

PROJECT REPORT

TRADE UNIONS IN DISCORD WITH THE NEO-LIBERAL LABOUR POLICIES OF THE CENTRAL AND THE STATE GOVERNMENTS: AN INQUIRY

Submitted to the

Kerala Institute of Labour and Employment



By

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&

Adv. K. YESODHARAN (Co-Investigator)

**Kerala Institute of Labour and Employment,
Thiruvananthapuram**

31st March 2016

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DECLARATION

We, Dr. Moneyveena.V.R & Adv.K.Yesodharan do hereby declare that this project entitled ***TRADE UNIONS IN DISCORD WITH THE NEO-LIBERAL LABOUR POLICIES OF THE CENTRAL AND THE STATE GOVERNMENTS: AN INQUIRY*** is a bonafide record of research work done by us during the course of our research, and that the project has not previously formed the basis for the award to us of any Degree, Diploma, Associateship, Fellowship of other similar title or recognition.

Thiruvananthapuram

31st March 2016

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EXECUTIVE SUMMARY

Trade Unions have proliferated due to rapid economic development and development in particular. The setting of industrial units involving wide spread use of machinery, changes in working and living environment of workers, concentration of industries in large towns have brought the workers together to maintain and improve their bargaining power and hence their employment conditions. The first organized Trade Union in India named as the **Madras Labour Union** was formed as early as 1918. Since then, a large number of Unions came up in almost all the industrial centres of the country. The government of India passed the “Trade Unions Act,1926” to regulate conditions governing the registration of Trade Unions, obligations imposed on registered Trade Unions and right and liabilities thereof.

The Act gave legal status to the Registered Trade Unions and conferred on them and their members a measure of **immunity from Civil Suit and Criminal prosecution**. Registration of Unions enhanced their status before general public. The Act gives protection to registered trade unions in certain cases against civil or criminal actions. Employers and Registered Trade Unions are required to submit annual statutory returns to the Registrar of Trade Unions of respective States/Union Territories regarding their membership, sources of income, distribution of expenditure and details of assets and liabilities, who in turn submit consolidated return on all these aspects to Labour Bureau in the specified proforma.

With the passage of time and in the context of the world’s shifting political and economical scenarios, the characteristics and features of the Indian trade union movement have changed significantly. The present day trade unionism is not merely based on bargaining power with its employers – public or private – but also responsible for other domains of life, such as the

welfare of both the working class and society as a whole. From the very beginning, the Indian trade union movement attached itself to a **political ideological framework** and consequently attached to political parties. Many factors have contributed to the development of the political nature of Indian trade unions which include ; i) national political leaders inspired the birth of the All India Trade Union Congress (AITUC) and many served as its leaders; ii) trade unions aligned with political parties supported the fight for the country's independence from British colonial rule; iii) government suppression to curb the communist-led militant labour movement from 1920 to 1950; iv) the State being the largest employer in the public sector became a negotiating actor in collective bargaining processes and v) the Trade Unions Act permits trade unions to appoint outsiders as office bearers. Thus many of the appointees are politicians and retired bureaucrats whose role is to resolve labour issues through political resource.

The ideological splits of political parties and their dominance over trade unions **hamper union's unity** and solidarity. It is observed that the nature of political unionism in India has explicitly contributed to making trade unions gradually **disconnect** with the interest of grass-root level workers and tarnish the traditional and exclusive role of trade union activities as a warehouse of protection and collective action. Since the new economic reforms regime of 1991, the government is introducing changes in the labour legislations and introducing **casualisation** in labour even in public sector undertakings thereby depriving the labour of their several rights. The government feels that existing labour legislations are so complicated and self-contradictory that employers and employees have difficulty in determining its actual meaning, and hence, simplification and clarification of these statutes and regulations is an imperative for the Indian government.

Hence the central government has proposed major amendments in labour legislations which now come around 44 national legislations and around 100 state legislations. Possibly the most important reform the new government is expected to take up is the recasting of existing labour law into five broad codes: *industrial relations, wages, social security, safety and welfare and working conditions*. As early as 2002, the Second National Commission on Labour had suggested the formulation of labour codes similar to those in Russia, Germany, Hungary, Poland and Canada. The government stresses that the new reforms are not anti worker as the country cannot be happy when the workers are sad. But the assurances and the promises of the government could not pacify the unions and there were nationwide strikes and protests on September 2nd 2015 against the new legislative reforms.

The study provides an assessment of the amendments made to labour legislations since 1991, the new economic reforms and also the proposed amendments in 2015. Fourteen legislations have been analyzed and some of the provisions like number of workers to form trade unions, conditions for strike, and provisions for retrenchment seem to restrict the rights of the workers as they allege. But the government is of the view that this is for ease of business and for the development of the country. With the interaction of trade union leaders and workers also, it is clear that they are all against these amendments. But at the same time government officials and management representatives seem to justify the move of the government. One fact cannot be denied that the LPG regime has increased the process of casualisation of employment thereby reducing the bargaining power of the workers. In a welfare state, it is the responsibility of the government to ensure the rights and dignity of the workers and if at all they need to reform laws, which should not end in curtailment of the workers' rights.

ACKNOWLEDGEMENTS

It is our duty to express gratitude to all those who supported us in completing this project. It would not have been possible without the kind support and help of many individuals and organizations. First of all, we would like to record our sincere thanks to **Shri. V. Veerakumar**, the Executive Director, Kerala Institute for Labour and Employment (KILE) for selecting this study for the project work of 2015-2016. We take this opportunity to express our special thanks to **Prof. T.S.N. Pillai**, who provided expertise that greatly assisted the research. He has been a constant source of inspiration and confidence throughout the study. We are deeply indebted to him for his support and advice. We are grateful to the **other core team members** for their insightful comments and encouragements and also for their valuable suggestions on various aspects of the project.

We are highly indebted to the organizations **HLL Life care Limited, KELTRON, KTDC, Cosmopolitan Hospitals Pvt. Limited, English India Clays Limited and the Trade Unions, INTUC, UTUC, CITU, AITUC, HMS, BMS, the New Trade Union Initiative and the Labour Department, Govt. of Kerala** for their timely help in permitting the officials and the workers for being interviewed for the project and constant support as well as for providing necessary information as and when asked in connection with the project without which timely completion of this would have remained a dream. We also take this opportunity to express our sincere thanks to **all the respondents** of the study, **the trade union leaders, the grass root level workers, the management officials, the government representatives, and also the legal experts** for their cooperation.

We are really grateful to the leaders of trade unions, **S/Sri Anathalavattom Anandan, C.P. John, J. Udayabhanu, R. Chandrasekharan, D. Thankappan, Thomas Joseph & Adv.**

Saji Narayanan who provided necessary information and valuable support for the project. We are indebted to the members of the panel of experts **S/Sri Anil Narayanan, Prakash Oliver, Varkiachen Petta and V.J. Joseph** who have extended expert opinions on the subject matter.

We thank the **librarians of Government Law College, Thiruvananthapuram, Centre for Development Studies, Thiruvananthapuram, Kerala University Library, Palayam, and the Campus Library, Karyavattom** for their assistance extended to us. In preparing this work, various authoritative text books, articles and journals have been referred, a bibliography of which is annexed. We express our gratitude to all those authors.

I, **Adv Yesodharan**, would always be grateful to my associates, **K.S.K. Mohammed** and **Muthu Sivasamy** for helping me out in interviewing the candidates at different locations spending their valuable time. I would be failing in my duty if I do not mention the name of my colleague, **Sanal** who had helped me out with typing out part of the project. I would like to express my gratitude to the members of my family, in particular my wife, **Money Yesodharan** and sons, **T Y Pradeep & T Y Pramod** for their co--operation and encouragement which helped me in completion of this project. My thanks and appreciations also go to **Dr. Rajendra Babu** of Kerala University for his guidance in developing the project and others who have willingly helped me out with their abilities.

I **Dr. Moneyveena.V.R.**, sincerely thank **Dr. Reghunathan K.R.**, the Principal, Government Law College, Thiruvananthapuram and the **Principal Secretary**, Higher Education Department for granting me permission to undertake this project. I express my heartfelt thanks to **Shri. Viswajith Anand S.S.**, my research associate for his commitment and constant involvement in the analysis of primary data and also in the editing of the project. I convey my deep felt gratitude to my husband **Shri. Kiran Sankar**, and to my kids **Gautham Kiran** and

Gauri Kiran for their adjustments with my busy schedules and their patience and support cannot be expressed in words. I am always grateful to my beloved parents **Prof. V. Vidyadharan** and **Smt. S. Ramani** for their constant support throughout my life and career.

We are thankful to the staff and management of **IMAGE REPROGRAPHICS, SS Kovil Road, Thampanoor**, Thiruvananthapuram for their committed effort in completing the typing, printing and binding work of this project in a prompt and time bound manner.

And above all we thank God for giving us strength and health in completing this work.

It is humbly stated that any views and opinions expressed in this work are ours and we alone are responsible for any mistakes, errors or omissions.

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ABBREVIATIONS

| | | |
|-----|---------|---|
| 1. | AIR | All India Reporter |
| 2. | AITUC | All India Trade Union Congress |
| 3. | BMS | Bharatiya Masdoor Sangh |
| 4. | CITU | Centre of Indian Trade Union |
| 5. | CPI | Communist Party of India |
| 6. | CPI (M) | Communist Party of India (Marxists) |
| 7. | ed | edition |
| 8. | Ed | Editor |
| 9. | EPF | Employees Provident Fund |
| 10. | ESI | Employees State Insurance |
| 11. | ESIC | Employees State Insurance Corporation |
| 12. | INR | Indian Rupees |
| 13. | INTUC | Indian National Trade Union Congress |
| 14. | ITUF | Indian Trade Union Federation |
| 15. | LPG | Liberalization, Globalization and Privatization |
| 16. | RTUC | Red Trade Union Congress |
| 17. | SC | Supreme Court |
| 18. | TCFWU | Travancore Coir Factory Workers Union |
| 19. | TKTU | Thiruvithamcore Karshaka Thozhilali Union |
| 20. | u/s | under section |
| 21. | UTUC | United Trade Union Congress |



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CHAPTER I

INTRODUCTION

1.1 Trade union movement in the pre independence period

The trade union movement was emerged in India as a result of growing complexities of economic structure, growth of class consciousness and attainment of common objectives among the working class.¹ The **pre independence period** witnessed theory of contract between the employer and the employee by which the employee was treated like a slave or servant who could be fired at any time by the master. The *laissez faire* approach of the government also worsened the situation by a clear division of society into haves and have not's.

The origin of trade unionism in India may be traced back to the early eighties of the last century. In 1884, Mr.N.M.Lokhande, who himself was a factory worker, organized a conference of Bombay factory workers to draw up a memorial to be presented to the Factory Commission appointed by the Government of Bombay in that year. The memorial contained a series of resolutions in favour of a weekly holiday, noon tide recess, limitation of working hours, prohibition of undue delay in payment of wages and compensation for accidents. This is the first recorded case of collective representation of their claims by the workers in India.²

The pressing need for the coordination of the activities of the individual unions was recognized at very early stage of the movement and both the Central and Provincial federations were formed. A central organization at the apex was also necessary because only such a body could make recommendations with regard to the personnel of the labour representation of Indian

¹ S.K.PURI,LABOUR AND INDUSTRIAL LAW 1 (10th ed., 2011)

² V.B.KHER,INDIAN TRADE UNION LAW (5th ed., 1954)

delegations to the Annual Sessions of the International Labour Conference. Thus the **All-India Trade Union Congress** was formed in the year 1920 on a national basis through the fusion of 107 unions with Mr.N.M.Joshi as the General Secretary. In March 1921, the Legislative Assembly of the Government of India on the motion of Mr.N.M.Joshi, passed a resolution recommending that Government should introduce legislation for the registration and protection of trade unions. Opposition to such a measure from associations of employers was however, so great that it took five years for the enactment of Indian Trade Unions Act 1926 which was renamed as the Trade Unions Act through an amendment in the year 1964.³

In the year 1929, Royal Commission on Labour was appointed to study and report on Indian labour conditions. After an exhaustive enquiry, the Commission recommended in 1931 that employers should adopt a more liberal policy towards recognition of Trade Unions.⁴ It favoured liberalization of the provisions in the Trade Unions Act relating to inclusion of outsiders in the trade union executives.⁵ The militant nationalist communist leadership of the AITUC boycotted the work of the Commission.⁶ On this issue and also on the question of participation in the ILO a group of moderate labour leaders split up from the AITUC and formed rival federation- the Indian Trade Union Federation (ITUF) under the leadership of N.M.Joshi. The AITUC suffered further split in 1931 when the hard core communists formed another central union the Red Trade Union Congress (RTUS) under the chairmanship of D.B.Kulkarni.⁷ With the break of World War II, political considerations led to the division in the trade union leadership.

³ K.D.SRIVASTAVA, LAW RELATING TO TRADE UNIONS AND UNFAIR LABOUR PRACTICES IN INDIA (4th ed.,2002)

⁴ Report of the Royal Commission on Labour in India-Main Report (1931)

⁵ *id* at p243

⁶ *supra* n 1 at p5

⁷ S.D.PUNEKAR, TRADE UNIONISM IN INDIA 320-31(1948)

1.2 Post independence era and trade union

After 1947, when the country was partitioned the difficulties multiplied. The reasons for the industrial unrest during that period were high cost of living, demand for war profits, renewal of political activity in labour field etc. The changed political context on the eve of India's independence created a new psychology in the minds of workers.⁸ Even though the Constitution of India provided for workers participation, distribution of resources for social justice, equal pay for equal work etc. in the Part IV i.e. Directive Principles of State Policy, this has failed to satisfy the trade unions due to the fact that no elaborate fundamental rights in terms of specific provisions applicable to the Indian working class have been incorporated in the Part III which is justiciable.⁹

1.3 industrial Jurisprudence in India

With the growth and development of industrialization a new branch of Jurisprudence, i.e., Industrial Jurisprudence came into prominence. The term in its broadest sense is the science of industrial law which aims at reconciliation and maintenance of proper balance between employers and employees, employers and employers, employees and employees and industry and the state.¹⁰ **Industrial jurisprudence**, a post-independence phenomenon in India intends to create a community of interest and sense of partnership between the employers and employees. It is defined¹¹ as the code of a firm's employer employee relations behaviour as established through the precedent of decisions on day to day issues.

⁸*supra* n 1 p7

⁹*id* p8

¹⁰Anirudh Prasad, 'Dynamics of the industrial jurisprudence of compulsory adjudication under developing Indian economy, 1978 Lab I.C 65 at p68

¹¹ CASSELMAN P H, LABOUR DICTIONARY 841 (1897)

Since independence, plethora of labour legislations have been enacted in India in response to the specific needs of time, to strengthen the foundation of a planned economic growth and to ensure a fair deal to the working class. Laissez faire has turned its way to industrial democracy and most of the labour laws in India are marching towards the fulfillment of the ambitions and demands of the working people. This new branch of labour legislations reflect the effort of the government to realize the concept of a welfare state and socialist democracy on the one hand and to accelerate the pace of massive industrial development and growth of a planned self-reliant national economy on the other.¹²

1.4 Trade union movement in Kerala

The approach of the government after independence quickened the pace and growth of trade unions due to the government's changed outlook.¹³ The history of mobilization of agricultural labourers in the state is closely interwoven with social and political movements in the state, which in turn trace their origin to the caste-based trade union movements of factory workers in Alappuzha district. Caste – based organizations were found in the last quarters of the 19th Century, which in due course graduated towards critical political postures against the then prevailing economic and political order, in the princely states of Travancore and Cochin. The Trade union movement in Kerala has a fairly long history of growth and struggle. However there is still some obscurity regarding the origin of the trade union movement in Kerala. According to one version, attempts at organizing labour in the coir mats and mattings industry in Alleppey began as early as 1920. The Organization was known as the Travancore Labour Association

¹² SRIKANTA MISHRA, MODERN LABOUR LAWS AND INDUSTRIAL RELATIONS 16 (1997)

¹³ Available at <http://www.ntui.org.in> Last Accessed on 29/01/2016 at 6.00 pm

(TLA).¹⁴ Soon after its formation, TLA gathered strength and it became the first to get registration under the Travancore Trade Union Act of 1937. On registration, TLA was renamed as the Travancore Coir Factory Workers Union. (T.C.F.W.U)¹⁵

Much before the mobilization and formation of agricultural labour unions, trade unions had been formed and had become hyper active in Travancore. Such Unions were formed mostly by workers in the coir factories. The primary objective of unionization was the mobilization of workers for the capture of state power by the use of radical political ideology. In the changed political environment in Alappuzha district, the first agricultural labourers union called *ThiruvithamcoreKarshakaThozhilaliUnion*(TKTU) was formed in 1940. Even though the union was led by the then communist leaders; it was formed as an independent organization. TKTU led its first ever organized struggle in the history of agricultural labourers in Kerala in 1941 with the following demands (i) Fixation of working hours; (ii) Use of standard measure for wage payments in kind & (iii) Interval for lunch.¹⁶

The exploitation of small peasants and agricultural labourers in the Malabar region was severe. Therefore peasants and agricultural labourers were mobilized together to put up resistance against the imperial government and landlords. In Malabar, *Kisansabha* was formed in every district which gave leadership to joint struggles of agricultural labourers and farmers. In order to suppress the resistance from the part of Muslims, the British government enacted the Mopalah Outrageous Act. In 1921, *Mopalahs* in Malabar organized against the oppressive measures and led the historic revolt known in history as *Mopalah Revolt*, which rendered later a

¹⁴Report of the Board of Conciliation of Trade Disputes in Mats and Mattings Industry, 1939, Government of Travancore, Trivandrum.

¹⁵RAMACHANDRAN NAIR K, INDUSTRIAL RELATIONS IN KERALA (1973)

¹⁶*id*

strong base for peasant movements in Malabar. In order to provide relief to the peasants, who had suffered during the period of the Great Depression (1929-33), a peasant organization was formed in Kodungallor in 1933. Like Travancore, social reform movements in Malabar too supplied an ample base for class-based political mobilization of people.¹⁷

The development of the trade union movement and the emergence of the communist wing in it must be considered as part of the mainstream of freedom struggle and the subsequent growth of political democracy. A number of Malabar leaders of the communist party started a youth league and carried its message to Travancore.

1.5 First National Commission on Labour

The first National Commission on Labour was set up on 24 December 1966 under the Chairmanship of **Justice P. B. Gajendragadkar**. The Commission submitted its report in August, 1969 after detailed examination of all aspects of labour problems, both in the organized and unorganized sectors.¹⁸ The recommendations covered issues like recruitment agencies and practices, employment, administration, training and workers education, working conditions, labour welfare, housing, social security, wages and earnings, wage policy, bonus, workers/employers organizations, industrial relations machinery etc.

