised a meeting on Working Class Unity and Trade Union Democracy on 25 March 2013 in Delhi in memory of Com. V B Cherian (22 July 1945 – 2 March 2013), Vice President of the NTUI and President of the NTUI Kerala State Council. Com Cherian was a fighter for trade union

democracy and a champion of the working class movement as the primary organisation through which capital can be challenged. The meeting was attended by senior leadership of the NTUI including Comrades D Thankappan, Ashim Roy, M Subbu, N Vasudevan, Anuradha Talwar, Milind Ranade, Gautam Mody, M Rajan and Dinesh Prasad. Com Rajiv Dhimire, Secretray AICCTU was also present. Speakers expressed their views on trade union autonomy and democracy.

## CAMPAIGN NEWS

**Meeting on Work Shift Rationalisation from the point of view of Security of Working Women:** *New Delhi, 27 February 2013:* The first meeting on Work Shift rationalisation from the view of security of working women as part of a study by the National Mission for Empowerment of Women of the Union Ministry for Women and Child Development *on critical assessment of existing laws, policies, practices and implementation regimes impacting women and their participation in the workforce to develop convergence strategies to encourage their increased participation and retention* was organised on the 27 February 2013.

The key issues raised around work shift change were:

- Lack of rules and regulations providing security to women working in shifts. The rules should be sector specific.
- Identification of invisible barriers that impede safety of working women and ensuring suitable infrastructure.
- Provision for support services such as night crèches, transport at doorstep.
- Burden of proof on accused in case of sexual harassment complaint

Com. Ashim Roy represented the NTUI in the meeting. AITUC, CITU was also present along with ILO representative, and representatives of the ministry.

**Natco Pharma wins cancer drug case:** *4 March 2013:* The Intellectual Property Appellate Board (IPAB) upheld the grant of compulsory licence to Natco Pharma Limited, a generic drug maker, to produce and market Nexavar, a patented cancer drug of multinational pharma company Bayer Corporation.

Bayer obtained a patent in India in 2008 for Nexavar which cost Rs. 2.8 lakh for a pack of 120 tablets, equivalent to a month's dosage. On 9 March 2012, the Controller of Patents, Mumbai, had granted the first-ever compulsory licence to Natco to make 'sorafenib tosylate', a generic version of Bayer's anti-cancer drug Nexavar. Natco was told to sell the pack at Rs. 8,800. Bayer had appealed against the Controller's order

before the IPAB.

Maharashtra-based BDR Pharmaceuticals has also filed an application for a compulsory licence for the anti-cancer drug Dasatinib patented by pharma major Bristol Myers Squibb (BMS). BMS sells Dasatinib at around Rs.1.68 lakh per month, while BDR has promised to sell it at Rs.8100.

This application has also comes at a time when a Government panel is examining the issue of allowing compulsory licences in three more drugs - Trastuzumab, Ixabepilone and Dasatinib. The proposal, originally suggested by Health Ministry, has pushed the Department of Industrial Policy and Promotion in the Ministry of Commerce to form a panel to look into it. The Department of Pharmaceuticals (DoP) had also been asked to give its comments on the issue. All these three drugs are priced above one lakh. Interestingly, BMS alsohas the patent to Ixabepilone apart from Dasatinib. Trastuzumab is manufactured by Roche.

The 'Campaign for Affordable Trastuzumab' called upon the Commerce Minister to mark International Women's Day 2013 with an announcement of compulsory licensing for Trastuzumab, a life-saving drug for women with HER2+ breast cancer. Trastuzumab, patented by Swiss pharma company Roche, is currently priced at Rs.6-8 lakhs for a full course of 12 injections.. An estimated 25,000 new cases of HER2+ breast cancer are recorded in India every year, with younger women in the majority among patients. Trastuzumab has been recommended for compulsory licensing by an Expert Committee set up by the Health Ministry.

**Remembering Fukushima: Lessons for India:** *11 March 2013:* A citizens' convention was organised by several organisations including AISA, CNDP, NAPM, NTUI and PUCL on "Remembering Fukushima: Lessons for India" was organised on 11 March in Delhi marking the second year of the Fukushima nuclear disaster. Senior advocate of the Supreme Court Prashant Bhushan, radiation oncologist and public health activist Dr. Vikas Bajpai, and eminent journalist Praful Bidwai participated in the panel discussion. A photo exhibition on Fukushima was also displayed.