Important recommendations of the Labour Commission have been implemented through amendments to certain labour laws like the Workmen's Compensation Act, 1923 (for removal of wage ceiling for coverage), the Industrial Disputes Act, 1947 (mainly in respect of the unfair labour practices). The Employees State Insurance Act, 1948, Factories Act, 1948 (for making

¹⁷*id*

¹⁸Available at <https://pib.nic.in> Last Accessed on 30/01/2016 at 6.00 pm

penalties more stringent for violation of safety requirements and provision of Welfare facilities), and the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (enhancement in the rate of contribution and making default of dues a cognizable offence). Certain new laws have also been enacted like the Contract Labour (Regulation and Abolition) Act, 1970, Limestone and Dolomite Mines Labour Welfare Fund Act, 1972, Iron Ore, Manganese Ore and Chrome Ore Mines Labour Welfare Fund Act, 1976. Equal Remuneration Act, 1976 and Child Labour (Prohibition & Regulation) Act, 1986. In the areas of wage policy and minimum wages, employment services, vocational training, labour statistics and research and workers education also, the recommendations made by the Commission have been largely taken into account in modifying the policies, procedures and programmes of the Government. **The National Labour Institute** was set up in 1974 in pursuance of the recommendations of the Commission.¹⁹

1.6 Weakness of trade union movement

The study of trade union movement since 1947 reveals certain developments like ideological differences, political domination, adopting undemocratic methods, multiplicity of trade unions, conflict with management, weak financial position due to low membership fee and non-collection of dues, lack of community interest etc. Trade unions, worldwide are experiencing difficulties on many counts in general and retention of quality membership in

¹⁹V.V Giri National Labour Institute, established in 1974, is a premier institution involved with research, training, education, publication and consultancy on labour and related issues. The Institute imparts national and international-level training on labour administration, industrial relations, capacity building, child labour, research methods and labour and health.

particular. There has been substantial erosion both in membership as well as bargaining power of unions.²⁰

Employees join unions due to reasons like protection of economic and vocational interest, security of employment, improvement of conditions of work and service i.e. wages etc. They also trust the unions for communicating their views with the management; they believe that unions will strengthen their bargaining power. Unions are seen as an instrument regulating the relationship between employers and employees. The general belief is that unions fight for their rights and other benefits and lay an important role in preventing exploitation of employees by their employers. The one sided master servant relation was changed to that of employer employee due to considerable influence of trade union.²¹

1.7 Background of Economic Reforms in India

During 1980s India had a fairly good economic performance. But towards the last years of the decade and particularly in 1990-91, Indian economy entered an unprecedented liquidity crisis. The various reasons for the same include Gulf war in January 1991 resulting in rising oil prices, collapse of the economy of Soviet Union etc. There was virtual stoppage of remittance from Indian workers in the Gulf. As a result India's credit rating in the international markets fell down considerably and India found it difficult to raise funds in the international markets. It had to borrow from the IMF under the standby arrangements, and also to borrow from the Bank of England by mortgaging the gold reserves of the country. Emergency measures had to be taken to restrict imports. Under these circumstances, it was felt that there was no alternative but to

²⁰ S.K.BHATIA, STRAEGIC INDUSTRIAL RELATIONS AND LABOUR LAWS 32(2008)

²¹*id* 24

undertake drastic economic reforms. This was the genesis of the economic reforms that started in 1991.²²

1.8 Salient features of Economic Reforms

The Government opened major sectors of the economy which were so far reserved for the public sector to the private sector, e.g., telephone, power, infrastructure, defense, oil exploration etc. Foreign investment was invited for all sectors except for agriculture and plantations. All restrictions on the entry of the private sector into the field of infrastructure and strategic industries were removed. There is more freedom for financial institutions. In order to provide adequate infrastructure private capital and foreign investments have been allowed in such areas as construction of roads, ports, airports, telephone services etc. The government wanted to reduce its investment in the public sector enterprises and efforts are made for disinvestments in this sector.²³

The Rajiv Gandhi Government (October 1984 to December 1989) felt concerned for the heavy losses to public sector in financial terms and gave thrust to liberalization through large scale de-licensing, broad banding of industries within the ambit of licensing and higher endorsement of capacity. The large areas exclusively reserved for public sector like telecommunication, oil exploration and oil refineries were thrown open to private sector also. Rajiv Gandhi was assassinated in 1989 and the late PV Narasimha Rao took the Prime Minister ship. In their endeavour to cope with the situation, Narasimha Rao Government came up with the New Economic Policy of 1991 bringing in radical changes to the policy followed till then. Thus,

²²SHRI RAVINDRA VARMA, REPORT OF THE NATIONAL COMMISSION ON LABOUR 161 Vol I Part I (2002)

²³*Id* 163

the year 1991 can be treated as a turning point in India's official position of economic policies. The country faced depleted official reserves, huge deficit in balance of payment and sharp decline in GDP which reflected in all sectors of the economy requiring urgent attention. Dr. Manmohan Singh, the then Finance Minister had a new vision and doctrine to take the country forward. GOI announced the New Economic Policy on July 24, 1991. With this, India entered into the new generation economic reforms. The main objective of this policy was to build on the gains already made, correct the distortions and maintain a sustained growth in gainful employment and attain international competitiveness.²⁴

1.9 LPG and its impact on trade unions

The economic reform process initiated by Rajiv Gandhi, and later strengthened in 1991, adopted the **Liberalization**,²⁵ **Privatization**²⁶ and **Globalization**²⁷ popularly referred to as the **LPG**, model of development. In other words, the country accepted the market-based strategy to accelerate development with least amount of state intervention. This had an impact on the trade unions. The arm of the state started strengthening the capitalist class and they were considered as the chief instrument to promote development. Globalization added strength to the Indian capitalist class. Thus, capital—Indian as well as foreign—argued for labour reform. A new

²⁴SarithaPoojari, The New Economic Policy 1991- Explained Available at:<http://www.yourarticlelibrary.com> Last updated on 29/01/2016 at 5.00 pm

²⁵The word liberalization is ill defined and unfortunately prone to multiple interpretations. The most common connotation of the term, when used in the context of economic policy is that of reducing government regulation of economic activity and the space of state intervention (except in all important matters of quarter in private property rights) and allowing for unfettered operation of market forces in determining economic process. Available at : Ashok Mathur, P.S.Raikhy, Economic Liberalization and its implications for employment, Deep and Deep Publications, New Delhi, (2002) p.164.

²⁶Privatization is the process of transferring an enterprise or industry from the public sector to the private sector Available at :<http://www.whatistechnology.com>

²⁷*id* Globalization refers to a world in which cultures, politics and economies in some sense come closer together. The concept can be defined as the intensification of worldwide social relations which link distinct localities in such a way that local happenings are shaped by events occurring many miles away and vice-versa.

meaning was given to the term ‘labour reform’ which implied the power to ‘hire and fire’ workers, freedom to determine wages according to the market demand and supply.²⁸

1.10 Impact of labour reforms on workers

Although the state did not undertake ‘labour reforms’ by introducing a new legislation to legitimize the demand of the capitalist class, it silently worked to reduce state intervention. Consequently, the employers used different methods to reduce the size of the labour, by decentralizing production and even sub-contracting for various operations to small businesses. This led to reduction in the growth of jobs in the organized sector and increase in the share of the informal sector in industrial employment. Regular workers were replaced by contract workers to reduce wage costs, so that business firms could compete in the market.

1.11 The Second National Commission on Labour

Government of India set up Second National Commission on Labour under chairmanship of **Mr. Ravindra Verma** in the year 2002 (a) to suggest measures about rationalization of labour laws (b) to suggest umbrella legislation for ensuring a minimum level of protection to the workers in the organized sector. The need for setting up of the Second National Commission on Labour had been felt because during the period of three decades since setting up of the First National Commission on Labour, there has been an enormous increase in number of labour force because of the pace of industrialization and urbanization. After the implementation of new economic policy in 1991, changes have taken place in the economic environment of the country

²⁸RuddarDutt, Emerging Trends in Trade Union Movement , Mainstream, Vol XLVI, No 20 May 3 2008

which has in turn brought about radical changes in the domestic industrial climate and labour market. Changes have occurred at the work places, changes in the industry and character of employment, changes in hours of work and overall change in the scenario of industrial relations. These changes have resulted in certain uncertainties in the labour market requiring a new look to the labour laws.²⁹

The Second Labour Commission made recommendations on issues like separate laws for protection of highly paid jobs other than workers, all settlement clauses to be binding on every party, labour laws to give well defined social security, certain level of protection to managerial employees, basic, DA and other perks to be included in wages, workers not to be hired as casual worker for more than three years, no permission for lay offs etc. The basic approach of the report is to **discourage trade unions from adopting confrontationist tactics**. It mentions negotiating agents and has recommended that provisions be made in the law for determining such agents, particularly on behalf of workers. The negotiating agents will adjudicate disputes and may take the shape of labour courts and labour relations commissions to be set up at the State and Central levels. A trade union too can be the negotiating agent, but only if 66 per cent of the workforce endorses its authority. It also suggests that where bilateral agreements are not possible, a third party other than the government may be brought into the adjudication process.³⁰

The commission has recommended codification and simplification of the important labour laws and proposed draft laws. It has attempted to codify hundreds of labour laws of the country into 7 draft laws as given below:

²⁹Vishal Anand, ShashiRanjan Kumar Jha, Trade Union Movement in India and the aftermath of Liberalized Economic Policy of 1991 OSR Journal of Business and Management (IOSR-JBM) . Volume 16, Issue 4. Ver. I (Apr.2014), PP47-53

³⁰ *id*

1. Law on labour Management Relations
2. Law on Wages
3. The Hours of Work, Leave and Other Working Conditions at Workplace Act, 2002.
4. The Occupation, Health and Safety bill, 2002
5. Child Labour (prohibition and rehabilitation) Bill, 2002
6. Model Standing orders.
7. Small Enterprises (Employment Relations) Act, 2002

1.12 Shifts in the role of trade unions

During the **freedom movement**, trade unions were patronized by political parties and the freedom movement helped trade unions to be recognized as legal labour organizations to promote the interests of the working class, more especially in the organized sector of the economy.

Trade unions during the **post-independence period** preferred state-led planned industrialization. The national government also passed a number of Acts with which they codified the roles of trade unions as instruments of collective bargaining on behalf of the workers. Tripartite structures of consultations were created like the Indian Labour Conference, Wage Boards, Central Industrial Relations Machinery, Joint Management Councils etc. The entire idea was that these institutions should be used to reduce the areas of conflict by dialogue, rather than through strikes. In case of failure by dialogue, the government used the instrument of compulsory adjudications, by appointing state as well as national level tribunals. The result was that trade unions felt that the **state has given them a respectable place** to voice their concerns and thus they were able to extract with the help of the state good amount of power to protect and promote the interests of labour.

In other words, this period was marked by a social cohesion between the state and the trade unions to improve the miserable conditions of the working class. The arm of the state was in favour of the working class.³¹ During the last few years, cases of repression of the working class by the state have further **weakened the trade unions**. With increasing demands for more skilled workers, especially in the IT sector, a new class of managers and skilled workers are being recruited by business firms. These workers placed individual interest at a higher level than group interest. Business firms offer high wages and perks to these knowledge workers and further promise frequent promotions on performance or merit basis. Consequently, a new class of highly paid workers is emerging—they do not like to be members of trade unions, but form their own associations to seek larger benefits. Closures, retrenchments, increasing proportion of casual/contract workers have further led to contraction of the union-base. The unions, in order to increase their penetration are now to organize the unorganized workers in the informal sector.

The trade union also agitate against **exclusion of labour legislations on SEZ**.³²Section 49 of the SEZ Act empowers individual states to modify the SEZ Act and other related laws and regulations that enable the delivery of fiscal benefits envisioned by the SEZ policy. In relation to labour, it is stated that such powers of modification are not applicable to ‘matters relating to trade unions, industrial and labour disputes, welfare of labour including conditions of work, provident funds, employers liability, workmen’s compensation, invalidity and old age pensions and maternity benefits applicable in any Special Economic Zones. In other words unlike fiscal laws, rules and regulations, the set of labour laws, rules, regulations and orders relating to labour matters cannot be modified invoking the provisions of the SEZ Act.

³¹*id*

³²U/s 3 (1) of the Special Economic Zones Act 2005, A Special Economic Zone may be established under this Act, either jointly or severally by the Central Government, State Government, or any person for manufacture of goods or rendering services or for both or as a Free Trade and Warehousing Zone

1.13 Militant trade union activities

In recent times, trade unions have been engaging in aggressive collective bargaining tactics by staging strikes. The Indian Automotive Industry has seen considerable number of strikes backed by trade unions that have caused major slump in the earnings of the various companies. For instance, **Honda Motorcycle and Scooter India** lost a total of INR 1.2 billion as three thousand workers and supporters went on strike against the company.³³ Even **Maruti Suzuki** faced a fall in their production capacity and huge losses in 2012 due to trade union backed violence at one of their plants that consequently led to shutting down of the plant temporarily.³⁴ The company was only able to reach 10% of their original production capacity after reopening of the plant.³⁵

There has also been a great amount of unrest due to the labour reforms that have been introduced by the government in various industries such as the **Coal and Insurance**.³⁶ This is mainly due to the ordinances that have been issued by the Indian government pertaining to de-nationalization and privatization of these sectors in various ways.³⁷ For instance, the government passed the Coal Ordinance (Special Provisions) Bill, 2014, which focuses on reallocating the

³³ Martin Murray, "Industrial Action in the Indian Automotive Industry" Available at <http://logistics.about.com/od/industryfocus/a/Industrial-Action-InThe-Indian-Automotive-Industry.htm> (Last accessed on January 22, 2016)

³⁴ MarutiManesar unrest: 100 arrested, plant shut down, July 9, 2012, Available at http://www.moneycontrol.com/news/business/maruti-manesarunrest-100-arrested-plant-shut-down_732607.html (Last accessed on January 22, 2016)

³⁵ Ronojoy Banerjee, All eyes on Maruti as Manesar plant sets to reopen today, August 21, 2012, Available at http://www.moneycontrol.com/news/cnbctv18-comments/all-eyesmaruti-as-manesar-plant-sets-to-reopen-today_747287.html (Last accessed on January 22, 2016)

³⁶ Trade unions slam coal, insurance ordinance; threaten strike, December 28, 2014, Available at <http://economictimes.indiatimes.com/news/politicsand-nation/trade-unions-slam-coal-insurance-ordinance-threaten-strike/articleshow/45665291.cms> (Last accessed on January 22, 2016)

³⁷ CIL trade unions caution against de-nationalization of mines, October 24, 2014, Available at <http://economictimes.indiatimes.com/industry/indlgoods/svs/metals-mining/cil-trade-unions-caution-against-de-nationalisation-of-mines/articleshow/44925847.cms> (Last accessed on January 22, 2016)

various coal blocks through e-auction process.³⁸ This caused various trade unions of **Coal India Ltd and Singareni Collieries Company Ltd** to initiate a five day strike that is said to have a future impact on the power sector despite these various companies having stepped up their supplies of coal to the various sectors to limit disruption of work.³⁹ Furthermore, it appears that the trade unions in the Insurance sector are preparing for strikes on similar lines due to the reforms pertaining to the hike in FDI and disinvestment in the Insurance sector.⁴⁰

After 2008 there was again a sudden labour unrest in some sectors which came when the strike was in a declining trend. India had faced violent incidents and killings which reminded of the trade union militancy of the 1970s and 80s causing concern for all. An Italian Auto Component maker was killed by workers on 22nd September, 2008, the Vice President (HR) of **Pricol** was beaten to death by agitating workers in September, 2009, the AGM of **Allied Nippon** was stoned to death by workers in November, 2010, the DGM (Operations) of **Powmick Steel**, a unit of Graphite India was killed in March, 2011 by setting on fire to his vehicle by the workers. The above are examples of such surging incidence of violence and industrial unrests causing concern to all. This has definitely led to loss of production and revenue of all the companies in India. Most of the unrests were noticed in manufacturing, textile, auto and auxiliary industries during 2008-11 period. The strike in **Maruti's Maneswar Plant** started on 4th June 2011 continued throughout the year, in three phases affected loss of production and state revenue adversely. This strike not only affected Maruti Suzuki but also 200 odd supply units of the company in different regions. The wild-cat strike in **General Motors India Ltd.**, on March 6,

³⁸ Coal India staff on five-day nationwide strike from today, January 6, 2015, Available at <http://businesstoday.intoday.in/story/coal-india-staff-on-5-daynationwide-strike-from-tuesday/1/214249.html> (Last accessed on January 22, 2016)

³⁹*id*

⁴⁰.Crompton Greaves Ltd. v. Its Workmen (AIR 1978 SC 1489) at *paragraph 4*

2011 affected its 1500 outlets. The leading tyre manufacturer, **MRF** was compelled to declare lock out of its Factory in Kottayam, Kerala following labour unrest.⁴¹

Hindalco Industries at Kochi had to declare lock out under similar circumstances for about 10 months.⁴² The issues raised were wage revision, enhanced bonus, working conditions and inter-alia inter-union rivalry having external influence. Overall, 2008-11 was a period of strike and lock out affecting industrial production leading to the investors losing confidence. The outbreak of rioting in **Maruti's Maneswar Plant** on July 18, 2012 is considered to be an eye opener on many counts. An **HR Executive was killed** and 40 persons injured in the clash. The police arrested 147 workers charging them for murder - the one militancy of labour union gone wild, holding it responsible for loss of life and property. Termination of service of 546 permanent workers and 1800 temporary workers, an unthinkable proportion in the normal run of things.⁴³

This was a continuation of the 4th June, 2011 strike as briefly mentioned above, which reportedly began demanding them the right to form their own independent union. After several months of struggle, the **Maruthi Suzuki Workers Union (MSWU)** was formed in early 2012. The newly formed union's (MSWU) demands were; regularization of temporary workers and parity for permanent and temporary workers. The slogan of "same work, same pay" made them popular. The net result was that the Management has introduced a new system of hiring "company temps" under which, instead of contract workers, temporary workers were engaged for 6 months. On completion of work for 6 months, they were laid off for 5 months, after which

⁴¹MRF Declares Lockout at Kottayam Plant, The Times of India Business June 22 ,2011

⁴²ByjuAryad, HindalcoDelcares Lockout as talks fail, The New Indian Express February 24, 2011

⁴³See <http://www.mouvement-communiste.com>. (Last accessed on 24/01/2016 at 5.00pm)

they may be recalled for six months. In the next phase, Maruthi announced a salary hike of Rs.16, 800/- spread over three years for permanent workers.

The temporary workers agitated for similar revision. Here, the permanent workers did not support them. The management's mission was to break the unity among the permanent workers and the temporary workers and they have been successful in accomplishing this mission.⁴⁴ The failure in industrialization process; either in public sector or private sector was, due to a great extent, militancy in the labour force on account of trade unions affiliated to political parties exerting pressure on industries for political gains coupled with managerial inefficiency or lack of professionalism or non-implementation of the provisions of existing labour laws.

1.14 Casualization and its impact on workers

The most disturbing feature of liberalization is the casualization of workers both in rural and urban areas. There was arising tendency to reduce regular employment and appoint casual labourers in public sector undertakings and government departments.⁴⁵ The uncertainty has been increasing in the urban as well as rural employment market with more emphasis on outsourcing the work force requirement by the organized industry. The casual labour suffers more from the poverty, uncertainty of income, losing bargaining powers thereby reducing their powers because of casual nature of employment.

1.15 Rise of independent industry unions

In recent years, instead of getting affiliated to unions supported by political parties, the employees are organizing independent industry-wise unions, for example, the United Forum of

⁴⁴ G Sampath, "Labour's love lost" Hindu January 1, 2015

⁴⁵ ASHOK MATHUR, ECONOMIC LIBERALIZATION AND ITS IMPLICATIONS FOR EMPLOYMENT 170

Bank Employees, the National Co-ordination Committee of Electricity Employees and Engineers (NCCOEE), unions formed in banks, insurance companies and financial institutions. The rise of independent unions has also weakened the role of politically affiliated unions. The liberalization, privatization and globalization model has generated an anti-labour economic environment in the post-reform period as against the pro-labour environment in the pre-reform period. The manifestation of new ideology can be observed in a number of ways: Firstly, the collective bargaining power of the unions has been weakened. As against it, employer militancy has increased in the form of lockouts, retrenchments and closures which lead to shrinkage of employment in the organized sector.⁴⁶

1.16 Munnar strike

The strike by Plantation Labour at Munnar was held to be a historical and unprecedented event having far reaching consequences in the labour scenario in the State. The strike was historical for the reason that it was organized and conducted by thousands of plantation labourers consisting mainly of women, who, **ignoring the trade union**, political leaders and their own men folk have gone for a strike from 2nd September to 13th September 2015, day and night. Most surprisingly, the strike was peaceful throughout without any incidence of violence and the demands were for meeting their just and genuine cause and they came out successful.⁴⁷

The management of the company with the interference of the Government machinery at the instance of none other than the Chief Minister himself has finally concluded an agreement acceding to their demands. This is an event to be recorded in golden letters in the labour movement and it is likely that the **trade unions in the state have to have a re-thinking on the**

⁴⁶*id*

⁴⁷ShajuPhilip,Kerala Plantation Workers Strike, The Indian Express December 25 2015

strategy to deal with the workers movements. This is likely to spread to other areas, not only in plantation sector but to traditional and non-traditional areas. The trade union leaderships have to take the workers into confidence before entering into agreements/settlements. No doubt, this will be an eye opener for political/trade union leaders in the State with serious consequences in other areas in the Plantation sector and also in the state industrial scenario. There are demands from various quarters for revising the minimum wages to Rs.15000/- per month and Rs.500/- per day. While the demands stands as it is, a consideration to be borne in mind is the “capacity to pay” factor of the investor.

1.17 Make in India & Ease to do business

Make in India is an initiative of the Government of India to encourage multinational, as well as domestic, companies to manufacture their products in India. It was launched by Prime Minister Narendra Modi on 25 September 2014.⁴⁸ India would emerge, after initiation of the programme in 2015, as the top destination globally for foreign direct investment, surpassing China as well as the United States. Prime Minister Narendra Modi launched the **Make in India programme** on 25th September 2014 in a function at the Vigyan Bhavan. The major objective behind the initiative is to focus on job creation and skill enhancement in twenty-five sectors of the economy. The initiative also aims at high quality standards and minimizing the impact on the environment.

In 2014, the government of India launched an ambitious programme of regulatory reform aimed at making it **easier to do business**.⁴⁹ The programme represents a great deal of efforts to

⁴⁸Available at: <http://www.makeinindia.com>. Last Accessed on 23/01/2016 7.00 pm

⁴⁹See <http://www.economicstimes.indiatimes.com> Accessed on 24/01/2016 8.00 pm

create a more business friendly environment especially in Mumbai and Delhi. The **ease of doing business** index is an index created by the World Bank Group. Higher rankings (a low numerical value) indicate better, usually simpler, regulations for businesses and stronger protection of property rights.

1.18 Statement of the problem

The core problem of the study is to examine whether there is unfriendly relationship between the employer and the employees in industrial establishments. The study also comprehends the reasons for this antagonistic connection. The study further explores the amendments made to labour legislations since the neo- liberal economic reforms. The study also analyzes the present BJP government's proposal of 2015 to thoroughly revamp the entire labour legislations into four codes. The essential points in the study include the impact of these amendments to the workers and to find out some possible solutions towards the same.

1.19 Significance of the study

The study is an honest venture of the researchers to find out the reasons for the unfriendly association between the trade unions and the management and the trade unions and the government. The study also endeavours to gather the opinions of all the stakeholders in this regard. The study will be of much assistance to the stakeholders to improve their relations for the better functioning of industrial establishments. The employers and the government could better understand the requirements and the aspirations of the workers as well as trade unions and act in accordance with this for the improvement of their relations. In the policy making and framing of legislations by the government as well, the suggestions made by the stakeholders can

be considered. The researchers in this study have tried to fill the gaps in the inter-relation between different stakeholders and this study will be a reference for future studies in this area.

1.20 Scope of the study

. The study investigates the prominent amendments made to labour legislations by the central government since the new economic reforms 1991. The study also probes into the amendments proposed to the labour legislations very recently (2015) by the present BJP government at the centre. The study explores the labour jurisprudence of various countries and compares its position with that of what is prevailing in India. The study intends to cover leaders of all the prominent trade unions in Kerala. The study extends over grass root level workers from all the prominent trade unions. The study go across management officials of government, semi government and private firms. The study also deals with government officials and legal practitioners who are connected with labour issues.

CHAPTER II

REVIEW OF STUDIES

2.0 Introduction

Trade unions have to play an important role in all modern economies of the world. Between the management and the workers trade union acts as a mediator for upholding the smooth relationship between the two and ensuring industrial peace and harmony. The right to form trade unions assumes importance in India as it is expressly recognized by both The Trade Unions Act 1926 and the Constitution of India. In the struggle between the labour and the management, if the trade union do not involve with positive co-operation the nation's economy would be in peril. The role of trade union is perceived as protest organizations to save the workers from exploitation and also to ensure cooperation with the management.

It is true that the fundamental and primary objective of the trade union is the economic and social advancement of the working class. Industrial peace and industrial harmony are the pre-requisites for the economic development of any nation. Trade unions are an important element of industrial relations and industrial democracy. It safeguards and promotes the interests of workers and instills in them the confidence to resist illegitimate labour practice. During the initial era of industrialization, trade unions emerged for the protection of the rights of workers. Gradually several reasons contributed for the decline in the activities of trade unions such as multiplicity in number, politics, outside leadership etc. and there arose mutual mistrust and suspicion between the trade unions and the employers. This mistrust was due to many reasons like import of new technologies whereby loss of employment, new phenomenon of

Liberalization, Privatization and Globalization by which opening up of industries to the private sector and the consequent amendments made to the labour legislations etc. The present study focuses on **whether the rights of the trade unions have been restricted** through the neo-liberal policies of the government, **whether the amendments made to labour legislations since 1991 is against the labour force** and also **whether the amendments proposed in 2015 to the labour legislations take away the rights of workers** which they have acquired through decades. For having an in-depth study the available literature as well as studies in the area is exhausted. There are many text books dealing with the growth as well as decline of trade unionism, some of the Ph.D. thesis of different Universities and articles published in reputed journals about current trends of trade unions are relied as secondary source. These studies as well as literature depict a clear picture of the changing attitude of trade unions in India i.e., from the role of protector to that of militant activities. For convenience, the subject matter is divided into different titles viz *origin of trade unions*, *working of trade unions* on various industries, *current trends* in trade unionism, *legal regime* for trade unions, and *impact of trade unionism* on industries.

2.1 Origin of trade unionism

Number of studies has been conducted on the origin of trade unionism in all parts of India especially in the State of Kerala. The elements in the development of trade unions include setting up of large-scale industrial units, widespread use of machinery, establishment of new lines of production, changes in working and living environments of workers, concentration of industries in large towns etc. For the protection of their rights, it became necessary for the workers to join together against their employer. Along with independence movement, trade

unionism in India developed to a very great extent. The following text books, articles and Ph.D. thesis documents some of the studies related to the area which is arranged in chronological order.

2.1.1 Labour Movement in India *(G.K Sharma -1971)*

The topics of discussion depicted inside the book were the origin, growth and transformation of the Indian working class, peculiarities of labour movement in India, The history of Indian Labour Movement- first stage (1875-1917), history of Labour Movement second stage (1918-1946), history of Labour Movement – third stage (1947-1967), Indian Trade Unions, Study of Central Organizations, Indian Labour Movement and Internationalism, state, trade unions and economic development, and the book ends with the depiction of future trends.

The book was very relevant for the present study as the researchers could trace the history, origin and weaknesses of trade union movement in India from the same. An analysis about all the trade unions, their formation and functioning provided in the work helped the researchers to get an idea about the central trade unions in India. *(This book consists of a total of eleven chapters and 296 pages).*

2.1.2. Trade Unions in India- Growth and Recognition *(Dr.P.P. Arya (1985)*

The author himself is actively associated with the trade union movement. As per his remarks, recognition of trade unions in India is one of the most irksome problems in the field of industrial relations. He believes that recognition provides the channel of communication between the management and the workers. The study supplies existing provisions for recognition in central and state sphere and also points out the views of central organizations regarding recognition of trade unions and to see the areas of agreement and disagreement among them.

The present project consists of one chapter for data analysis where the researchers collect the views of different categories of respondents regarding the activities of trade unions, opinion on politicization, outside leadership and view points on recognition. The above mentioned work enlightened the researchers regarding the provisions of recognition and the view points of trade unions regarding the same during 1980s. (*This book has eight chapters and 244 pages*).

2.1.3. Dynamics of Trade Unionism in Kerala with a view to find Gandhian Alternative to the Industrial Problems in Kerala. (Ph.D. Thesis, 2000)

The thesis⁵⁰ is divided into nine chapters. In the first chapter the researcher analyses the emergence and growth of trade unionism in India, the functions of trade unions, why do workers join trade unions, labour legislations especially laws related to trade unions, types of trade unions, advantages and disadvantages of trade unions, how can a trade union be successful etc.⁵¹ Third chapter particularly deals with development of trade unionism in Kerala especially the working of trade unions in the Kottayam District. Fifth chapter discusses the human element in trade unions, i.e. about the leadership including political affiliation and outside leadership.

The researcher attempts to discuss how far collective bargaining ensures democracy with the help of trade unions. The researcher elucidates the consequences of multiplicity of trade unions and its impact on workers.⁵² Chapter six mentions the measures for success of trade union activities which the union leaders are supposed to adopt.⁵³ Gandhian approach to trade unions is analyzed in Chapter eight. Lack of availability of data and the unwillingness of workers and trade union leaders to share their views are some of the limitations of the study as pointed by the

⁵⁰Molly Varghese, submitted to MG University (School of Gandhian Thought and Development Studies) November 2000

⁵¹*id* 3

⁵²*id* 174

⁵³*id* 261

researcher. The hypothesis of the researcher is that though lot of attention is paid to industries, still industries in Kerala are facing several problems and some of the reasons for this is multiplicity of trade unions and their deviations from the main objectives. The researcher explicates the priority of Gandhian vision of industrial relations and trade unionism for better relations and working conditions.

The researchers in this project has studied the disagreement of trade unions with the policies of the government, but the place of study is Kerala, particularly the District of Thiruvananthapuram. From the above Ph.D. thesis, the researchers could collect very relevant information regarding the issues faced by the trade unions in Kerala.

2.1.4. The History of Trade Union Movement in Kerala (*K. Ramachandran Nair-2006*)

This work is a comprehensive documentation of the history of trade union movement in Kerala. It traces the early phases of trade union movement in Alappuzha and its rapid spread and growth across the state. The close networking relationship between the trade union centres and political parties are critically analyzed in the book and it throws light on the emergence of pro-labour policies of the State, division and fragmentation of the union movement in recent times and public's changing perception of trade unionism in society. The author elucidates the trade union movement in Alappuzha, Kollam, Cochin, Aluva, Palakkad, Thiruvananthapuram, Munnar, Wayanad etc. It also depicts the independent status of trade union vis-à-vis political parties. Action against trade union leaders like O.Bharathan, V.B.Chcrian, Vijayachandran, P.C.Joseph etc are well explained with special reference to the CITU-CPI (M) interface in Kerala.

This work is one of the authoritative works in trade union movement in Kerala. The researchers could trace the whole history of trade union movements in different parts of Kerala from this work and this book provided all the required information about trade union leaderships in Kerala during that period.

2.1.5. Trade Union Movement in Kolar Gold Mines : A case study (Ph.D. Thesis, 2009)

In this thesis,⁵⁴ the researcher analyses the history of gold mining movement even during British period in Kolar and the migration of workers from mostly South India towards this place.⁵⁵ The researcher explains the evolution of labour movement in Kolar by the passing of Mysore Labour (Emergency) Act 1941.⁵⁶ The study also reveals the attempt to form trade unions were resisted by the British government as well as by the local administration.

It examines the trace of formation of first trade union in Kolar in 1940⁵⁷ and its functioning. First trade union viz KGF workers union was established in Kuppam and functioned secretly but there was constant effort from the government to destabilize the union.⁵⁸ Union contested these oppressive measures and gradually they could function independently with strong support of workers and they could agitate against the misdemeanor of management. But due to division of mines and multiplicity of unions they started losing bargaining power.⁵⁹ The researcher suggests that multiplicity of unions should be avoided, training camps for leaders should be conducted regularly, unions should take care of the welfare of workers etc. ⁶⁰This Ph.D thesis provided the

⁵⁴Vinodkumar CP, submitted to Post Graduate Research Department of Commerce, The Cochin College, Cochin, September 2009

⁵⁵*id* p 2

⁵⁶*id* 94

⁵⁷*id* 142

⁵⁸*id* 143

⁵⁹*id* 148

⁶⁰*id* 213

researchers an idea regarding the trade union movement in different parts of India and the reasons for its weaknesses there. (*The thesis runs into seven chapters*).

2.1.6. Trade Union Movement in Goa: 1936-1986 (Ph.D. Thesis 2014)

In this study, the researcher analyses the origin of trade union movement, development in the Port-Docks, Mines, Railways of Goa, and its expansion in other areas. The subject of the thesis is limited to the Labour Movement or Trade Union Movement in Goa mines, Marmagao, Port-Docks and the Goa Railway; the thesis also includes the influence that the Trade Union Movement in the above milieu had on other industries and, in general, on the rest of the workers of Goa. It deals with the struggles of the labour unions in Goa. It also indicates that the rivalry between unions starts in the cradle itself, perhaps from birth, of the competitive nature of the industrial world at large from which the labour organizations are born and progressed.⁶¹

In Chapter four, it mentions how the workers get united beyond the pale of regional constraints. The conclusion states that the Trade Union Movement in Goa, having struggled to come to birth and having established itself in the Goa Mines, Marmagao, Harbour and the Railways, tended to flow out to other areas where other industries had collected workers and had organized them to utilize their labour power to transport, sell or produce socially useful commodities and the wealth of the Goa region.⁶²

From this thesis, the researchers could comprehend the situation of trade unions in Goa and the position of workers there.

⁶¹id 14

⁶²id 16

2.2 Working of trade unions in various industries

In modern industries there is division of labour and there are different types of employees working. This results in extreme division of labour, which leads to the growth of individualism and development of impersonal and formal relationships. There is no common unifying bond among the workers. It is in this context that the trade unions come into the picture and they promote friendliness and unity among the workers. Besides this, the trade unions also discuss the problems which are common to all the workers. It is a platform where workers come together and know each other. The trade unions also provide some kind of entertainment and relaxation to the workers. Many studies in this area have been conducted in the form of text books and Ph.D. thesis which is given below.

2.2.1. Agricultural Labour in Kerala: An Historical cum Statistical Analysis (Ph.D. Thesis)

The work⁶³ consists of eleven chapters in which the author searches the idea of agricultural labour in Kerala on an historical dimension. The author also provides a statistical study to the credit of his work. The thesis deals with the conditions that led to the labour movements in the agricultural sector of Kuttanad and Palakkad. Reasons for the development of labour movements in Kuttanad⁶⁴ include organizational changes in agriculture promoting casual labour sectors, erosion of employment opportunities, and decline of the coir industry causing unemployment.

The reasons that led to the development of labour movement in Palakkad were not different from that of Kuttanad which include unequal distribution of benefits that led to

⁶³A V Jose, Submitted to Centre for Development Studies, May 1980

⁶⁴*id* 160

polarization in the farm sector, illegitimate intervention from the favorable group that pressurize the agricultural labourers, migration of interstate labourers to Palakkad resulting in decline of job opportunities and thereby causing wage problems and other related issues. This resulted in the heavy victimization of labourers by the political parties⁶⁵. It also mentions about growth and functioning of agricultural labourers union in Kuttanad and Palakkad. As per the researcher, unionization among the labourers brought them significant gains in the form of better condition in wage and employment.⁶⁶

The author provides the problems faced by the agricultural workers and the victimization faced by them. The researchers could trace the history of trade unions in the agricultural sector from the work.

2.2.2. Class Struggle and Industrial Structure; A Study of Coir Weaving Industry in Kerala 1859-1980 (Ph.D. Thesis).

The authoritative work⁶⁷ contains six chapters in which chapter two provides emphasis upon coir manufacturing industries at Alleppey. One of the prime observations provided in the chapter is that the mass migration of coir manufactures from Colachel, Quilon, Calicut and Cochin to Alleppey was because Alleppey was very favorable for the successful sustenance of their business.⁶⁸ The author provides an extended and well researched view towards the emergence of radical working class movement in coir industries. In 1940 Travancore Coir Mats and Matting Manufacturers Association (TCMMMA) was formed⁶⁹ with 28 members with a

⁶⁵*id* 164

⁶⁶*id* p184

⁶⁷T M Thomas Issac, Submitted to Centre for Development Studies 1984

⁶⁸*id* 28

⁶⁹*id* p136

major population of urban manufactures and the work enquires about the reasons for the up raise of trade union movement.

Coir Unions had been affiliated to AITUC at the national level and to All Kerala Trade Union Congress (AKTUC) and to All Travancore Trade Union Congress (ATTUC) at the regional level and all of which were under the influence of Communist Party of India (CPI). Inspired by class consciousness, militant working class movement and other struggles, a large number of employees union emerged⁷⁰ in other regions of Alleppey. The study also covers the declining trends of the labour movement in the said societies because of various reasons.⁷¹ The study holistically favours the notion of Trade Union but at the very same time the researcher is under the opinion that the trade unions were not up to the mark holding the expectations of the workers.

The author details the emergence of radical working class group in coir industries, which is a point dealt by the researcher and the work was very useful to the researchers.

2.2.3. Of Rural Proletarian Struggles Mobilization and Organization of Rural Workers in Kerala, India (Ph.D .Thesis).

The work⁷² contains seven chapters and the objects behind the study are to understand the nature of the capitalist movement and its impact upon an agrarian society in the region of Kerala. Chapter three⁷³ of the thesis deals with the role of political parties in the management of labour movement in Kerala. Some of the valuable observations made by the researcher in his study

⁷⁰*id* p165

⁷¹*id* p 210

⁷²K.P.Kannan, Submitted to Institute of Social Studies, Hague. The Netherlands on May 1986

⁷³ Political Mobilization Under Conditions Of Accelerated Social Changes, *Id* p108

are; Travancore coir workers union acted as the flag holder of the entire trade union activities in Alleppey and other regions among workers. Development of union activities⁷⁴ among agricultural labourers was started at Kuttanad which is dealt by the researcher at chapter six of the work.⁷⁵ The activities of these unions were Wage Increase, Lunch Break, Increase in Harvest Wage, and Increase in Women's Wages etc. In furtherance of these demands, a large number of strikes and protests were organized during 1970-73. The CPI has organized Kerala State *Karshaka Thozilali Federation* (1976). Indian National Congress also formed a rival union to its CPI (M) counterpart.⁷⁶

The author strongly infers the fact that through these trade union movements the labourers gained self-esteem, respect, removal of social indignities, setting of fixed daily working hours, determination of money wage and rate etc.⁷⁷ The work has very much significance to the present project as the role of trade unions is a question posed to all the respondents during the investigation of the researchers.

2.2.4. Village Industries in Kerala: Problems and Prospects (*Ph.D. Thesis*)

The thesis⁷⁸ is divided into eight chapters. The researcher explains the different classification of industries. The study delves into the origin of village industries even during the Pre-British period,⁷⁹ British period, post independence period etc. The strategy adopted by the Five Year Plans towards the Khadi and village industries is also analyzed. The study focuses on

⁷⁴Thiruvithamcore Karshaka Thozilali Union in Kainangiri Village, 1939 *id* p297

⁷⁵*id* p 296

⁷⁶*id* P 309

⁷⁷*id* p 312

⁷⁸Sreedevi R, submitted to M G University (School of Gandhian Studies) on March 1992

⁷⁹*id* 75

the different programmes and policies of Khadi and Village Industries Board in the state of Kerala.

Chapter seven of the work is related with the profile of the workers which include the economic condition, occupational pattern, savings and liability pattern etc. The chapter also analyses the role of trade union in khadi and village industries.⁸⁰ According to the researcher, the trade union can play a pivotal role and can create class consciousness among the workers. However the researcher mentions that trade unions are not active in khadi and village industries as in other industries. Out of the 102 workers selected by the researcher, only 14 were members of trade unions. The researcher suggests that the complete implementation of the programmes and policies of the government is the only method to realize the Gandhian vision on village industries.⁸¹

The author had analyzed the role of trade unions in industries, which is a specific question in the present research and hence the work is relevant.

2.2.5. Impact of Trade Unionism on the Industrial Development of Kerala-A study with reference to Small Scale Industries in Kerala(Ph.D. Thesis)

The study⁸² consists of seven chapters detailing with the magnitude of industrialization in Kerala. Chapter three specifically deals with the origin and growth of trade unionism in Kerala. It speaks about organizing labour in the coir mats and mattings industry in Alleppey which began as early as 1920 and it was known as the Travancore Labour Association (TLA).⁸³ TLA was renamed as the Travancore Coir Factory Workers Union (T. C. F. W. U). It was this union which

⁸⁰*id* 185

⁸¹*id* 208

⁸²MM Thampi, Cochin University of Science and Technology on June 1997

⁸³*id* 53

launched the first ever general strike in the coir mats and matting's manufacturing industry. The demands of the TCFWU included, among other things, a wage hike of 25 percent, standardization of wage rates, improvement in the working conditions, a guaranteed minimum earnings, abolition of contract labour and prohibition of unauthorized deductions from wages by Moopansandlabour contractors, recognition of the union and also labour representation in the legislature.⁸⁴

The chapter further explains that when the organization of workers gathered momentum, women workers too came forward and actively participated in various struggles. This trend was viewed with suspicion and disapproval by the employers. They also resorted to every means to terrorize and check the activities of the unions. Leaders of the QFWU i.e. Quilon Factory Workers Union was harassed in their factories, beaten up by goondas and was subjected to extreme forms of humiliation.⁸⁵ Along with the Travancore area, Cochin and Malabar areas were also having their own share in trade union activities.

The researcher further clarifies that the development of the trade union movement and the emergence of the communist wing in it must be considered as part of the main stream of freedom struggle and the subsequent growth of political democracy. The work further mentions *Punnappra Vayalar* revolt of 1946 and the consequent ban on strikes. According to the researcher, the trade unionism in Kerala saw a phenomenal growth since the formation of the State in 1956. Increasing industrialization, expanding labour force, increasing cost of living, growing trade union consciousness, increasing rate of literacy among the workers are some of the causes that led to a tremendous growth in trade unionism in Kerala. The trade unions have increased

⁸⁴*id* 54

⁸⁵*id* 56

enormously both in number and membership during the period from 1951 to 1993.⁸⁶ The work criticizes inter district and inter industry difference in trade unionism and the political affiliation of unions and the reasons for the regression in the growth of unionism in Kerala.⁸⁷

The author expresses concern over the politicization of trade unions and suggests for the elimination of the same. The same issue is dealt with by the researcher in the present project and this work was relevant for it.