## NEWS UPDATES

**Most persondays lost due to lockouts and not strikes in West Bengal:** *Kolkata, 14 March 2013:* Responding to a question in the Assembly, the Labour Minister of West Bengal, Mr Purnendu Bose admitted that only a fraction of person days lost due to industrial disputes was due to strikes. Out of the 55, 86,170 person days lost in the state since June 2011 till February 2013, a period of 21 months, only 9,592 person days (0.17%)

were lost due to strikes. The remaining was due to lock-outs or suspension of work at industrial units.



**Indefinite dharna and hunger strike by Maruti Suzuki Workers Union: 30 March 2013:** The provisional committee of the Maruti Suzuki Workers Union (MSWU) launched an indefinite dharna on 24 March and an indefinite hunger strike on 28 March at Kaithal before the residence of State Industries Minister, R.S. Surjewala demanding justice for not just the 147 workers accused in the 18 July 2012 incident and languishing in Gurgaon central jail with bail denied but also the 2500 regular and contract workers who were terminated by the company after the incident without any enquiry. The government of Haryana has responded with large police mobilisation.

**LEGAL UPDATE**

**EPFO to pay 8.5% rate for 2012-13: New Delhi, 26 February 2013:** The Employees Provident Fund Organization (EPFO) has announced that the rate of interest for PF account for the financial year 2012-2013 to be 8.5% per year, higher than 8.25 per cent disbursed in the previous financial year.

**NREGA wages with effect from 1 April 2013 notified: New Delhi, 5 March 2013:** In exercise of the powers conferred by section 6 (1) of the MGNREGA, the Central Government on 26 February 2013 notified the wage rate payable to the unskilled manual workers working on various Schemes under the said Act, with effect from 1 April, 2013.

	States	Existing Wage	Wage w.e.f 1 April 2013	% Increase
1	Assam	136.00	152.00	11.8
2	Andhra Pradesh	137.00	149.00	8.8
3	Arunachal Pradesh	124.00	135.00	8.9

4	Bihar	122.00	138.00	13.1
5	Gujarat	134.00	147.00	9.7
6	Haryana	191.00	214.00	12.0
7	Himachal Pradesh	126.00	138.00	9.5
8	Jammu & Kashmir	151.00	171.00	13.2
9	Karnataka	131.00	145.00	10.7
10	Kerala	155.00	174.00	12.3
11	Madhya Pradesh	164.00	180.00	9.8
12	Maharashtra	132.00	146.00	10.6
13	Maharashtra	145.00	162.00	11.7
14	Manipur	144.00	153.00	6.3
15	Meghalaya	125.00	145.00	16.0
16	Mizoram	125.00	145.00	16.0
17	Nagaland	125.00	145.00	16.0
18	Orissa	136.00	148.00	8.8
19	Punjab	124.00	135.00	8.9
20	Rajasthan	124.00	135.00	8.9
21	Tamil Nadu	124.00	135.00	8.9
22	Tripura	124.00	135.00	8.9
23	Uttar Pradesh	125.00	142.00	13.6
24	West Bengal	136.00	151.00	11.0
25	Chhattisgarh	132.00	146.00	10.6
26	Jharkhand	122.00	138.00	13.1
27	Uttarakhand	125.00	142.00	13.6
28	Goa	158.00	178	12.7
29	Andaman & Nicobar is	175.00	198.00	13.1
30	Dadra & Nagar Haveli	159.00	210.00	32.1
31	Dadra & Diu	157.00	175.00	11.5
32	Daman & Diu	136.00	150.00	10.3
33	Lakshadweep	151.00	166.00	9.9
34	Puducherry	132.00	148.00	12.1
35	Chandigarh	159.00	209.00	31.4

**Haryana hikes minimum wages: Chandigarh, 1 March 2013:** The Haryana Government has increased the minimum wages of workers in the State and these rates would be effective from 1 January 2013. The revised monthly minimum wage for unskilled workers is Rs 5,212.15 or Rs 200.46 per day.