2.2.6. A Study of Women Workers in the Plantation Sector of Kerala*(Ph.D. Thesis)*

In this study, the researcher analyses women's role in family, her economic significance in the family, problems faced by women during work, factors responsible for the low wage of women etc.⁸⁸ The study consists of plantations like tea, coffee, rubber and cardamom. Chapter four deals with economic importance of plantation sector in Kerala. The chapter explains the growth of trade unions in the plantations which was a slow process as the plantations are situated at remote hilly areas and also due to the poor literacy and mostly workers being women and young persons.⁸⁹

This chapter also examines the economic impact of trade unions. The researcher finds both positive and negative views regarding the impact of trade unions. On the one hand the researcher says that a well-organized trade union can exert very good influence on both the management and the workers and can regulate even fixing of adequate wages of the workers. But at the same time, according to the researcher, there are multiple trade unions and the workers are divided in their views even for joining trade unions and hence the union's power in exerting

⁸⁶*id* 62

⁸⁷*id* 72

⁸⁸*id* 3

⁸⁹*id* 111

influence on the management is also restricted.⁹⁰ According to the researcher, the growth of trade unionism has helped the workers considerably in collective bargaining and fixing of wages.

The work in a way favours trade unionism in plantation sector. The work also deals with the recent issues in Munnar Plantation industries and the unionization in those areas are depicted in the above work which has assisted the researchers in tracing the issues there. *(The thesis⁹¹ is divided into seven chapters).*

2.2.7. Industrial Relations in the Private and Public Enterprises in the State of Kerala *(Ph.D. Thesis).*

The study⁹² is divided into nine chapters and it examines the nature and causes of industrial disputes in Kerala. Study also analyses the role and involvement of employees, trade union leaders and management personnel in disputes, union management relations, involvement of trade union in industrial activities and the scope of settlement machinery.⁹³ Chapter two explores the role and involvement of trade unions in the industrial relations system. The review of studies reveals that the workers join unions for many reasons like protection of their rights, collective bargaining, political reasons, hope of better working conditions etc. the study exposes the fact that multi unionism adversely affect the protection of workers as it divides them on different grounds. But at the same time the workers state that some of the managements favour this multiplicity of unions as it is advantageous for them to divide and rule. It is also revealed that workers prefer this multi unionism as they can easily quit one union and join another union according to the whims and fancies of outside leaders.

⁹⁰*id* 110

⁹¹Tessy Kurian, submitted to M G University June 1999

⁹²Mr. Venugopalan KV submitted to M G University (Department of Commerce) on April 2007

⁹³*id* 50

Chapter four explains the opinion of trade union leaders as to the cause of industrial dispute which include demand for better wage, bonus, gratuity, reduction in working hours, overtime work and related matters.⁹⁴ Trade unions claim that the strikes organized were successful but the management was strict towards the strike by imposing punishments like denial of promotions and suspension.⁹⁵ In the conclusion, the researcher suggests that the management should take the trade unions into confidence for betterment of the working conditions.⁹⁶

The author shows concern over multi unionism, victimization of leaders, approach of the management towards strike etc in the above work. The researchers also deal with the same issues in the present study and it was very useful as a reference material for the same.

2.2.8. Human Resource Management Practices in Tea Plantation Industry: A Gandhian Critique*(Ph.D. Thesis)*

The work⁹⁷ is aimed at introducing Gandhian principles of management in labour relations. The tea plantation industry in Kerala having a history of almost three centuries is the most labour intensive with major issues in industries though having a number of labour legislations. In this study, the researcher mentions that even after having enacted legislations, the working and living conditions of labour are not satisfactory. Even though trade unions are there, they are politically motivated and work in collision with the management to the detriment of workers.⁹⁸

⁹⁴*id* 106

⁹⁵*id* 119

⁹⁶*id* 175

⁹⁷A J George, Submitted to M G University (School of Gandhian Thought and Development Studies) January 2012

⁹⁸*id* 69

Chapter five of the work is an empirical study conducted among the workers where it is revealed that almost 91 % of the workers are members of unions and that shows that if properly organized, unions could do so many things for the betterment of the workers.⁹⁹ Almost 72 % of the workers feel that the unions fail to achieve the goals set. Due to multiplicity of unions, even for simple provocations, workers quit one union and join another union.¹⁰⁰ Lack of commitment on the part of the leaders and undue political influence are the two major causes of failure of unions as pointed out by the workers.¹⁰¹ The researcher also suggests that new management style involving NGOs, Grama Panchayats etc. be evolved and trade union activities be extended to new frontiers of education, health and welfare activities of workers.¹⁰²

The author of the work shows concern over the non-enforcement of laws and the unsatisfactory working conditions of the workers. The present study also probes into the effectiveness of labour legislations and as such the work contained information relevant to the same.

2.3 Recent trends in trade unionism

The economic reform process initiated by Rajiv Gandhi, in 1991, adopted the Liberalization, Privatization and Globalization, popularly referred to as the LPG model of development. In other words, the country accepted the market-based strategy to accelerate development with least amount of state intervention. This had an impact on the trade unions. The arm of the state started strengthening the capitalist class and they were considered as the chief instrument to promote development. Globalization added strength to the Indian capitalist class.

⁹⁹*id* 229

¹⁰⁰*id* 230

¹⁰¹*id* 278

¹⁰²*id* 281.

A new meaning was given to the term ‘labour reform’ which implied the power to ‘hire and fire’ workers, freedom to determine wages according to the market demand and supply. Although the state did not undertake ‘labour reforms’ by introducing a new legislation to legitimize the demand of the capitalist class, it silently worked to reduce state intervention. Consequently, the employers used different methods to reduce the size of the labour, by decentralizing production and even sub-contracting for various operations to small businesses. This led to reduction in the growth of jobs in the organized sector and increase in the share of the informal sector in industrial employment. The following studies deals with the issue.

2.3.1 Trade Unions and the New Economic Policy in India, Perceptions and Responses under Neo Liberal Reform 1980-1995 (*Krishna Sekhar Lal Das-1997*)

The research paper¹⁰³ consists of five chapters in 52 pages. The researcher examines the responses of trade unions to the new economic reforms.¹⁰⁴ The work also examines the background of liberalization policy and the consequent changes in the government as well as the judicial attitude. The work reveals that in spite of the opposition from the unions the government went on with privatization policies.¹⁰⁵ The observation by the researcher is that power of the union began to diminish and that of the employer has got more strength so that they could impose their will on the workers. The conclusions include - the present individualized leadership, fragmentation on political lines and motive to gain monetary benefits on the cost of workers and industry, not to provide the ideal condition to have one single platform but if they need to survive then they have to go in this direction. Trade unions need to adopt a positive approach to productivity and quality of output. They should be willing to help evolve a positive work culture

¹⁰³Research paper presented to the Institute of Social Studies. The Hague on 1997 for the Master of Arts in Employment and Labour Studies

¹⁰⁴*id* 30

¹⁰⁵*id* 46

with due regard for the protection of the rights of workers as well as the interests of the consumers. Such an approach calls for a change of mind and heart on the part of workers, trade unions and managers so as to develop a cooperative and consultative relationship in place of the existing postures.¹⁰⁶

The above research paper comprised of several facts and data regarding liberalization and its impact on workers. The present research also consists of same areas of study, it contributed a lot of information to the present project.

2.3.2. Problems and Prospects of Industrialisation and its Impact on Environment with special reference to Kerala: A Gandhian Critique. (Ph.D. Thesis, 1999)

The study¹⁰⁷ is divided into seven chapters in which the researcher tries to explore that the quest for industrialization as one of the main reasons for environmental degradation. The study starts with the growth of industrialization and the Gandhian thought of simple living is emphasized in the work.¹⁰⁸ The objectives include the causes of environmental degradation, impact of industrialization on environmental pollution, the global crisis due to development etc. Chapter two of the work focuses on the industrialization on Cochin, Travancore and Malabar during the 19th century¹⁰⁹ and also explains the changes brought by the Five Year Plans to the industrialization process.

Chapter six is an empirical study conducted among the workers of different industries regarding the concept of sustainable development and on environmental pollution.

¹⁰⁶*id* 50

¹⁰⁷MsSreekala K, Submitted to M G University (School of Gandhian Thought and Development Studies) on September 1999

¹⁰⁸*id* 3

¹⁰⁹*id* 31

Here, majority of the workers opined that the approach of trade unions seem to be negotiating with the management for their own selfish motives rather than for the better living conditions of employees or for the benefit of the environment and most of them are unsatisfied with the activities of the trade unions.¹¹⁰ The study suggests that Gandhian vision of simple living without damaging the environment has to be the policy of industries for sustainable development.

The above work emphasizes the shifting role of trade unions, which is a topic included in the present project. The above work assisted the researcher to find information regarding the same.

2.3.3. Law Relating to Trade Unions and Unfair Labour Practices in India (K.D.Srivastava-2001)

The work is mainly divided into two parts. It deals with an analysis of the provisions of Trade Unions Act and also consists of case laws pertaining to various provisions. Various state amending Acts are provided in the work. It also provides a detailed description of registration of trade unions, the formalities of registration of unions etc.

The study explains the rights and liabilities of registered trade unions and the immunity from civil and criminal liabilities available to the registered trade unions. Various case laws have also been analyzed by the author in this regard. Unfair labour practices on the part of employers as well as employees are explained in detail. The corresponding provisions in the USA, viz the National Labour Relations Act 1935 is also analyzed. The author also explains the report of the Committee on Unfair Labour Practices appointed by the Government of Maharashtra. The author also discusses recognition of unions and Bombay Industrial Relations Act 1946. The work is a

¹¹⁰*id* 215

comprehensive study about the laws relating to trade unions in India. The researchers could comprehend the legal provisions regarding the trade unions from the above work.

2.3.4. Economic Reforms and Trade Unionism in India – A Macro View (*Biswajit Ghosh published in Indian Journal of Industrial Relations Vol. 43, No. 3 (Jan., 2008), pp. 355-38*)

The author states that liberalization has exposed the weakness of our trade unions and forced them to rethink their policies and programmes. Drawing on several primary and secondary sources of data, the paper primarily focuses on exploring the responses of our unions to the changing industrial scenario. Today our unions are defensive, less militant and more pragmatic about the productivity and efficiency of their organizations. To fight against the bigger enemy and the entire system, they now understand the need for working class unity and expansions beyond the so-called ‘Citadel’ with growing concern for wider issues. All these changes have initiated a new beginning in the history of our working class struggle. Today trade unions can sustain themselves only through a pragmatic approach that compels them to develop wider networks in association with other civil society organizations.

The author reminds the trade unions to change their attitude in accordance with changes in the society. This issue has been dealt with by the researcher and the work could provide an idea in this regard.

2.3.5. India Trade Unions and Collective Bargaining by Nishith Desai available at : <http://www.nidhithdesai.com> (2008).

The author explains the history of trade unionism in India, the importance of collective bargaining in settling industrial disputes, laws governing trade unions in India, landmark cases

pertaining to trade union issues etc. The author critically examines the changing role of trade unions in recent periods citing various incidents all over the country. According to him, the trade unions have assumed militant power and engaged in activities inviting criticisms from all sections of the society.

The author criticizes the approach of unions in the article, which in fact is a point raised in the present work. The researchers could collect information in this regard

2.3.6. Emerging Trends in Trade Union Movement (*RuddarDatta published in Mainstream Vol XLVI May 3, 2008*)

The author writes about the historical growth of trade unions in India, the approach of the government towards the unions at the initial stage the new economic reforms by the government and the consequent issues raised by unions etc. The paper also examines the split in the unions due to political differences citing various instances. The paper also poses certain questions about the response of the unions towards the new challenges i.e. whether the unions can survive or they should adopt new strategies etc.

The author advises the unions to change their roles according to the new challenges. These prepositions are put forward by the researchers in the present study also, hence the work is relevant to this study.

2.3.7. Interface Between Environment and Trade Union Movement in Kerala (*Ph.D. Thesis, 2012*)

This study tries to explore the interface between environmental and trade union movements in Kerala with a special focus on Chaliyar and Plachimada movements, two well-known environmental agitations in the state of Kerala. The working class in Kerala has a reputation for winning most of its agitations on the strength of collective bargaining power. At the same, it is alleged that the labour militancy pushes up wages disturbing industrial production with the result that the comparative cost remains unattractive for industrial investment unlike other regions.

Contrary to this argument a new trade union culture, with the basic character of class co-operation, has been evolving in the state during the last few decades. Reasons behind this kind of a basic change are the working class behavior, the high level of environmental awareness of the people and consequent agitations.¹¹¹ The study in chapter seven analyses social movement unionism that emerged recently in Kerala like trawl agitations, agitation against illegal sand mining, Kerala *Swathanthra Matsya Thozhilali Union*, *CEZ workers unions* etc.¹¹² Social movement unionism calls for widespread support from workers in various industries to work in solidarity with community groups and other movements and to engage them in alliance in an overall struggle for justice. It recognizes the importance of drawing third parties into the trade union movement. The researcher concludes by stating that there exists a perceptual gap between the trade union and environmental movements in Kerala with regard to environment protection.¹¹³ This study has exposed the fact that the elite groups

¹¹¹*id* 1
¹¹²*id* 188
¹¹³*id* 210

within the trade union movement, the aristocrats are more vulnerable to non-class alliances. Since this group enjoys a disproportionate upper hand in working class politics, the alien values they conceive through non-class alliances easily accepted as the dominant culture of working class in Kerala.¹¹⁴

The author tries to state that apart from trade union movement, social movement unions are emerging for the protection of works. In the present project the researcher refers the importance of newly emerging industry wise independent unions.

2.3.8 Undermining Public Sector (*C.P.Chandrasekhar published in Frontline February 5, 2016 pp. 5-7*)

According to the author, economic liberalization has steadily corroded the public sector, allowing private players to acquire valuable assets at low prices and demand extra ordinary concessions. The author further explains that this predatory exercise will have severe ramifications for the workforce and national progress. He further expresses his concern the new public private partnerships by saying that here the government carries all risks while private parties gets all profits.

The author examines the negative impacts of liberalization. The present work is an enquiry into the same question and connected to the work.

2.4 Legal regime for trade unions

Article 19(1) (c) of the Constitution of India gives everyone an enforceable right "to form associations or unions". The Trade Unions Act 1926, amended in 2001, contains rules on

¹¹⁴*id* 212

governance and general rights of trade unions. The TU Act legalizes the formation of trade unions and provides adequate safeguards for trade union's activities. The TU Act is administered by the Ministry of Labour through its Industrial Relations Division (IRD) as well as by state governments. The IRD is concerned with improving the institutional framework related to settlement of disputes and amendment of labour laws regarding industrial relations; state governments are concerned with monitoring adherence to the law by all involved parties. In addition to the TU Act, certain state governments have enacted legal provisions concerning the recognition of trade unions. However, each state has its own set of criteria, including minimum requisite membership. The following works provide a clear picture on labour legislations.

2.4.1 International Labour Organization and its Impact on India (Preeta Joshi-1985)

The author analyzes the organization of the International Labour Organization and the role of India in the same. Author also examines the impact of ILO's Conventions on Indian Labour Legislations. The author examines the establishment of League of Nations, United Nations Organization, and International Labour Organization etc.

Chapter II specifically deals with the organization of International Labour Organization, the structure of ILO, the procedure of getting membership in ILO etc. Chapter III is an enquiry into the role of India in ILO, before independence, after independence, the role of ILO in industrial jurisprudence of India etc.

The author examines the ratification of ILO conventions by India in subsequent chapters. The author concludes by stating that ILO alone cannot solve the labour problems of the works and the member countries must participate in conventions and ratify the conventions. He

suggests that Indian government should try to adopt new up to date labour laws, with proper implementation schemes, so that every other member nation of ILO will also try to solve their labour problems by adopting the footsteps of India.

From the work, the researchers could examine the role of India in ILO and other international conventions on labour.

2.4.2 Labour and Industrial Law (S.K.Puri-2011)

The author has made an analysis of various labour legislations. The origin and growth of trade unions have been provided along with all the rights and liabilities of trade unions. The up to date amendments made to labour legislations has also been provided.

A detailed analysis of the Trade unions act, Employees Provident Fund And Miscellaneous Provisions Act, the Minimum Wages Act, the Payment of Wages Act, the Factories Act, the Maternity Benefits Act, the Employees Compensation Act, the Employees State Insurance Act, the Industrial Employment (Standing Orders) Act, the Industrial Disputes Act, the Employment of Children Act, the Payment of Bonus Act, the Payment of Gratuity Act, and the Industries Development and Regulation Act is provided in the work.

In the introductory chapter, the origin and growth of trade union movement in India, the growth as well as the weaknesses of trade union movement etc. are provided by the author in this study. According to the author, the labour movement is bound to play a significant role in the years to come in building a strong industrial base in the country and the trade unions can play a constructive role in moulding and shaping the national economy.

The researcher could get a holistic idea of labour legislations in India from the work and hence it is very relevant for the study.

2.5 Impact of trade unions in industries

Trade unions safeguard and promote the interests of workers and improve their working conditions. It creates a sense of strength and feeling of security in the minds of the workers and instills in them a feeling of security to resist illegitimate labour practice. The following studies illustrate this.

2.5.1. Trade Unions in India: A Psychological Approach (*N.R.Seth published in Sociological Bulletin, Vol. 17, No. 1 (March 1968), pp. 5-18*)

According to the author, trade unions in India have been studied by social scientists from different angles. The respective work shed light in to the strength and weakness of unions, their role in the economic and political set-up of the country, their contribution to industrial peace and welfare, the prospects for strong and reliable trade union movements etc. The sociological aspect and role of a trade union is well defined in the respective study.

The author analyzes the strength and weaknesses of unions, which is analyzed by the researchers in the present study and hence the article is relevant to this study.

2.5.2. Labour Management Relations in Public Sector Undertakings (*P.P.Arya*)

The book is a pioneering study of labour management relations in the public sector in India based upon interviews with about 40 managers, 375 workers and 40 trade unions. The book consist of nine chapters touching distinct topics related to trade unions and labour sectors ranging

from recruitment, promotion, worker's aspiration, worker's participation in decision making, industrial unrest, militancy of workers, prevention and settlement of industrial disputes, labour management relations etc.

The book deals with trade unions to a greater extent. That describes about different forms of union structures, union membership, workers participation etc. It also deals with industrial unrest and militancy of workers. The book would open a new way for an appreciation of the functioning of trade unions and related aspects.

The author portrays the militant role of unions and the consequences in this work. The present research also pertains to this aspect of militancy of unions and thus the work is relevant to the project in hand.

2.5.3. Industrial Relations and Collective Bargaining-Theory and Practice (*Nirmal Singh, S.K.Bhatia-2000*)

The author analyzes theoretical framework of industrial relations, causes of industrial disputes, machinery for prevention and settlement of industrial disputes etc. The author examines the pattern and trends of collective bargaining and also depicts the various mechanisms of settling industrial disputes.

The concept and pattern of collective bargaining is provided which includes the meaning and purpose of collective bargaining, the approach of the government towards collective bargaining, and the factors favouring collective bargaining etc. are given. The success story of collective bargaining in USA is also examined by the author in the study. The guiding principles of collective bargaining provided by ILO is also analyzed by the author.

It also provides a case study of collective bargaining at the plant level. The author concludes by stating that reaching a consensus is an effective problem solving approach to resolve conflicts. None of the modes of conflict management is appropriate for every contingency and the author concludes that one has to formulate a situational approach.

The author examines the main role of unions i.e., collective bargaining in detail. The present study has mention of this collective bargaining and its role in industries for which the materials could be collected from the above work.

2.5.4. Trade Union Situation in India: Views of Central Trade Union Organizations*(D.K.Srivastava published in Indian Journal of Industrial Relations Vol. 36, No. 4 (April., 2001), pp. 463-478)*

The author is of the view that in addition to the perennial problems that trade unions in India have continued to face, the opening up of the Indian economy to international and domestic competition created some new challenges for the trade union leadership, both at the national as well as the enterprise levels. This paper concerns the reactions of Indian trade unions to the emerging situation. The paper is based upon interviews with representatives of four central trade union organizations (CTUOs) i.e. BMS, CITU, HMS and AITUC located in New Delhi.

The author had conducted interviews of trade union leaders regarding the opening up of industries. The present research is also analyzing the same issue and hence it is relevant.

2.5.6. The Rise and Fall of Indian Trade Unions: A Legislative and Judicial Perspective*(E.M.Rao published in Indian Journal of Industrial Relations Vol. 42, No. 4, (April , 2007), pp. 678-695)*

The paper provides a legislative and judicial perspective of the trade unions in India. The growth of the early trade unions coincided with the efforts of the freedom struggle and was led by some of the stalwarts involved in the same. This gave credibility but is also the root of their politicization and fragmentation. The trade union membership which rose during the earlier years, has fallen and the downward trend has been accentuated since 1991. The author concludes that amendments to the Trade Union Act are overdue. He also provides suggestions in this regard.

The abovementioned studies, textbooks and articles throws some light on the various facets of trade unions, its origin, impact on industries, problems and issues inside unions, new trends in trade unionism after the new economic reforms etc. This work is an attempt to find out the real causes of this hostile relationship between the trade unions and management and also between the trade unions and the government.

The author provides analysis of rise and fall of trade unions, and the reasons for hostile relationship between the unions and the government. The present research also had similar questions and hence the work is relevant for the study.

CHAPTER III

METHODOLOGY

3.0 Introduction

Both doctrinal as well as non-doctrinal methods are applied in this research. For collecting the history behind trade unionism and the reasons for the weakness of trade unions, secondary sources are resorted to. At the same time, for collecting primary data, questionnaire methods and interview methods are followed.

3.1 The current situation

The Govt. of India (GOI) has put forward a new Bill in place of three existing laws – the Trade Unions Act (1926), the Industrial Disputes Act (1947) and the Industrial Employment (Standing Orders) Act (1946). Government of India is also combining four laws relating to payment of wages into one **Labour Code on Wages Bill 2015** – the Minimum Wages Act (1948), the Payment of Wages Act (1936), the Payment of Bonus Act (1965) and the Equal Remuneration Act (1976).¹¹⁵ Trade unions are apprehensive that this integration will adversely affect the workers right to minimum wages and bonus. The trade unions also view the **Make in India** and **Ease to do Business** programmes with suspicion.

The trade unions are also opposing the **Gujarat Control of Terrorism and Organized Crime (GCTOC) Bill**, which was passed by the Gujarat Legislative Assembly on March 31, 2015. They apprehend that the bill has provisions promoting police tyranny and the abuse of the law in order to settle political scores especially using ruling party-driven law enforcement.¹¹⁶ In

¹¹⁵See <http://www.prsindia.org>. Last updated on 29/01/2016

¹¹⁶R.K.Raghavan, *An anti terror law, that can be fine tuned*, THE HINDU April 4, 2015

fact, workers have been demanding a National Floor Minimum Wage below which no state government can fix minimum wages and that this floor level wage should be computed on the basis of the recommendations of the Indian Labour Conference.¹¹⁷

Federations of workers from all sectors and service enterprises joined the 11 central trade unions to come together under a single banner on 26th May, 2015 for the All-India Convention of Workers in Malvankar Hall, New Delhi. Activists of unions from banking, insurance and several public sector and government employees participated enthusiastically. At the end of the deliberations, the Convention gave a call for a general strike on 2nd September, 2015 “in opposition to the on-going anti-worker, anti-people and anti-national policies being implemented by the central government” and the strike was subsequently called for. The amendments proposed which led to the strike are explained in the subsequent chapters. The opinion of trade union leaders, grass root level workers, government officials from the labour department, judicial members are also analyzed in the subsequent chapters. **This study intends** to explore the contradictory facts and figures and opinions regarding the emerging labour laws and the industrial and labour policies since the introduction of the Economic Reforms in 1991 based on Liberalization, Privatization and Globalization (LPG).

3.2 The problem and its significance

The crux of the problem is this: Are the working class in India **truly** in danger of losing whatever they had attained as rights and benefits through century old struggles as stated by the joint leadership of the trade unions on 26th May 2010 at the All-India Convention of Workers in

¹¹⁷ In the 15th session of the Indian Labour Conference held at New Delhi in July, 1957 an important resolution was passed, which laid down that the minimum wage should be need-based and should ensure the wage needs of the industrial worker.

New Delhi? This study intends to dig deep into the opinions regarding the emerging labour laws and the industrial and labour policies since the introduction of the Economic Reforms in 1991 based on Liberalization, Privatization and Globalization (LPG).

3.3 The objectives

1. To examine why the trade unions – both the left and the right ones consider the State and the Central Governments as anti-labour and frequently exhort for agitations;
2. To understand whether the leaderships of the trade unions are still guided by the class struggle doctrine in handling employee-employer relations and consider employers as class enemies;
3. To study the major changes/amendments made in the existing labour laws and assess whether these deny or deprive any of the major rights/benefits enjoyed by labour until 1991.
4. To make a comparative analysis of the objectives, perspectives, strategies and activities of the trade unions especially in Kerala, prior to Liberalization, Privatization and Globalization (1991) and afterwards.

3.4 Hypotheses

- The hypothetical proposition sought to be proved by the researcher is that the role, attitude and policies of the trade unions have undergone vast changes since liberalisation and new economic reforms.

- The researcher also intends to prove that factors like non adherence to democratic values, inter union and intra union rivalry, multiplicity of trade unions, politicisation, unhealthy relationship between the management and the trade union leaders are the reasons for the mismatch between the agenda of unions and expectations of new workers.
- The researcher further attempts to prove that the policies of the government since the new economic reforms have curtailed the rights of the workers to some extent.
- Another proposition intended to be proved by the researcher is that the amendments made to labour legislations since the new economic reforms and the proposed amendments of 2015 may adversely affect the workers and trade unions.

3.5 The Methodology

The study has a historical dimension and a timeline. Due to the recommendations of the Royal Commission on Labour and the two National Commissions on Labour, a good number of legislations were enacted to protect the interests of labour such as, the Payment of Wages Act (1936), the Industrial Employment (Standing Orders) Act (1946), the Industrial Disputes Act (1947), the Factories' Act (1948), the Minimum Wages Act (1948), the Employees State Insurance Act (1948), the Employees' Provident Fund Act (1952), the Maternity Benefit Act (1961) and so on up to 1991 when the New Economic Policy was declared by the Govt. of India. Since then, the provisions of some of these Acts and the respective rules were amended by the governments. For a comparative analysis, all these legislations have been critically examined as per objective 3 of the study with the help of subject experts. For this, a panel of experts

consisting of an advocate practicing labour laws, a retired senior officer of the Dept. of Labour, HR Manager of a small/medium industrial unit and an active trade union leader was constituted.

Sources of data for the other objectives are top leaders of the major trade unions such as CITU, AITUC, INTUC, BMS and others. A few prominent trade union leaders available in Trivandrum were contacted to get their viewpoints regarding the amendments/changes made in the existing labour laws and the changes in their perspectives and strategies. Likewise, the opinions of HR Managers of industrial units in Trivandrum and Kollam on the subject of study were sought. On the basis of the findings of the empirical study, tools for data collection were designed.

An interview guide was developed for prolonged interactions with the leaders. Another guide was used for getting the view points of the workers at the grassroots level. Data was also obtained from the top management personnel of a few prominent industrial units in Kerala. Furthermore, vital information was available from the publications of the unions – books, journals and pamphlets. Every effort was made to get the truth without any bias. Obviously, this is a qualitative study based on strict research methods and norms.

3.6 The universe of the study

It consists of all the four parties namely, the trade unions, workers at the grass root level, managements of industrial units and the Central and the state governments in India.

3.7 Theoretical base of the study

Labour laws, policies and the Marxian theory of **class struggle** viz a viz the modern business management theory of equal **partnership** between labour and capital.

3.8 Expected outcome of the study

1. The truth whether the working class in India have gained or lost the rights and benefits they were enjoying prior to the New Economic Policy, 1991.
2. Opinions of a cross section of workers and the viewpoints of managements in Industry regarding the proposed labour laws/amendments and labour administration of the state and the central governments.

3.9 Tools of data collection.

The researcher has examined the available literature and other studies in detail relating to the origin and growth of trade unionism and the subsequent decline in unionism.

For collecting data, five different sets of questionnaires were prepared, one for the grass root level workers, one for the trade union leaders, one for the management officials, one for the government officials and one for the judicial officers. All the above mentioned categories of respondents were personally interviewed and the data collected is included in the study.

A panel of experts consisting of trade union leader, government official, management representative and advocate was constituted and panel discussions were conducted for getting their collective opinion which is also included in the work. The final report of the project was shown to the panel of experts and they expressed concurrence to the findings and suggestions of the researchers.

3.10 Limitations of the study

The major limitation of this study is that the researchers have not been able to study the fourth objective which was intended to make a comparative analysis of the objectives, perspectives, strategies and activities of the trade unions especially in Kerala, prior to Liberalization, Privatization and Globalization (1991) and afterwards. This is supposed to be the sum total of all the aspects of the study which is very time consuming and could not be undertaken within the time-frame fixed.

CHAPTER IV

IMPACT OF LPG ON LABOUR JURISPRUDENCE IN THE INTERNATIONAL SCENARIO

4.0 Introduction

Labour Laws are a kind of discipline that deals with the accord and relation between workers/employees, employers, trade unions and the government. The labour laws are subject that conveys about the trilateral relationship between the employee, employer and the union. Labour law also known as employment law is the body of laws, administrative rulings, and precedents which address the legal rights of, and restriction on, working people and their organizations. As such, it mediates many aspects of the relationship between trade unions, employers and employees.¹¹⁸ Labour law is a subject of constantly changing nature. The significance of understanding the nature and subject of labour laws around the globe is considered as one of the central objective that one should fulfill while learning the essence and implications of Labour Laws.

Labour law arose in parallel with the Industrial Revolution as the relationship between worker and employer changed from small-scale production studios to large-scale factories. Workers sought better conditions and the right to join (or avoid joining) a labour union, while employers sought a more predictable, flexible and less costly workforce. The state of labour law at any one time is therefore both the product of, and a component of struggles between various social forces. The development of labour law is profoundly influenced by the state of the

¹¹⁸Labour Laws in India, Available at:http://ncib.in/pdf/ncib_pdf/Labour%20Act.pdf (Last Accessed : 10/02/2016 at 06 :00 PM)

In other words, Labour law defines the rights and obligations as workers, union members and employers in the workplace.

economy and by prevailing views on economic policy. Many of the institutions of labour laws are aimed at binding labour and capital together so as to achieve wage moderation and to ensure that profits are earned.¹¹⁹ International labour laws support national labour laws to a very great extent. It covers the substantive rules of law which have been established at the international level, as well as the procedural rules relating to their adoption and their implementation.¹²⁰

4.1 Impact of LPG in labour jurisprudence of USA

United States labour law is the body of law that mediates the rights and duties of workers, employers and labour unions in the United States of America, including employment law and collective labour rights. Federal laws, such as the **Fair Labour Standards Act 1938** , **The National Labour Relations Act 1935**, **The Civil Rights Act of 1964** and the **Occupational Safety and Health Act 1970** set the standards that govern workers' rights to organize in the private sector, and override most state and local laws. Usually there are more limited rights for employees of the federal government, but not state or local governments, where workers derive their rights from state law. Federal and state laws protect workers from employment discrimination, on grounds of race, gender, religion, national origin and age. Federal law pre-empts most state statutes that would bar employers from discriminating against employees to prevent them from obtaining pensions or other benefits or retaliating against them for asserting those rights.¹²¹

U.S. trade policy has a long history of incorporating labour concerns. Special trade preferences programs and regional agreements have been especially proactive in requiring U.S.

¹¹⁹ BOB HEPPE 7 BRUNO VENEZIANI, THE TRANSFORMATION OF LABOUR LAW IN EUROPE 31 (1st edn., 2009)

¹²⁰ PROR.N.VALTICOS, INTERNATIONAL LABOUR LAW 17 (1979)

¹²¹ See <https://www.dol.gov> (Last Accessed on 30/01/2016 at 5.00 pm)

trading partners to upgrade their labour laws and standards. They have also created mechanisms for dialogue, increased transparency, and open avenues for more effective enforcement and dispute resolution by parties inside and outside the countries.¹²²

Americans support trade liberalization when it leads to improved conditions for foreign and domestic workers.¹²³

Trade liberalization efforts were aided by the U.S. President's "fast-track" authority under which the Uruguay Round and **North American Free Trade Agreement (NAFTA)** were negotiated and adopted. The legislation providing this authority promoted labour-related objectives: to ensure that the benefits of the trading system are available to all workers, and to ensure that the denial of workers' rights should not be a means for a country or industry to gain a competitive advantage. These objectives were incorporated, albeit tangentially, into the implementing language of the Uruguay Round.¹²⁴ The NAFTA was the first U.S. international

¹²²Robert A. Rogowsky and Eric Chyn, U.S. Trade Law and FTAs: A Survey of Labour Requirements, *Journal of International Commerce and Economics*, July 2007

¹²³An overwhelming majority (of Americans) favored compliance with labour standards as part of international trade agreements. An overwhelming majority also felt that the United States should not allow the importation of products that have been made in conditions in violation of international labour standards." (Americans on Globalization, 2000).

¹²⁴The **Uruguay Round** was the 8th round of multilateral trade negotiations (MTN) conducted within the framework of the General Agreement on Tariffs and Trade (GATT), spanning from 1986 to 1994 and embracing 123 countries as "contracting parties". The Round led to the creation of the World Trade Organization, with GATT remaining as an integral part of the WTO agreements. The broad mandate of the Round had been to extend GATT trade rules to areas previously exempted as too difficult to liberalize (agriculture, textiles) and increasingly important new areas previously not included (trade in services, intellectual property, investment policy trade distortions). The Round came into effect in 1995 with deadlines ending in 2000 (2004 in the case of developing country contracting parties) under the administrative direction of the newly created World Trade Organization (WTO).

trade agreement actively to include labour provisions. A labour side agreement known as the **North American Agreement on Labour Cooperation** (NAALC) required each party to maintain high levels of labour protection without lowering standards to attract investors.

It lays out seven basic objectives such as:

1. To improve working conditions and living standards;
2. To promote labour principles set forth;
3. To encourage cooperation in promoting innovation and rising levels of productivity and quality;
4. To exchange information, data and studies to promote mutual understanding of laws and institutions in member countries;
5. To pursue cooperative labour-related activities of mutual benefit;
6. To promote each party's compliance with, and effective enforcement by each party, of its labour laws; and
7. To foster transparency in the administration of labour laws.

The **NAALC** stated principles specify 11 labour rights viz the freedom of association and protection of the right to organize, the right to bargain collectively; the right to strike; the prohibition of forced labor; labour protections for children and young people; minimum employment standards, including minimum wage; the elimination of employment discrimination; equal pay for women and men; the prevention of occupational injuries and illnesses; compensation for occupational injuries and illnesses; protection of migrant workers.

When the rights of workers in India is compared to that of USA, it can be seen that the above mentioned rights are guaranteed to all the workers in India through separate legislations

viz The Factories Act, Payment of Wages Act, Minimum Wages Act, Equal Remuneration Act, Employees Compensation Act, The Trade Unions Act etc. These laws are being amended from time to time also in accordance with the changing policies of the government.

4.2 Impact of LPG in labour jurisprudence of China

The main sources of employment law in China are laws issued by the National People's Congress and its Standing Committee, with the Labour Law being the most comprehensive one. There are many other laws providing for a specific issue, such as the **Labour Contract Law (LCL)**, the **Social Security Law**, the **Law on Trade Unions** etc., and many other regulations deriving from them or issued by national authorities or regional governments. Legal interpretations on the application of certain laws issued by the Supreme People's Court and adopted by the Standing Committee have the same effect as laws. To help transform and modernize China's past labour system into a labour contract system based on greater freedom of employment, China promulgated the Labour Law of the People's Republic of China (Labour Law) effective from January 1, 1995.¹²⁵

At the national level, numerous specialized regulations and notices have followed the promulgation of the Labour law and national regulations are further supplemented by local regulation in many cases. For example provinces, major cities (such as Beijing and Shanghai) and special economic Zones (Such as Shenzhen) have their own employment contract regulations.¹²⁶

¹²⁵Baker & McKenzie, China Employment Law Guide 2013

¹²⁶*id*

China's current legal system concerning employment was established with the promulgation in **1995 of the Labour Law** and in **2008 of the Employment Contract Law**, together with their respective supplementing legislation. **Employment Promotion Law of the People's Republic of China**, effective from January 1, 2008. **Law of the People's Republic of China on the Mediation and Arbitration of Employment Disputes**, effective from May 1, 2008 (**Employment Disputes Law**) **Labour Union Law of the People's Republic of China**, effective from October 27, 2001.

These State-level laws and regulations form the basis of the employment contract system in China. However, locally promulgated legislation may also govern, from such places as major municipalities (Beijing, Shanghai, Tianjin, and Chongqing), Special Economic Zones (such as Shenzhen), open coastal cities and provinces. Local legislation should be consistent with national legislation, but if conflicts are found, they should be carefully examined to determine, under law and in practice, which rule should be applied in a particular case.¹²⁷

China's legal system does not require any approval from the government for hire and fire and the mass use of contract labour has facilitated the process. But the absence of liability on the principal employer and disparity of wages has led to a deplorable condition of work leading to workers suicide. The amendment to the Labour Contract Law of the People's Republic of China in 2008 tried to offer better protection to the workers employed through labour dispatching. The amendment regulates the number of contract labour by the 'host company' and states all the employers shall stick to the principle of 'equal pay for equal work.' Labour Administration Department of the State Council has the authority to decide the actual percentage of dispatched

¹²⁷*id* 28

workers for the domestic companies. However, the Act does not apply to the foreign companies as they are not allowed to hire Chinese employing directly.

The **Indian counterpart**, Contract Labour (Regulation and Prohibition) Act, 1970 vests the power with the government to abolish the employment of contract labour in certain process, but does not provide provision of equal pay for equal work. The Equal Remuneration Act, 1976 of India also does not have any such provision, but the aggrieved employee can claim the same if the work performed, conditions of work, educational qualification, mode of recruitment etc. are same in case of both regular and contract employees.

While a standard working hour in **India is for 9 hours** in a day the normal working hours in **China is of 8 hours**. However, the Indian organization are required to provide at least 30 minutes rest at least after 5 hours of work, whereas no such rest hour is available in China. The maximum hours for overtime (OT) allowed in India is 300 hours in a year, whereas, the same is 432 hours per annum in China. The wage rate for OT in **India is double** the ordinary wage rate, but the corresponding figure for **China stands at 150 percent**. Thus the working condition in **China can be termed as deplorable** without any defined rest hours, lesser payment/OT with more hours of work.¹²⁸

India's private sector has discovered ways to evade labour regulation such as adopting capital intensive technology to minimize employing permanent workers; outsourcing activities to unregulated unregistered units; passing on excess labour costs in the form of mark-up pricing to consumers, where the product market structure permits; and splitting the establishment into multiple smaller units to escape coming under the purview of the legislation." Combined with

¹²⁸ *id*

increased outsourcing and the growth of contract labour, these strategies continue to **weaken the coverage of labour laws in India and create more conflicts between employers, workers and the government**. This labour unrest has been exacerbated by the recent global economic downturn. Sub-contracting, outsourcing, starting parallel production, shifting the production to smaller units has given the employer an edge over the unorganized labour force of India.

Union density in China is high but declining. While China has a 59 percent union membership in mid 80s the density **declined to 42 percentages** in late 90s.¹²⁹ However, the unionization rate in India is low — 8.83% in 2001 and employers' widespread antagonism towards trade unions dissuades many workers from unionizing; this is exacerbated by the generally weak enforcement of labour laws across India. Employers suppress industrial unrest by hiring more apprentices, supervisors, and “non-workmen” category employees.

4.3 Impact of LPG in labour jurisprudence of Japan

Japan's constitution which was promulgated on 3rd November 1946 and came into force on 3 May 1947 is considered the supreme law of the nation and the Emperor as well as the legislative, executive and judicial powers. Fundamental labour standards granted in the Constitution are:

- The right and the obligation to work¹³⁰
- A ban on child labour¹³¹ and
- The freedom of workers' association - the worker's right to organize, to bargain and to act collectively¹³²

¹²⁹ *id*

¹³⁰ Art. 27 para 1

¹³¹ Art. 27 para. 3

Concerning individual labour law, it is stipulated that wages, hours, rest and other working conditions be fixed by law.¹³³ Japanese labour law is established within this constitutional framework. It is elaborated by acts, ordinances, collective agreements and work rules. **The Civil Code** adopted on 27 April 1896 gives a basic definition of employment contracts. Labour laws must additionally meet constitutional demands by setting minimum labour standards. There are three major labour laws, namely:

- **The Labour Standards Law (LSL),**
- **The Trade Union Law (TUL) and**
- **The Labour Relations Adjustment Law (LRAL).**

The LSL regulates firstly working conditions and secondly the workplace safety and hygiene. The TUL guarantees the worker's right to organize and to bargain collectively, whereas labour management adjustments and means of dispute settlement are specified in the LRAL. The LSL was adopted on 7 April 1947 and last amended 30 September 1998. The TUL was adopted on 1 June 1949 and last amended 12 November 1993. The LRAL was adopted on 27 September 1946 and last amended on 14 June 1988.

4.3.1 Amendments to Labour Standards Law since 1991

a) Article 14 was revised in 1998 to permit an exception of three-year contract for certain employees of highly specialized knowledge or skill and for elderly employees of 60 or older.