**Labour Courts can find out real employer while hearing plea for reinstatement or backwages: HC: Chennai, 3 March 2013:** The Madras HC in a judgment dismissing a writ petition filed by the management of Needle Industries at Ketti in Coonoor Taluk of Nilgiris district in 2003 held that it is not illegal for Labour Courts, dealing with applications made by workmen under Section 2A(2) of the Industrial Disputes Act seeking reinstatement and back wages, to embark on an enquiry regarding principal employer especially when there are allegations of camouflage to deny statutory

benefits to workers. The company had challenged an order passed by the Coimbatore Labour Court on May 27, 2002 in favour of 47 workmen.

Since the writ petition was pending for nearly a decade, 44 of them had agreed for a settlement offered by the company. Contesting the labour court's order only with respect to the remaining 3 workers, the management contended that the court had overreached its jurisdiction and rendered a finding that the writ petitioner was the real employer of the workmen, who had raised the industrial dispute, though they were actually employed with 10 different enterprises that were functioning within the petitioner's premises.

Disagreeing with the contention, the judge said that he did not find anything perverse or illegal in the labour court's decision as it had been established that the Directors of all the 10 enterprises were none other than full time managerial employees of the petitioner concern. He wondered how these managerial employees could have headed independent enterprises within their employer's premises.

**The Building and Other Construction Workers Related Laws (Amendment) Bill, 2013 introduced in Rajya Sabha:** 18 March 2013: The Building and Other Construction Workers Related Laws (Amendment) Bill, 2013 was introduced by the Minister of State for Labour and Employment in the Rajya Sabha. This bill seeks to amend the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, and the Building and Other Construction Workers' Welfare Cess Act, 1996. It also aims to streamline the process of their registration under various laws and helps empower the state governments to file complaints for any contravention of the provisions and help state welfare boards consolidate their finances and incur expenditures on administrative and other purposes for the smooth functioning of the boards. It also seeks to prescribe a time limit of 30 days for cess-collecting authorities to deposit cess to the State Building and Other Construction Workers Welfare Board.

## INTERNATIONAL NEWS

**Cambodian garments win back wages from Walmart: Compensation for Tazreen fire yet to come in Bangladesh:** Phnom Penh, 1 March 2013: About 700 workers, formerly employed by Kingsland, a supplier to Walmart, blockaded the factory to make sure that no machinery is taken out until their statutory payments are made by the employer. They used 'flying pickets' to block roads along with a protest hunger strike. Walmart employees in Illinois also staged a solidarity demonstration in support of their struggle. On 1 March, at a meeting with workers in Phnom Penh,

Walmart was forced to agree to pay the workers' back wages worth \$200,000.

*Dhaka, 30 March 2013:* 112 workers died at the factory fire at Tazreen Fashions, owned by the Tuba Group on 24 November 2012. Producing garments for major European and US brands such as C&A, KiK, El Corte Inglés and Walmart, Sears/Kmart and Disney, with Walmart being the largest buyer, the only compensation that the Tazreen victims have received till date is that of 6 lakh Tk each from the Bangladesh government to the families of 37 victims. Trade unions and other labour rights organisations have been demanding for full coverage of medical expenses and loss of wages of injured workers, compensation to families of deceased workers calculated on the basis of future earning loss and cost of education of children as well as buyers complying to the Bangladesh Fire and Building Safety agreement and working with the government to set up a permanent workers welfare fund to cover compensation for any such future incident.

**UN adopts declaration condemning violence against women:** 16 March 2013: The United Nations has adopted a non-binding declaration condemning violence against women and saying that the sexes enjoy human rights "on an equal basis." "The commission urges states to strongly condemn all forms of violence against women and girls and to refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination," the UN Commission on the Status of Women said in its final declaration.

**50<sup>th</sup> CGT Congress held at Toulouse:** 25 March 2013: Over a thousand delegates from different sectors attended the 50th Congress of the militant French union CGT in Toulouse from 18-23 March 2013. Thierry Lepaon was elected the General Secretary of the union – he took over from Bernard Thibault. Com. Gautam Mody was present at the Congress and at the preceding International Conference.

**Demonstrations across Palestine mark Palestinian Land Day on 30 March:** 30 March 2013: Large demonstrations were held across all of historical Palestine and among Palestinian refugee communities in exile to mark Land Day, a day in 1976 when Israeli military forces killed six young Palestinian citizens of Israel who were among thousands protesting the Israeli government's expropriation of Palestinian land.