¹³² Art. 28

¹³³ Art. 27 para. 2

b) In 2003, the one-year rule to quit was substituted by the general ceiling of three years and the exceptional three-year rule was extended to five years.¹³⁴

4.3.2 Amendments to Trade Union Law since 1991

There has not been any significant reform regarding collective bargaining. The Trade Union Law was amended in 2004, but its purpose was to speed up the handling of unfair labour practice cases by the Labour Relations Commissions.

4.3.3 Amendments to other Labour Laws since LPG

The Employment Security Law was amended in 1999 to legalize private placement business, which had been limited to enumerated 29 professions, universally except for longshoremen and construction workers. **The Worker Dispatching Law** was amended in the same year to allow worker dispatching business, which had been limited to 26 professional duties, universally except for longshoremen, construction workers, and some other specified types of duties.

The Employment Measure Law was amended in 2002 to obligate the employer, when 30 or more of its employees of the same establishment are displaced within a month, not only to report the fact to the competent Public Employment Security Office but also to make a plan to assist reemployment of such employees and have the Office approve of it.

¹³⁴HiroyaNakakubo, "The 2003 Revisions of the Labour Standards Law: Fixed-term Contracts, Dismissal and Discretionary-work Schemes," Japan Labour Review Vol. 1, p. 4 (2004). <<http://www.jil.go.jp/english/JLR.htm>>

When the position of workers in Japan is compared to those of India, it can be understood that the Constitutions of both these countries guarantees workers the right to work, right to association and ban on child labour. When workplace safety and hygiene are regulated by Labour Standards Law in Japan, the same is guaranteed under the Factories Act in India. For dispute settlement and for trade union activities Japan has specific laws as that in India. Hence it is clear that the labour jurisprudence in Japan is favourable to the workers.

4.4 Impact of LPG on United Kingdom labour laws

United Kingdom Labour law regulates the relations between workers, employers and trade unions. People at work in the UK benefit from a minimum charter of employment rights, which are found in various Acts, Regulations, common law and equity. This includes the right to a minimum wage of £6.50 for over 21-year-olds under the **National Minimum Wage Act 1998**. The Working Time Regulations 1998 give the right to 28 paid holidays, breaks from work, and attempts to limit excessively long working hours. **The Employment Rights Act 1996** gives the right to leave for child care, and the right to request flexible working patterns. **The Pensions Act 2008** gives the right to be automatically enrolled in a basic occupational pension, whose funds must be protected according to the **Pensions Act 1995**.¹³⁵

Employers within the UK can chose the legal system they wish to govern employment agreements. However, if no choice of law designation has been made in the employment agreement, the law of the country in which the employee is located will typically apply. Additionally, pursuant to the **Employment Rights Act of 1996**, all employees in the UK are entitled to receive, within two months of hire, a written statement from their employer setting

¹³⁵Amanda K. Caldwell, *Employment Law in the United Kingdom*. Legal Newsroom Labour and Employment Law Search - LexisNexis.com 04/09/2013

forth the terms and conditions of the employment. This statement is required for both fixed-term and indefinite contracts and must include the following information viz the employee's date of commencement of employment and the duration of the employment; job title and duties amount of pay and pay intervals; place of employment; sick pay; normal hours of work; holidays; pension entitlement; grievance and disciplinary procedures; notice of termination requirements; and probationary period if applicable.

4.4.1 Amendments since 1990

Since 1997, the UK had a series of 'New Labour' governments. The clearest expression of their policy in the labour law field came in a White Paper entitled *Fairness at Work* published in 1997. The government claims that the workforce whose rights are respected will feel more secure at work and will be more productive as a result. Workers will be more prepared for changes if they understand business developments. By communicating with their staff, firms will be able to secure their loyalty and their ideas for improving the production process. This approach to labour law can be **clearly linked to globalization**.¹³⁶

On the one hand, it is difficult for unions to argue against the broad aim of promoting a globally-competitive economy through worker-protective legislation. The government's support for the trade union movement appears to hinge on unions' willingness to co-operate with management and to avoid conflict, particularly in the form of industrial action. Unions are suspicious of this as a potential threat to their autonomy. Employers' organizations have also doubted the thinking behind third way labour law policies.

¹³⁶ ACL Davies, *Trade Liberalization and Labour Laws*, United Kingdom Oxford OX1 4AJ

The National Minimum Wage Act 1998 is perhaps the most obvious example of a measure which is primarily worker-protective in its justification. It sets for the first time in the UK, **single minimum wage** applicable across all regions and all sectors. However, it is important to note that many have criticized the legislation, casting doubt on its ability to achieve its dignity goal. This is because the minimum wage rate has been set at a relatively low level and because the legislation is quite complex and therefore difficult for low-paid workers to enforce.

The government has also enacted some apparently worker-protective measures in **collective labour law**. The most obvious of these is the statutory recognition procedure for trade unions. This is a highly complex procedure, but put very simply, it allows a trade union to obtain an order forcing an employer to **recognize it for collective bargaining** provided that the union can achieve majority support in a ballot. The government has also made some improvements to the rights of trade union members not to be discriminated against by their employers.

In particular, the government emphasized the need for employers to have a wide pool of talent on which to draw when recruiting employees. For example, the new right to parental leave around one month's leave per year per child up to the age of five is a right to unpaid leave.

The changes to the law of unfair dismissal made by the **Employment Act 2002** are a good illustration of this. This Act requires employers to have disciplinary and grievance procedures internal to the firm. Employers and employees are strongly encouraged to use these procedures prior to dismissal or resignation. If the employee resigns without first invoking a grievance procedure, he or she may lose the right to complain of unfair dismissal at

an Employment Tribunal. If the employee fails to complete a disciplinary or grievance procedure and then proceeds to a tribunal, his or her damages may be reduced. If the **employer is at fault** for failing to use or complete the procedure, it may be confronted with a higher award of damages at the tribunal.

These developments have been presented by the government as being part of a wider trend towards the use of alternative dispute resolution procedures because of their speed and cheapness relative to the courts and tribunals. The government's attitude is more obvious in the area of implementation. For example, at present, workers are allowed to 'opt out' of the maximum 48-hour working week. The government justified this by claiming that since the UK did not have any controls on working time, the new legislation would be a major shock for UK firms. However, the result of this has been to **allow firms to save money by employing fewer workers to work longer hours**. This approach can be traced to globalization. In short, globalization is a major factor in UK labour law discourse, but no-one is quite sure how best to respond to it.

On a comparison of labour laws of Britain to that of India, it is clear that in India, almost all the aspects of labour jurisprudence is covered through separate legislations viz the Factories Act, Employees State Insurance Act, Child Labour Prohibition Act, Trade Unions Act, the Industrial Disputes Act etc.

4.5 Impact of LPG on Cuban labour laws

4.5.1 Cuban labour law during the Republican era (1902-1952)

since the establishment of the Cuban Republic in 1902, Cuban Constitutions and legislation have mirrored Cuban sociopolitical events, which at times have been turbulent. The constitutions of

1901, 1934, and 1935 all recognized and guaranteed basic civil rights that bear directly on labour rights, such as freedom of assembly and freedom of association. However, the 1940 Constitution provides the most extensive treatment of labour rights within a Constitutional setting, continuing traditional provisions of civil, political, and procedural guarantees, but including extensive legislative provisions governing family, culture, property and work. Such issues had not been addressed by earlier constitution.¹³⁷

4.5.2 Cuban labour law under the Castro regime (1959-present)

The Socialist Constitution

When the Castro regime seized power in 1959, Fidel Castro suspended the 1940 Constitution and enacted the Fundamental Law of 1959, which nonetheless included many of the socio economic rights of the 1940 Constitution. Similarly, the socialist Constitution of 1976 includes several of the social and economic rights of the 1940 Constitution, although on the premise that such rights are reality and not just ideals to be pursued. Although the Cuban Constitution (1992) lists such rights, it suffers from the Castro regime's disregard for the rule of law, an official practice that has been in place since the regime's seizure of power in 1959.

In 1984, the National Assembly of People's Power proposed and adopted a **Labour Code** governing all labour matters.¹³⁸ A review of the Cuban Labour Code's provisions demonstrate that 21% of its articles are focused on establishing requirements and duties of Cuban workers,

¹³⁷ The Socialist Constitution of Cuba," Columbia Journal of Transnational Law 17:45, p. 470, 1978.

¹³⁸Pérez-López, Jorge F., "Cuba's thrust to Attract Foreign Investment: A Special Labor Regime for Joint Ventures in International. Tourism," University of Miami Inter-American Law Review, 24:2, page 261, 1992.

including disciplinary actions and “voluntary” work requirements. The Labour Code creates reward/disciplinary system to motivate workers to perform their duties. Rewards consist of moral and material awards, such as public recognition and access to scarce goods and services. Pursuant to the Code, Cuban workers are obligated to (1) be regular and punctual in attendance; (2) make fullest use of the work day; (3) fulfill requirements of their occupation; (4) abide by occupational health and safety regulations; (5) care for socialist property; and (6) perform other duties required by law.

The Law for Labour Justice (1992) adds additional disciplinary measures to enforce compliance with labour requirements. An added component to the above work/disciplinary requirements is the aspect of ideological control. All Cuban workers have an official work record that tracks and evaluates the “ideological integration” of each worker.¹³⁹

4.5.3 Amendments to Labour Code since 1991.

The labour code has been under review since 2011, when the Cuban government embarked on what it euphemistically refers to as an “updating” of its inefficient economic model. Cuba’s economy was built around bureaucratic centralized planning mechanisms adapted from the Soviet Union, and for years it was dependent on Soviet Union subsidies and preferential trade agreements; it has struggled for years to reorient its weak economy after the collapse of the Soviet bloc. Many of the changes proposed **would directly impact workers**, including reducing public sector employment substantially by laying off public sector workers; legalizing new categories of cooperatives and self-employment; and courting foreign investment.

¹³⁹Hernandez, Esperanza and Truyol, Berta, “Out in Left Field: Cuba’s Post-Cold War Strikeout,” 18 Fordham Int’l LJ 151994

The **economic reforms have been welcomed** by many Cubans, who complain bitterly of high prices, low salaries, and the inefficiencies that abound in the system and hope that the reforms will generate economic growth and improvements in their standard of living. But the changes have also engendered a great deal of uncertainty among Cubans, who for the first time in decades find themselves confronted with concerns about job security and the long-term viability of social protections that they have come to take for granted.

The revised code was eventually approved by the National Assembly in December 2013, and was finally published in the *Gazette Official* in June of this year. Cuba's official media praised the new legislation as being essential to "recovering labour discipline" and "strengthening trade unions' role in ensuring efficient production." While it is true that economic growth and productivity increases are necessary to improve wage levels substantially, the rhetoric of "discipline" and "efficient production" is unlikely to satisfy discontented workers.

The code's new chapter on the self-employed also leaves many questions unanswered and deals with the challenges raised by private sector employment only very superficially. On a positive note, the chapter on the private sector does mandate seven days a year of paid vacation for private sector employees (although this is significantly less than that received by state sector employees, who receive an entire month of paid vacation each year), as well as a 44 hour workweek. It also removes previous restrictions on the number of employees that a self-employed individual can hire. But more significantly, it does not specify how employees negotiate collective contracts with their employers in order to protect their economic interests, and it does not distinguish between the interests of the employer and the employee in this sector.

Sources state that more than 85 percent of those in this sector are indeed self-employed, and fewer than 15 percent work for others. But that proportion is likely to change over time, and the Cuban labour system will need tackle the problems of unionization, labour rights, and representation for this sector.

On an analysis of labour legislations of various countries it can be seen that in Cuba the rights of workers are limited and trade union activities are restricted to a very great extent. In USA, UK, China and Japan workers are having various legislations for protection of their rights. All the above mentioned countries have separate laws ensuring freedom of association for its workers i.e. recognizing their right to form trade unions for protecting their rights. Legal protections are recognized there, but in Cuba the rights of workers are not fully protected and even their right to strike is not recognized by the government.

The liberalization and privatization of public services has led to a fundamental transformation of the established labour-relations regimes in the public sector with far-reaching consequences for employment and working conditions. The belief of employees is that liberalization and privatization primarily threaten established standards and lead to a significant deterioration of pay levels and working conditions. With the trend towards decentralization and fragmentation, collective bargaining has often lost its capacity to create a level playing field and to take wages and working conditions out of competition.

CHAPTER V

AN ANALYSIS OF AMENDMENTS TO LABOUR LEGISLATIONS SINCE 1991 (AFTER THE NEW ECONOMIC REFORMS)

5.0 Introduction

The subject of Labour is placed in the Concurrent List of the Constitution of India, which empowers both Central and State Governments to make laws on various labour matters. With globalization and liberalization there had been many changes in the socio - economic conditions throughout the World. The open trade policy warranted the Labour laws to be updated to match with the changing needs. The Government has amended the labour legislations from time to time, but the amendments since 1991 i.e. particularly after the new economic reforms has been criticized by the trade unions and workers as anti labour.

The year 2015 saw the government's attempts to reform labour laws facing stiff opposition from the trade unions, including the RSS-affiliated Bharatiya Mazdoor Sangh on some issues. Some unions went on a nation-wide strike on September 2 opposing some of the amendments including norms related to retrenchment, layoffs and closure of units as well as those that deal with the forming of unions. The government is of the view that the proposed four Codes - **Industrial Relations, Wages, Social Security and Safety Codes** - will improve ease of doing business, simplify laws and generate more employment. The present chapter is an attempt to analyze the amendments made to some of the crucial labour legislations since 1991 and also the proposed amendments of 2015.

5.1 Industrial Disputes Act, 1947

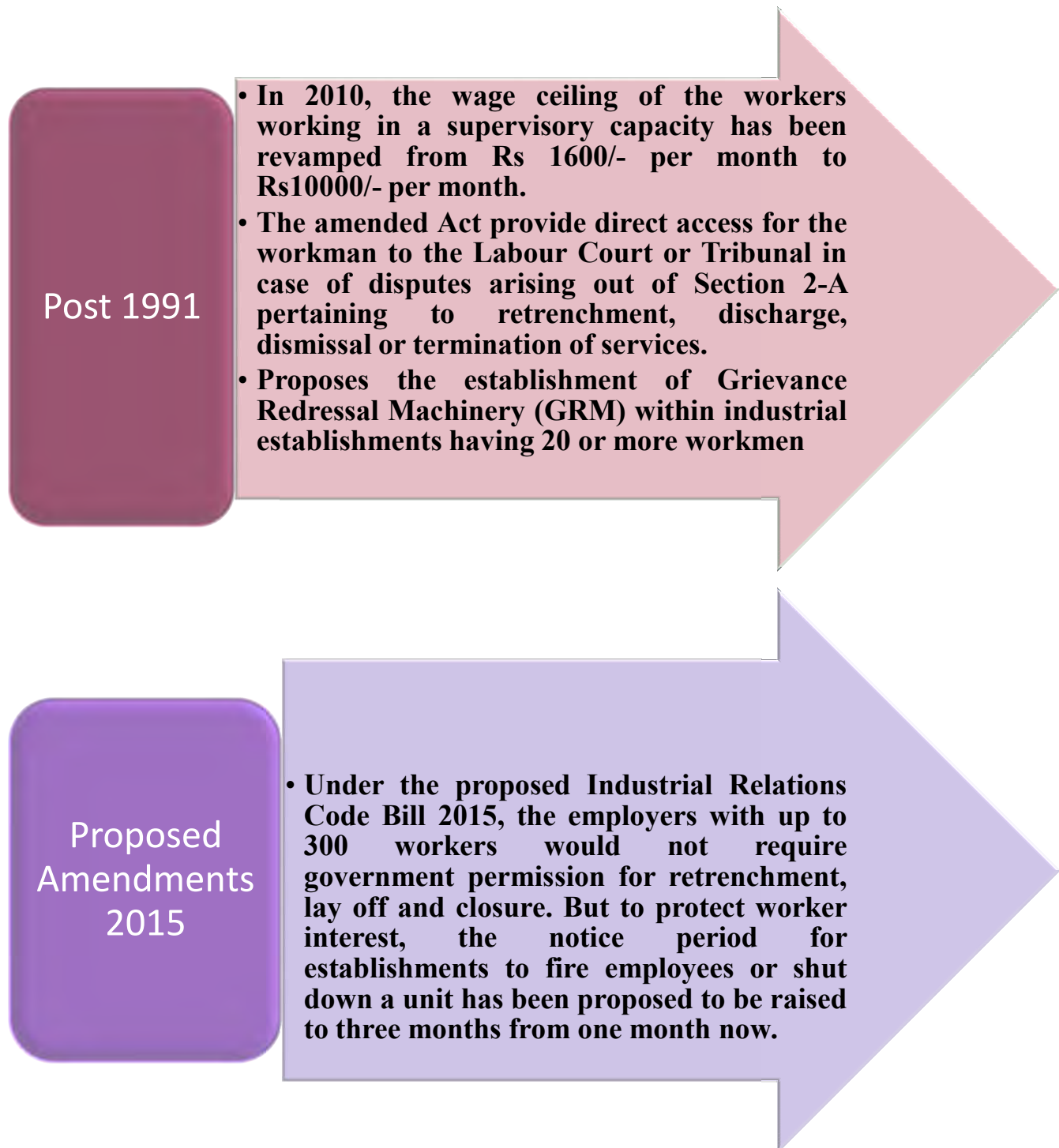
The Industrial Dispute Act of 1947,¹⁴⁰ came into force on the first day of April, 1947. Its aim is to protect the workmen against victimization by the employers and to ensure social justice to both employers and employees. The unique object of the Act is to promote collective bargaining and to maintain a peaceful atmosphere in industries by avoiding illegal strikes and lock outs. The Act also provides for regulation of lay off and retrenchment. The objective of the Industrial Disputes Act is to secure industrial peace and harmony by providing machinery and procedure for the investigation and settlement of industrial disputes by negotiations.

Post 1991 period is considered to be a time where several reformative measures have been introduced. Until the period of 2010 the wage ceiling of workers of supervisory capacity was rupees one thousand six hundred per month. By seeing the dilemma of the working class it got later overhauled in to Rupees Ten Thousand per month. The relaxation of the dispute resolution modes like granting direct access for the workers to Labour Court and Labour Tribunals thereby encouraging direct connection for the worker's community to represent themselves and contest for their rights.

The proposed Industrial Relations Code Bill, 2015 is also taking a liberal stand towards the working class.

¹⁴⁰The objective of the Industrial Disputes Act is to secure industrial peace and harmony by providing machinery and procedure for the investigation and settlement of industrial disputes by negotiations.

Fig. 5.1 Amendments in ID Act since LPG



An examination of the amendments reveals that the current law specifies the threshold limit for the number of workers for retrenchment and lay off without government permission as

100, but the draft code **raises the number to 300** which **adversely** affect the workers. In any case, constitutional principles of security of employment and right to livelihood must remain paramount in our legislative design and cannot be compromised for the sake of economic efficiency. S. 71(1) of the Draft Code seeks to eliminate the distinction between public utility services and other industries by imposing uniform restrictions. It makes submission of prior notice for strikes and lock-outs mandatory for all industries and not just public utility services. Clause (d), (e) and (f) of 71(1) and (2) **prohibits strikes and lock-outs** irrespective of the subject matter of the dispute pending. This **restricts the right to strike** in an unrelated matter, which is the major weapon for collective bargaining. The provision allows complete subversion of the statutory freedom to strike through filing of applications that may have no nexus with the subject-matter of strike.

5.2 The Trade Unions Act, 1926

The law relating to the registration and protection of the Trade Unions is contained in the Trade Unions Act, 1926¹⁴¹ which came into force with effect from 1st June 1927. The Act extends to the whole of India except the State of Jammu and Kashmir. In common parlance, Trade Union means an association of workers in one or more occupations. Its object is the protection and promotion of the interests of the working class. Trade Unions have a home grown philosophy based on workers' experience and psychology. Trade union is having right, to protect workers against exploitation by employer, to represent the grievance of employees on behalf of them to the management, to protect rights of the workers provided by the employment or

¹⁴¹The objective of the Act is to provide for the registration of the trade unions.

labour laws, to take participation in management for decision-making in connection to workers and to take disciplinary action against the worker who commits in-disciplinary action.

Fig: 5.2 Post 1991 Reforms of the Trade Unions Act, 1926

No trade union of workmen shall be registered unless at least 10% or 100, whichever is less, subject to a minimum of 7 workmen engaged or employed in the establishment or industry with which it is connected are the members of such trade union on the date of making of application for registration.