International supporters of the Palestinian struggle for freedom, justice and equality are marking Land Day with actions and initiatives to further campaigns for boycott, divestment and sanctions against Israel. South Africa's ruling party, the African National Congress at its National Conference reaffirmed its support for the Palestinian Boycott, Divestment and Sanctions

(BDS) against Israel campaign.

## PRESS STATEMENT

**Mithi Viradi nuclear project: A democratic process is a right of the people:** *New Delhi, 30 March 2013:*

The NTUI condemns the undemocratic and illegal process by which the district administration of Bhavnagar is attempting to force the establishment of the Gujarat Nuclear Power Park (GNPP) at the proposed location of Mithi Viradi, Bhavnagar district, in the face of procedural flaws and stringent opposition by affected villagers and environmental experts. The NTUI asserts that the established procedures are flawed, but even these minimal procedures have not been adhered to.

The GNPP proposed to be located at Mithi Viradi, on the west side of the Gulf of Khambhat, includes 24 villages within a 10 km radius of the project, and 128 other villages within 30 km radius will be affected. GNPP is to include 6 Advanced Passive 1000 MW reactors from Westinghouse-Toshiba on 777 hectares of land, of which 608 hectares are fertile agricultural land. Land acquisition was accorded clearance in October 2009, even as environmental and social impacts were yet to be assessed.

Procedural flaws in the conduct of the Environmental Impact Assessment study (EIA) have led to tough opposition from the local villagers, experts and environment activists from nearby places across Gujarat. In August 2010 the Nuclear Power Corporation of India Limited entrusted the completion of the EIA to Engineers India Limited (EIL), a non-accredited body for such a study. The published EIA fails to address key aspects mandated by law - such as drilling for rock sampling, rehabilitation and resettlement plan, a flood study requested by the MoEF - and is therefore incomplete. Villagers and experts have received no response to their written questions on these issues. As long as those concerns are not addressed the process should not have gone ahead, yet an illegal Environmental Public Hearing (EPH) was held on 5 March 2013.

At the EPH, the collector acted in a partial manner which led about 5,000 people to stage a walkout in protest. Recordings promoting the project were broadcast from the public address system. The collector, refused to address concerns regarding procedural lapses and opine on it before going ahead with the EPH and he denied the right to speech to the expert chosen by the villagers to deposit in their name in violation of the Delhi High Court Judgment on the matter (Samarth Trust vs Union of India W.P. (C) 9317 of 2009). The NTUI condemns the EPH as flawed and supports the

demand that the EIA presented by NPCIL should be reviewed by an independent expert committee.

In addition, the NTUI believes that there is an inherent flaw in the site selection process, which is a direct consequence of a highly centralized and non-transparent system. When the Site selection committee recommended Mithi Viradi, this recommendation was based on assumptions that the project was feasible in the proposed location. The EIA's role is, among others, to establish if, based on a study of the real conditions of the location, the site is suitable for the project, and the project suitable for the specific site. In order to be a democratic process which addresses all legitimate concerns fairly, the site selection process should provide adequate provisions for affected villagers to input and become part of the decision making regarding the location of the project in their area or not.

Therefore, the NTUI demands that the government puts on hold further processes regarding the CNPP until a democratic and participatory process is undertaken:

- The Terms of Reference of the impact assessment study be framed along with adequate representation of affected villagers;
- The study should include an inputting process for affected villagers and experts chosen by them, or interested in the matter;
- There should be an implied criterion by which a location can be disqualified and deemed unfit for a proposed project.

In addition, consultation with local elected bodies such as Panchayats and Nagarpalikas, the Biodiversity Management Committees, the Forest Rights Committee and the District Planning Committees must take place, as is constitutionally guaranteed (Article 243ZD, Biodiversity Act 2002 and Forest Rights Act 2006).

In the absence of these provisions, the consultation process is only notional and ritual and does not provide a framework to establish a free, prior and informed consent.

The NTUI stands in solidarity with the affected villagers of Jaspara, Mithi Viradi, Paniyali, Khadarpar, Mandva, Sosiya, Navagam (Nana), Goriyali, Rampar (Garibpura), Bharapara, and shares their struggle for democracy.