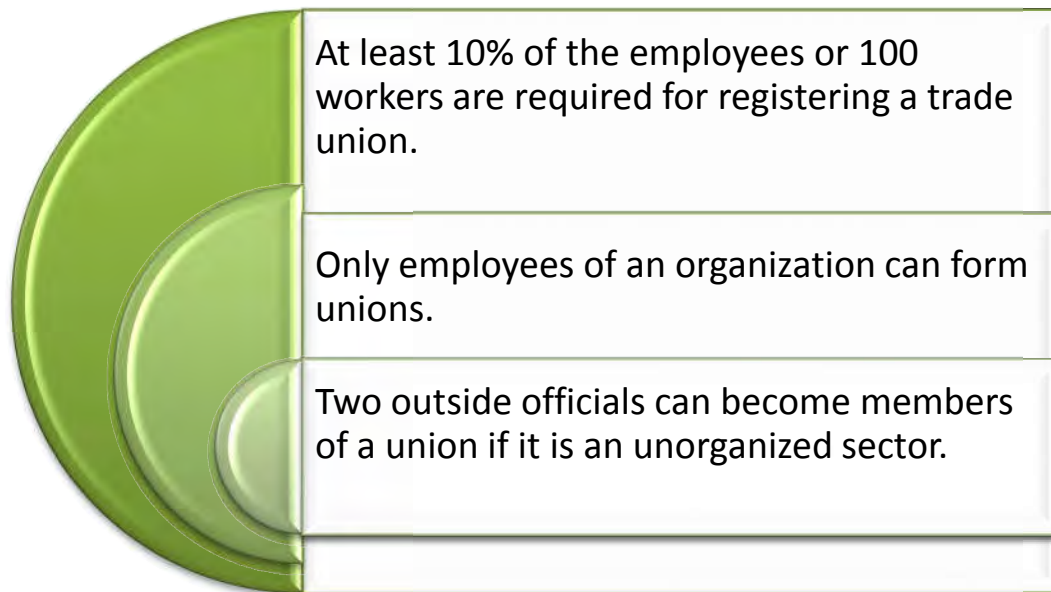
Minimum rate of subscription by members of the trade union is fixed at one rupee per annum for rural workers, three rupees per annum for workers in other unorganized sectors and 12 rupees per annum in all other cases.

All office bearers of a registered trade union, except not more than one-third of the total number of office bearers or five, whichever is less, shall be persons actually engaged or employed in the establishment or industry with which the trade union is connected.

A provision for filing an appeal before the Industrial Tribunal /Labour Court in case of non-registration/restoration of registration has been provided.

A registered trade union of workmen shall at all times continue to have not less than 10% or 100 of the workmen, whichever is less, subject to a minimum of 7 persons engaged or employed in the establishment or industry with which it is connected, as its members.

Fig: 5.3 Proposed Amendments (2015) to The Trade Unions Act 1926



It can be understood that earlier, 7 or more members would have sufficed to apply for registration. The Draft Code however mandates that **10% or 100 members, whichever is less**, are to be the applicants. In large establishments, this would inevitably mean that 100 members must be applicants for registration. Even though the intention behind this is to reduce the number of trade unions, this **will adversely affect** the right of workers to form trade unions. Proposed code drastically reduces the allowed *proportion of office bearers not engaged in the establishment or industry*. For the unorganized sector, the earlier threshold was half, i.e., the number of officer bearers not engaged in the establishment or industry could not be more than half (S. 22(1) of the Trade Union Act). The Draft Code provides that the maximum number can be two. For all other sectors, the Draft Code completely bars anyone not engaged in the establishment or industry from being an office bearer. This is a **drastic reduction** from the earlier permitted number of one-third of the office bearers or five, whichever is less (S. 22(2) of the Trade Union Act). Many of the campaigns and advocacy efforts, interlinked with the

process of collective bargaining, would need the support and advice of non-workers and this provision is **also against** the workers.

5.3 The Industrial Employment (Standing Orders) Act, 1946

The Industrial Employment (Standing Orders) Act, 1946¹⁴² requires employers in industrial establishments formally to define with sufficient precision the conditions of employment under them and to make the said conditions known to workmen employed by them.

Applicability:

The Act applies to every industrial establishment in which 100 (Hundred) or more workmen are or were employed on any given day of the preceding 12 (Twelve) months.

Matters to be provided in the Standing Order includes:

Classification of workmen, e.g., whether permanent, temporary, apprentices, probationers, or badlis, manner of intimating to workmen periods and hours of work, holidays, pay-days and wage rates, shift working, attendance and late coming, conditions of, procedure in applying for, and the authority which may grant leave and holidays, requirement to enter premises by certain gates, liability to search, closing and reporting of sections of the industrial establishment, temporary stoppages of work and the rights and liabilities of the employer and

¹⁴²Contains general provision requiring employers in the industrial establishments to define terms and conditions of the employment under them and to make such terms and conditions known to the workman employed by them for which they have to get the Standing Orders certified which should be in conformity with the Model Standing Order. The main objectives of the Act, besides maintaining harmonious relationship between the employers and the employees, are to regulate the conditions of recruitment, discharge, disciplinary action, leave, holidays, etc. of the workers employed in industrial establishments.

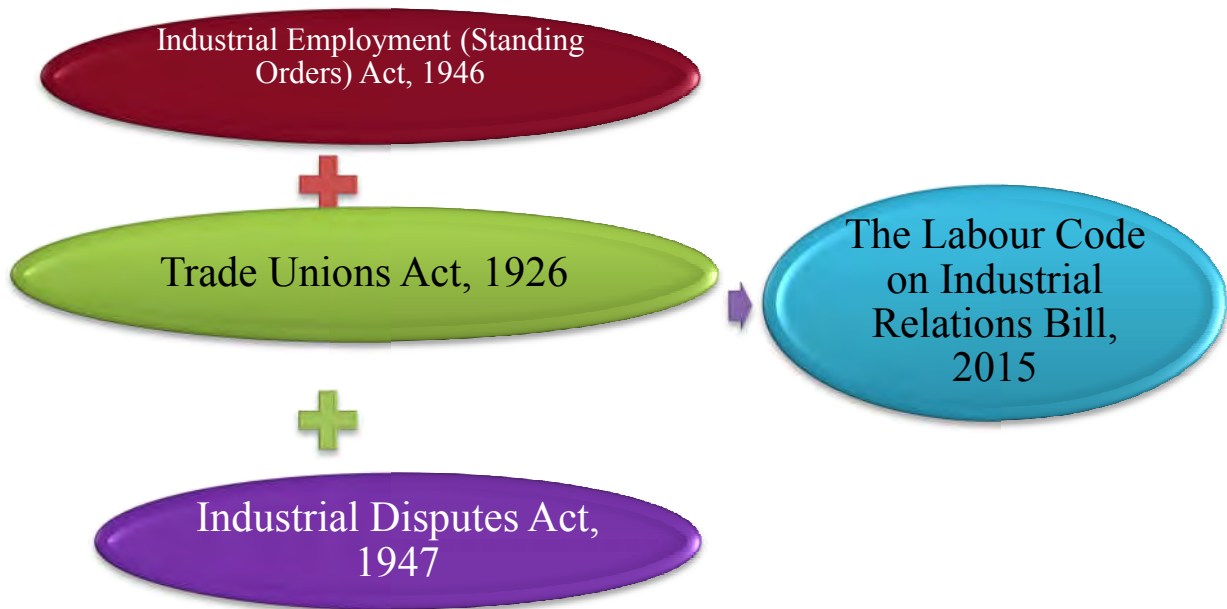
workmen arising there from termination of employment, and the notice there of to be given by employer and workmen etc.

Table 5.1 Amendment to the Industrial Employment (Standing Orders) Act, 1946 since 1991

| |
|--|
| Post 1991 Effect: The Act was amended in 2006 in compliance with the directions of the Hon'ble Supreme Court and included 'Sexual Harassment' as a misconduct. |
|--|

A scrutiny of the amendments reveal that S. 35 of the Draft Code sets out a list of matters to be covered by Model Standing Orders drafted by the Central Government allowing the scope for **inclusion of unspecified matters** under its ambit. The procedure for drafting and certification, while remaining largely similar, has been slightly more **streamlined**. A time limit has been introduced for completion of investigation and inquiry for suspension and the quantum of subsistence allowance for suspended workers has been increased. All these proposals are **supportive** of the workers.

Fig: 5.4 The Labour Code on Industrial Relations Bill, 2015



The present form of the Draft Code contains **107 sections and 3 schedules**, dealing with various industrial relations issues, including registering trade unions, standing orders, and notice of change of terms of employment, strikes, lockouts, lay-offs, redundancy and site closures. As analyzed above, there are certain provisions against the workers in the draft of industrial disputes and trade union legislations, but some of the amendments proposed towards the Industrial Employment Standing Orders Act are pro-labour.

5.4 The Factories Act 1948

The object of the Factories Act¹⁴³ is to regulate the conditions of work in manufacturing

¹⁴³This is an Act to consolidate and amend the law relating to labour in factories. The main objective of the Act is to ensure adequate safety measures and promote health and welfare of the workers employed in factories as well as to prevent haphazard growth of factories. The Factories Act is meant to provide protection to the workers from being exploited and also provides for improvement of the working conditions within the factory premise

establishments coming within the definition of the term "factory" as used in the Act. The first Act, in India, relating to the subject was passed in 1881. This was followed by new Acts in 1891, 1911, 1922, 1934 and 1948. The Act of 1948 is more comprehensive than the previous Acts. It contains detailed provisions regarding the health, safety and welfare of workers inside factories, the hours of work, leave with pay etc. The Act has been amended several times. The Act is based on the provisions of the Factories Act of Great Britain passed in 1937.

Table: 5.2 Proposed Amendments to Factories Act in 2015

| Proposed Amendments in 2015 |
|---|
| <ul style="list-style-type: none">• The Act defines a factory as any premises (with certain exceptions) where manufacturing was undertaken with aid of power and at least 10 people were employed during the last 12 months (20 or more people if no power was used). The Bill specifies that the state government may raise the minimum number of workers employed in the definition to 20 (if power is used) and 40 (if power is not used).• The Bill also amends the definitions of: (i) hazardous process, (ii) manufacturing process, (iii) occupier, and (iv) prescribed. It adds the definitions of: (i) hazardous substance, and (ii) disability• Power to make Rules: The Act allows the state government to make Rules regarding various matters. The Bill grants the central government power to make Rules regarding some of these matters. |

- **The Act permits the state government to make Rules regarding any matter which:** (i) is covered by the Act or may be prescribed, or (ii) is appropriate to give effect to the purposes of the Act. The Bill states that the state government's power to make Rules will be restricted to matters where the central government does not have such powers. The central government may frame Rules in consultation with state governments, to bring uniformity in the areas of occupational safety, health or any other matter.
- **Compounding of offences:** The Bill seeks to permit the central or state government to prescribe the authorized officers and the amount, for compounding of the certain offences before commencement of the prosecution. The central or state governments may amend the list of compoundable offences.
- **Employment of women and persons with disability:** The Act prohibits women from working: (i) on certain machines in motion, (ii) near cotton-openers, and (iii) between 7:00 PM and 6:00 AM. The Bill seeks to remove the first two restrictions. It proposes to empower the state government to allow women to work during night hours in a factory or group of factories if: (i) there are adequate safeguards for safety, health and comfort of women (including night crèches, ladies' toilets and transportation from the factory to their residence), and (ii) it has held due consultations with and obtained the consent of the women workers, the employer and the representative organizations of the employers and

workers.

- The Bill seeks to impose **restrictions on employment of pregnant women** and persons with disability in certain works or processes.
- **Manufacturer's liability to ensure safety:** The Act places the liability of ensuring that an article to be used in a factory is safe on the designer, importer, supplier or manufacturer. The Bill extends such liability to the designer, importer, supplier or manufacturer of any substance used in a factory.
- **Workers' safety:** The Bill introduces provisions for: (i) supply of protective equipment and clothing to workers exposed to hazards, and (ii) rules regarding hazardous processes. It modifies the provisions regarding: (i) precautions against dangerous fumes and gases, (ii) explosive or inflammable dust or gas, and (iii) dangerous operations.
- **Facilities for workers:** The Act mandates a factory employing more than 150 people to provide shelters or restrooms. The Bill states that a factory with more than 75 workers should provide separate shelters or restrooms for male and female workers.
- **Overtime and paid leave:** The Bill increases the maximum number of overtime hours allowed to a worker and relaxes the provisions regarding entitlement of workers to paid leave.
- **Penalties:** The Act specifies the penalties for various offences. The Bill raises

the penalties for 12 of these offences (including contraventions by the occupier or manager, a worker, or a designer, importer, supplier or manufacturer of an article or substance).

On an analysis of the amendments, it can be understood that the Act aims to **ensure adequate safety measures** and promote the health and welfare of the workers employed in factories. There are provisions ensuring the safety of women workers during pregnancy, night shifts, overtime and paid leave etc. the only criticism is about the **definition of factory** as the number of employees is proposed to be raised thereby excluding employees less than the prescribed number from the applicability of the Act which is **against** the interest of workers.

5. 5 Payment of Wages Act, 1936

The Payment of Wages Act, 1936¹⁴⁴ regulates the payment of wages to certain classes of persons employed in industry and its importance cannot be under-estimated. The Act guarantees payment of wages on time and without any deductions except those authorized under the Act. The Act provides for the responsibility for payment of wages, fixation of wage period, time and mode of payment of wages, permissible deduction as also casts upon the employer a duty to seek the approval of the Government for the acts and permission for which fines may be imposed by

¹⁴⁴This is an Act to regulate the payment of wages in certain classes of employments. The Payment of Wages Act, 1936 was enacted with a view to ensuring that wages payable to employed persons covered by the Act were disbursed by the employers within the prescribed time limit and that no deductions other than those authorized by law were made by them.

him and also sealing of the fines, and also for a machinery to hear and decide complaints regarding the deduction from wages or in delay in payment of wages, penalty for malicious and vexatious claims.

Fig: 5.5 Amendments to Payment of Wages Act, 1936

| Amendments since 1991 | Proposed Amendments in 2015 |
|---|--|
| <ul style="list-style-type: none">• One of the considerable reform happened during the year 2012. i.e. wages paid to an employed person got hiked up to Rs18,000 per month U/S 1(6) | <ul style="list-style-type: none">• The proposed Code seeks to define wages as “all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done”.• It would, however, exclude bonus, value of any house-accommodation, or of the supply of light, water, medical attendance, contribution to pension and provident fund by the employer, travelling allowance and gratuity. |

The draft of the Labour Code on Wages, replaces four existing laws – the Minimum Wages Act 1948, the Payment of Wages Act 1936, the Payment of Bonus Act 1965, and the Equal Remuneration Act, 1976. While a single broad law that replaces multiple laws on the same subject **may help** rationalize contradictions in existing laws, several of which were framed before India's independence.

5.6 Minimum Wages Act, 1948

Legislative protection for workers to receive a minimum wage, can be considered as the hall mark of any progressive nation. It is one of the fundamental premises of decent work. In

India, the Minimum Wages Act, 1948¹⁴⁵ provides for fixation and enforcement of minimum wages in respect of scheduled employments. Currently, the number of scheduled employments in the Central sphere is 45 whereas in the States sphere the number is 1650 (when all states are counted). With effect from November 2009, the National Floor Level of Minimum Wage has been increased to Rs 137/- from Rs 100/- per day (which was in effect since 2007). From July 1, 2015 the National Floor Level of Minimum Wage has been raised to Rs 160/- per day.

Table: 5.3 Amendments to Minimum Wages Act, 1948

| Amendments since 1991-State amendments |
|---|
| Proposed amendments-On February 19th, 2016 The labour ministry has sought Cabinet approval for a Bill that empowers the Centre to fix national minimum wage for unskilled workers, a move that will ensure that no worker is denied minimum wage. |

The examination of amendments reveals that under the Minimum Wages Act 1948, both central and state government could fix minimum wage rates in various sectors, with 45 sectors in the central sphere and 1,679 areas under states' jurisdiction. But the draft Labour Code on Wages Bill restricts the power to fix minimum wages to **just the state governments**. This should not create a situation where central government employees in different states would end up with different minimum wages, which would violate the constitutional provisions on equality. The draft bill **should consider** the recommendations of the

¹⁴⁵The Minimum Wages Act 1948 is an Act of Parliament concerning Indian labour law that sets the minimum wages that must be paid to skilled and unskilled labourers.

Indian Labour Conference and Supreme Court orders to fix the minimum wage taking into consideration need-based criteria, including food, housing and clothing.

5.7 Employees State Insurance Act, 1948

The promulgation of Employees State Insurance Act, 1948¹⁴⁶ envisaged an integrated need based social insurance scheme that would protect the interest of workers in contingencies such as sickness, maternity, temporary or permanent physical disablement, death due to injuries caused in the course of employment resulting in loss of wages or earning capacity. The Act also guarantees reasonably good medical care to workers and their immediate dependents. Following the promulgation of the ESI Act the Central Govt. set up the ESI Corporation to administer the Scheme. The Scheme, thereafter was first implemented at Kanpur and Delhi on 24th February 1952. The Act further absolved the employers of their obligations under the Maternity Benefit Act, 1961 and Workmen's Compensation Act 1923. The benefit provided to the employees under the Act is also in conformity with ILO conventions.

Table: 5.4 Amendments to Employees State Insurance Act, 1948

| Amendments since 1991 |
|--|
| In 2012, the scope of the definition has been widened to include legitimate or adopted son who has not attained the age of twenty five years. The wage limit of an employee has been revised from Rs.10000/-P.M to Rs.15000/P.M The definition of employee now includes apprentices appointed under standing orders but excludes only the apprentices appointed under the Apprentices Act 1961. The definition of family now includes also those parents who have some |

¹⁴⁶An Act to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto.

source of income subject to a limit prescribed by the Central government as well as a minor brother or sister if their parents are not alive and the insured person is not married and they are wholly dependent up on the earnings of the insured person. This distinction has been removed and all those factories are covered if they employ ten or more persons irrespective of whether run with power or without power. A new section has been added to enable employers to appeal to an Appellate Authority against an order passed by the Corporation in respect of payment of contribution within sixty days of the date of such order. Thus this provides a remedy to the employers against an order passed under Sec.45-A. A new section has been added to cover accidents occurring to an employee while commuting to and from office to residence and vice versa for duty, provided there is nexus between the circumstances and employment. Thus it sets at rest doubts to a large extent about such accidents arising out of and in the course of employment. Existing limit of funeral expenses is Revised to Rs 10000/- from Rs 5000/-

Table: 5.5 proposed amendments to ESI Act 2015

PROPOSED AMENDMENTS 2015

Currently, two crore organized workers are insured under the ESI Act, benefits of which are also available to his/her family members, taking the total coverage of medical benefits under the scheme to around eight crore. The amendment bill, currently under consideration, provides for addition of a new section under the ESI Act of 1948 which would give a one-time option to workers to choose IRDA recognized health insurance product in lieu of benefits available under the ESI Act. However, the employee will also have a one-time option to return back to the ESIC umbrella as part of the proposed amendments to the ESI Act.

Extension of ESI scheme to construction workers in August 2015 is a **welcome step** as far as the workers therein are concerned. At the same time, providing option to employees to choose health insurance product in lieu of benefits under the ESI **cannot** be termed as pro-labour.

5.8 Payment of Bonus Act 1965

The term "bonus" has not been defined in any legislative enactment. Chamber's Twentieth Century dictionary defines "bonus" as "a premium beyond the usual interest for loan: an extra dividend to shareholders: a policyholder's share of profit, an extra payment to workmen or others". The purpose of payment of bonus is to bridge the gulf between wages paid and ideal of a living wage. The practice of paying bonus in India appears to have originated during First World War when certain textile mills granted 10% of wages as war bonus to their workers in 1917, under Rule 81A of Defense of India Rules, industrial disputes also included in certain cases the demand for payment of bonus. In 1950, the Full Bench of the Labour Appellate Tribunal evolved a formula for determination of bonus.

A plea was made to raise that formula in 1959. At the second and third meetings of the Eighteenth Session of Standing Labour Committee (G.O.I.) held in New Delhi in March / April 1960, it was agreed that a Commission be appointed to go into the question of bonus and evolve suitable norms. On 6th December, 1960 the Government appointed a Bonus Commission. The Government of India vide Resolution No. W .B. 20 (3) 64, dated September 2, 1964 accepted the recommendations of the Commission subject to certain modifications. To implement these recommendations the payment of Bonus Ordinance, 1965 was promulgated on May, 1965 which was replaced by Payment of Bonus Act, 1965 assented on September 25, 1965.