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**Comrade V B Cherian** (22 July 1945 – 2 March 2013)

**Lal Salaam!**

Comrade V. B. Cherian, Vice President of the NTUI and President of the NTUI Kerala State Council passed away after a long fight with ill-health in Kochi yesterday evening. He was 68 and is survived by his wife, a daughter and a son and several thousand comrades in Kerala and throughout the country.

VBC, like most of his generation, was active in the student movement as the undivided Communist Party was coming apart. Trained as an electrical engineer he joined the Communist Party of India (Marxist), CPIM under the leadership of Com. EMS Namboodiripad.

He was a long standing fighter for trade union democracy and a champion of the working class movement as the core of the communist party. Even as the trade union was being divided up by the two principal communist parties and the Centre for Indian Trade Union (CITU) had just been formed, in the early 1970s he led the organising of the Cochin Shipyard Employees Union as a union independent of both the CPIM and the CITU. The understanding he brought to the working-class movement was that when the left parties were divided, the trade union had to be autonomous of the parties, since every section of the working-class consists of multiple political tendencies and therefore cannot be tied to the politics of any one party. He was elected the first General Secretary of the Cochin Shipyard and remained its President until his end. The union is an upstanding example of militancy and democracy within the autonomous trade union movement.

At one time considered a young-turk within the CPIM he was Political Secretary to the Home Minister from 1980-81 when the position was considered the key link between the party and the Left Front Government. When the party went into opposition, VBC returned to trade union work, organising unions in the Kalmassery-Kochi industrial belt. In 1995 he was elected a National Secretary of the CITU.

He diverged strongly with the CPIM leadership on the question of autonomy of the trade union from the party. He pressed hard on the need for trade union democracy as the key to the building of a strong and militant working class movement. He strongly argued that the trade union had to occupy the opposition space in a capitalist society if the rights of the working class has to be defended and advanced. For this, he was charged with indulging in anti-party activity. He refused to deny his association with the 'Save CPIM Forum' in the second-half of the 1990s. He said 'I cannot deny that I stand for democracy in the organisation'. He was expelled from the party in 1998. The expulsion dragged on until the Party Congress in 2003 and was in violation of the party's own rules. Following this he formed the 'EMS-AMK People's Forum' with over 2000 comrades and several unions that followed him out of the CPIM. The forum sought to bring together like minded members and former members of the CPIM. However this effort was less successful since others were more interested in electoral politics rather than the issue of lack of democracy in the party and trade union they had all built together. In 2007 the forum merged with the Marxist Communist Party of India to form the Marxist Communist Party of India United (MCPIU) of which VBC became a member of its politburo. In the MCPIU, VBC successfully led the debate on the need for autonomy of the trade union. The MCPIU, acknowledging the position, took a decision to respect the democratic right of trade unions to decide on their affiliation.

In 2006, soon after the formation of the NTUI, the unions under the leadership of VBC joined the NTUI and rapidly guided the process of forming the NTUI Kerala State Council in January 2007 which was the first NTUI state council to be formed. For VBC the NTUI represented the crystallisation of a trade union organisation that brought together the militant, democratic and united spirit of the working class. For him the principle of ensuring the co-existence of multiple political tendencies and trade unions occupying the opposition space were central to ensuring democracy in the working class movement. As VBC guided and shaped the growth of the NTUI in Kerala he was guided by the understanding that unless both regular and irregular workers were united in struggle, the movement would always remain divided. In this he laid an enormous emphasis on bringing migrant workers into the union fold. The NTUI Kerala State Council was the participant in Asia One – the Asia to Gaza Caravan – of 2010. For him these were struggles not just about solidarity but important for building, within the working class, the capacity to fight regionalism, nationalism, discrimination and religious and other forms of bigotry within society all of which capital uses to divide the working class. For these values, even in the advance of the just concluded General Strike, he continued his struggle not just to bring other autonomous unions in to the NTUI but strived to build unity with other unions including the AITUC and CITU.

For VBC everything was a fight against imperialism. He took his fight against ill-health with the same energy that he brought to the working-class movement. He sought seeking indigenous therapy over patented multinational medicines. For him this was as much a product of the scientificity of dialectical materialism.

His passing away is a loss to us in the NTUI as also to the working class movement and the communist and other progressive movements in the country.