Table: 5.6 Amendments to Payment of Bonus Act since 1991

| AMENDMENTS SINCE 1991 |
|---|
| <p>In 2016, by amending Section 2(13) of the Principal Act, the Amendment Act has now widened the scope of employees eligible for payment of bonus from those drawing salary of INR 10,000 per month, to INR 21,000 per month. The amendment in the eligibility limit appears to be an initiative which forms a part of the Central Government's pro-labour policy. Interestingly, the last amendment to the eligibility limit was carried out in the year 2007 and over the past decade, the economy has seen significant reforms. These economic reforms have contributed towards an exponential increase in pay-scales making this amendment to the Principal Act very important to the larger populace of the workforce which earns between INR 10,000/- and INR 21,000/- per month.</p> |

Table: 5.7 Amendments to Payment of Bonus Act since 1991

| PROPOSED AMENDMENTS 2015 |
|---|
| <p>According to the proposed changes, contributing wages shall not be less than the applicable minimum wages notified by central or respective state governments. Once approved by Parliament, the law will be applicable to all firms deploying 10 workers or more from the current rule of 20 workers or more.</p> |

A perusal of the amendment shows that the eligibility limit appears to be an initiative which forms a part of the **Central Government's pro-labour policy**. The last amendment to the eligibility limit was carried out in the year 2007 and over the past decade, the economy has seen significant reforms. These economic reforms have contributed towards an exponential increase in

pay-scales making this amendment to the Principal Act very important to the larger populace of the workforce which earns between INR 10,000 and INR 21,000 per month.

5.9. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952

This Act¹⁴⁷ is an important piece of Labour Welfare legislation enacted by the Parliament to provide social security benefits to the workers. At present, the Act and the Schemes framed there under provide for three types of benefits Contributory Provident Fund, Pension benefits to the employees / family members, Insurance cover to the members of the Provident Fund. The object of the Act in 1952 was the institution of the compulsory contributory Provident Fund to the employees to which both the employee and the employer would contribute. The Employees' Provident Fund Scheme was accordingly framed under the Act and it came into effect from 1-11-1952.

Table: 5.8 Amendments to the Employees' Provident Funds and Miscellaneous Provisions Act, 1952

| AMENDMENTS SINCE 1991 |
|--|
| In 2014, the definition of 'excluded employee' has been amended whereby the members drawing wages exceeding INR 15,000 per month are excluded from the provisions of the PF Scheme. Accordingly, the wage ceiling for an employee to be eligible for the PF Scheme has been increased from INR 6,500/- per month to INR 15,000/- per month. |

¹⁴⁷An Act to provide for the institution of provident funds, pension fund and deposit-linked insurance fund for employees in factories and other establishments.

Table: 5.9 Amendments proposed in 2015 to The Employees' Provident Funds and Miscellaneous Provisions Act, 1952

| PROPOSED AMENDMENTS 2015 |
|--|
| It also aims to amend the definition of wages, which would include basic pay and all allowances paid to workers. According to the revised definition of wages, all emoluments or remunerations, including all allowances, would be payable to an employee in cash. Employee means any person who is employed by the establishment in terms of contract of employment, whether written or oral and whether expressed or implied, to work for an establishment and includes employees employed through any other establishment or contractor in or in connection with the work of the establishment and who get their wages directly or indirectly from the employee |

The amendments to the three schemes by the Government of India, post the proposal made by the Union Minister of Finance in his Union Budget speech (for the financial year 2014-2015), have **enhanced** the applicability, scope and benefits provided to employees under the EPF Act. However, at the same time, it has also increased the liability of the employers who would now be responsible to enroll additional eligible employees and to contribute on the increased statutory wage ceiling. The change from INR 6,500/- to INR 15,000/- in paragraph 2(f) of the EPF Scheme means that the employer is now obliged to make contributions for a larger workforce. Earlier, employers had the discretion to only cover employees who earn up to INR 6,500/- per month (and who are not already members of the EPFO). However, with this increase in the wage ceiling, all employees who earn up to INR 15,000/- have to be covered.

Higher contributions may be payable for each employee (including employees who are already covered) since the limit on contributions set out in paragraph 26A of the EPF

Scheme has also been increased from INR 6,500/- to INR 15,000/-, this will have a greater monetary impact on companies. Prior to this increase, many companies used to limit their contributions to amounts payable on a monthly pay of INR 6500 (i.e. the existing legal threshold) and accordingly, the employer contribution was about INR 780 per month (12% of INR 6,500/-). Now that the threshold in paragraph 26 has been increased, this limit on the monthly contribution will increase to INR 1,800/- per month (12% of INR 15,000/-).

There is still some ambiguity around whether allowances such as special allowance, which is usually a guaranteed amount and paid to all employees, would need to be included when calculating PF contributions. Given that the contribution amount will increase since the limit in paragraph 26A of the EPF Scheme is increased, the question of whether 'basic wages' under the EPF Act also includes other allowances would take on added importance. The definition of Employee has been broadened to include all types of workers including contractor workers and apprentices. Apprentices engaged by an establishment are entitled to compensation under the Apprentices Act in case of an accident; therefore, they are proposed to be included for benefits in EPF Act.

5.10 Maternity Benefit Act, 1961

Any woman employee, who worked in any establishment for a period of at least 80 days during the 12 months immediately preceding the date of her expected delivery, is entitled to receive maternity benefits under the Act.¹⁴⁸ The employer is required to pay maternity benefits, medical allowance, maternity leave and nursing breaks. To protect the dignity of motherhood and the dignity of a new person's birth by providing for the full and healthy maintenance of the

¹⁴⁸An Act to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for maternity benefit and certain other benefits

woman and her child at this important time when she is not working. Upon all women employees either employed directly or through contractor except domestic women employee employed in mines, factories, plantations and also in other establishments if the State Government so decides. Therefore, if the State Government decides to apply this Act to women employees in shops and commercial establishments, they also will get the benefit of this Act.

Table: 5.10 Amendments to Maternity Benefit Act, 1961 since 1991

| AMENDMENTS SINCE 1991 |
|---|
| <p>2008 Amendment-Every woman entitled to maternity benefit under this Act shall also be entitled to receive from her employer a medical bonus of one thousand rupees, if no pre-natal confinement and post-natal care is provided for by the employer free of charge. The Central Government may before every three years, by notification in the Official Gazette, increase the amount of medical bonus subject to the maximum of twenty thousand rupees</p> |

Table: 5.11 Amendments proposed to the Maternity Benefit Act in 2015

| PROPOSED AMENDMENTS 2015 |
|---|
| <p>The Narendra Modi-led NDA government is looking to enhance maternity leave for working women from three months to six months.</p> |

This proposal to enhance the maternity leave is pro-labour. The International Labour Organization recommends a minimum standard maternity leave of 14 weeks or more, though it encourages member states to increase it to at least 18 weeks. At 26 weeks, India is set to join the league of 42 countries where maternity leave exceeds 18 weeks. It, however, falls behind several

East European, Central Asian and Scandinavian countries, which have the most generous national legislation for paid maternity leave.

5.11 The Contract Labour (Regulation and Abolition) Act, 1970

The Contract Labour (Regulation and Abolition) Act 1970¹⁴⁹ seeks to protect the interest of workers employed on contract. On the one hand, it seeks to provide contract workers minimum wages through licensing of contractors and by holding principal employers accountable for enforcement of the law. On the other hand, it empowers state and central governments to prohibit the conduct of certain kinds of work through contract labour. The concerned government can issue a notification in the official gazette to prohibit employment of contract labour in any process, operation or other work. The Contract Labour Act was passed to prevent exploitation of contract labour and also to introduce better conditions of work. The Act provides for regulation and abolition of contract labour. The underlined policy of the Act is to abolish contract labour wherever possible and practicable and where it can be abolished altogether, the working conditions of the contract labour should be so regulated as to ensure payment of wages and provisions of essential amenities. The Act provides for regulated conditions of work and contemplates progressive abolition to the extent contemplated under the Act. The Act provides for constitution of Contract Labour Advisory Board to advise the Government on such matters arising out of the administration of this Act as may be referred to it and to carry out other functions assigned under the Act.

Table: 5.12 Amendments proposed to the Contract Labour Act in 2015

¹⁴⁹This is an Act to regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith

PROPOSED AMENDMENTS 2015

The proposed changes to the Contract Labour (Regulation & Abolition) Act may also make it compulsory for companies to absorb contract workers to the regular fold whenever a permanent position opens up. The move could spell a bonanza for contract workers as they could get an opportunity to join the regular workforce with better wages and benefits. Similarly, the labour ministry plans to bring about changes to Rule 25 of the Contract Labour (Regulation and Abolition) Central Rules by March 2016 end to ensure contract workers get either the minimum wage or one mutually agreed wage between employee and employer, whichever is higher. This won't be lower than INR 10,000 per month. The ministry also plans to issue orders in the next few months to give a waiver on provident fund payments to employees with a monthly income that's less than INR 10,000 so as to increase their take home pay.

There is a **need to amend** the Contract Labour Act. The Act needs to allow employers to outsource all peripheral activities to specialized companies, even if it means these employees work on their premises. The legitimate interests of workers engaged in these activities can be easily protected by defining minimum responsibilities for health, safety and remuneration.

5.12. The Payment of Gratuity Act, 1972

Gratuity is a statutory¹⁵⁰ benefit paid to the employees who have rendered continuous service for at least five years. It is a lump sum amount paid to an employee based on the duration of his total service. The benefit of gratuity is payable to an employee on cessation of

¹⁵⁰ The Payment of Gratuity Act, 1972: An Act to provide for a Scheme for the payment of gratuity to employees engaged in factories, mines, oilfields, plantations, ports, railway companies, shops or other establishments and formatters connected therewith or incidental thereto.

employment (either by resignation, death, retirement or termination, etc.) by taking the last drawn salary as the basis for the calculation. Gratuity is an important form of social security and is in the form of a gratitude provided by the employer to the employees in monetary terms for the services rendered by them to the organization. It is a defined benefit plan and is one of the many retirement benefits offered by the employer to the employee upon leaving his job. Gratuity payment liability of the employer tends to increase with an increase in the salary and tenure of employment.

Table: 5.13 Amendments to Payment of Gratuity Act since 1991

| AMENDMENT SINCE 1991 |
|---|
| The Act is amended in 2010 enhancing the amount of gratuity to be paid to an employee as ten lakhs rupees from three lakh fifty thousand rupees. |

| Proposed amendment |
|---|
| Government is planning to reduce number of years for the eligibility to gratuity or make the money transferable to other company if the employee leaves the establishment. |

The amendment proposed is **pro-labour** as currently a big worry to employees is that they lose their hard earned gratuity money after leaving the company. The reason being they had to serve at least 5 years in the particular company to become eligible to claim gratuity money. Government is planning to do away this rule by either reducing number of years or make the money transferable to other company.

5.13 The Kerala Shops and Commercial Establishments Act, 1960

This Act¹⁵¹ extends to the whole of the state of Kerala. This Act applied to all the shops and commercial establishments. All the shops and commercial establishment should be completely registered under this act and rules. The registration application has to be made within 60 days from the date of commencement of the shops and commercial establishment. No employee in an establishment can be required to work for more than 8 hours in a day and 48 hours in a week. The period of work in an establishment each day shall be so fixed that no period shall exceed four hours and that no such person shall work for more than 4 hours before he has had an interval of rest of at least one hour. Every employee in an establishment shall be entitled after 12 months continuous service in that establishment, to holiday with wages for a period of 12 days in subsequent period of 12 months.

Table: 5.14 Amendments to the Kerala Shops and Commercial Establishments Act 1960 since 1991

| AMENDMENTS SINCE 1991 |
|--|
| 2014 Amendment-In Section 2, the following changes were made; (1 A) “big establishment” means a shop or commercial establishment, which employs twenty or more employees.” |
| (8) “Establishment” means a shop or commercial establishment which may be a small establishment, a medium establishment or a big establishment”. |

¹⁵¹The Kerala Shops and Commercial Establishments Act, 1960; An act to provide for the welfare of the employees employed in the shops and commercial establishments and to regulate the conditions of their work and employment.

(10A) “Medium establishment” means a shop or commercial establishment which employs six or more, but less than twenty employees.

(15A) “small establishment” means a shop or commercial establishment which employs no employee or not more than five employees.”

(5D). Issue of appointment letter. - Every employer of a medium or a big establishment shall issue an appointment letter, in such manner as may be prescribed, to his employees the time of appointment.

(5E). Prohibition of retaining education certificate or experience certificate. - No educational certificate or experience certificate in original received from an employee shall be retained by the employer of any establishment at the time of appointment or during the course of employment.

(5F). Issue of service certificate. - Every employer shall provide service certificate to the employee engaged by him, in such manner as may be prescribed, at the time of resignation or retrenchment or superannuation of the employee or while applying for another job.”.

(21A). Hostel facilities. - Every employer of a big establishment employing more than fifty employees shall provide hostel facilities to such employees, in such manner as may be prescribed.”

Amendment of Section 29. - Fine for breach of provisions enhanced to five thousand from two hundred and fifty rupees. For continuing breach, ten rupees is substituted by two hundred and fifty rupees.

Amendment of Section 34. —In Section 34 government can make rules with regard to ‘hygiene

and sanitation’ instead of ‘health’.

An analysis reveals that the amendments made to the Act are supportive to the workers.

5.14 The Kerala Head load Workers Act, 1978

Kerala Head load Workers Act, 1978,¹⁵² is classic labour welfare legislation, which may be unique to socially advanced State of Kerala. Applicability of this Act, although may not be of much relevance because of obvious high handedness employed by the head load workers, the subject attains importance in the context of payment of welfare fund contributions and related aspects.

Table: 5.15 Amendments to the Kerala Head load Workers Act 1978 since 1991

| AMENDMENTS SINCE 1991 |
|--|
| Amendment of section 2.- In section 2 of the Kerala Head load Workers Act, 1978 (20 of 1980) [a] in clause (g) for the words “or in groups for the purpose of engaging them in such establishment and includes a sub-contractor and a broker”, the words “for the purpose of engaging them in such establishment and includes a sub-contractor, a broker, a clearing and forwarding agent, commission agent, mercantile agent, consignment agent or the owner of a vehicle laden with goods” shall be substituted: |

¹⁵²An Act to regulate the employment of head load workers in the State of Kerala and to make provision for their welfare, for the settlement of disputes in respect of their employment or non-employment and for matters connected therewith.

[b] in clause (i) (1) in sub-clause (i), after the words “head load worker”, the words “employed or” shall be inserted; (2) in sub-clause (ii), after the words “not employed”, the words “or engaged” shall be inserted;

[c] for clause (m), the following clause shall be substituted, namely:- “(m) "head load worker" means a person employed or engaged directly or through a contractor in or for an establishment, whether for wages or not, for loading or unloading or carrying on head or person or in a trolley any article or articles in or from or to a vehicle or any place in such establishment or stacking articles, excluding delicate or sophisticated articles, in a vehicle or unloading by sliding using manual labour from a mechanically propelled vehicle or a person who does in connection with the ports, the works like filling of fertilizers in sacks, weighing and stitching of sacks, bundling, breaking seals of containers, stacking and includes any person not employed by any employer or contractor but engaged in the loading or unloading or carrying on head or person or in a trolley any article or articles for wages in or from or to a vehicle, or any place in such establishment or stacking articles excluding delicate or sophisticated articles in a vehicle or unloading by sliding using manual labour from a mechanically propelled vehicle but does not include a person engaged by an individual for domestic purposes.

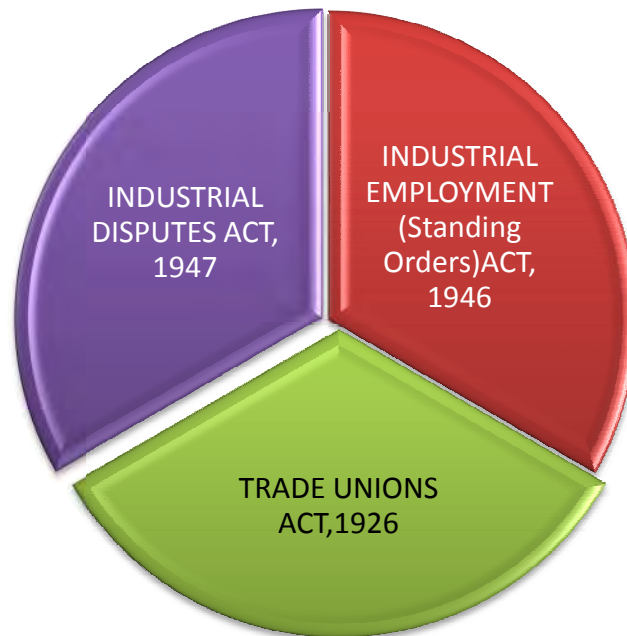
The amendments made in 1994 and 2013 do not consist of any anti labour provisions.

5.15 Analysis of the Amendments made to Labour Legislations since 1991 and the Proposed Amendments of 2015

Labour policy reforms in India are due for a long time, as the context in which they were framed has changed drastically. It is a fact that there is plethora of labour laws – 44 central and about 100 state laws. Besides, using different terminologies like – employee, workman, worker to denote a worker or wages, basic wages, salary referring to the compensation, yet covering different components in each legislation, have made compliance very cumbersome multiplying litigation. Currently, there are 44 labour laws under the purview of Central Government and more than 100 under State Governments, which deal with a host of labour issues. The government justifies these labour reforms on the ground of simplification of archaic laws. The government would like to create single window system under the common headlines/sets. Initially we can start with reducing these to four sets of labour laws as following-

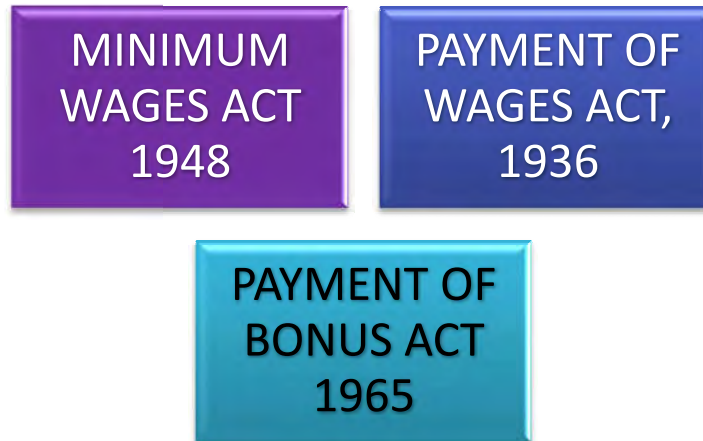
(i) **Laws governing terms and conditions of employment:-**

(ii) **Fig: 5.6Laws governing terms and conditions of employment**



(iii) Laws governing wages, which may consolidate:

Fig: 5.7Laws governing wages



(iv) Laws governing welfare which may consolidate:

Fig: 5.8Laws governing welfare



(iv)Laws governing social security, which may consolidate:

Fig: 5.9 Laws governing social security

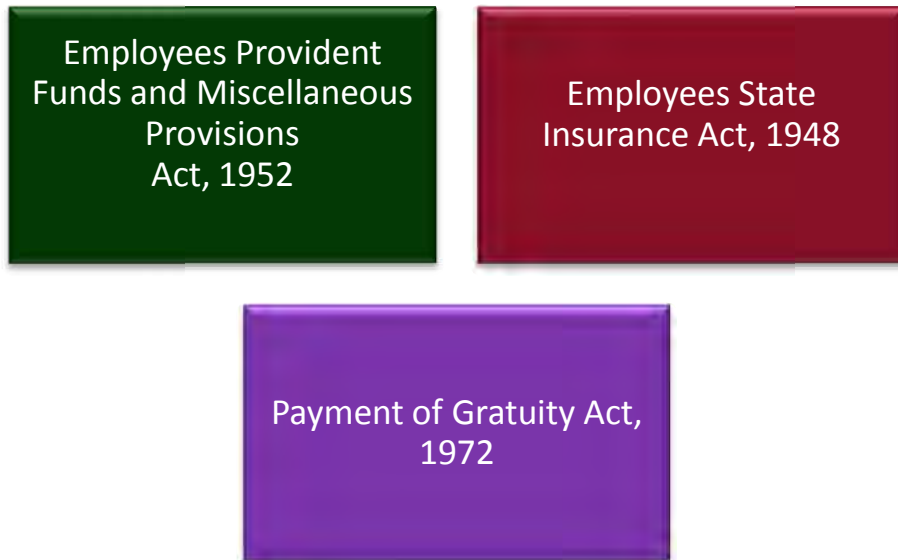


Table: 5.16 Comparison of provisions after proposed Amendments 2015

| Existing provisions | Proposed amendments |
|--|--|
| Firms employing up to 100 workers need not get the permission of government for laying off. | Firms employing up to 300 workers would be permitted to lay them off without prior government approval. |
| For closing down of factory, workers would be given 15 days compensation. | For this, the workers would be given 45 days compensation. |
| Only one months' notice for laying off or shut down. | Three months' notice for laying off or shut down. |

| | |
|---|---|
| Conditions like notice, prohibiting strike only in public utility services. | Strike subject to conditions in all industrial establishments. |
| Any seven or more members can apply for registration. | Ten percent of the workers shall apply for registration of trade union. |
| Factories Act requires the number of workers as 10 with power supply and 20 without power supply | The number is raised to 20 with power supply and 40 without power supply |
| Companies employing less than 20 workers are exempted from Contract Labour Act | The number of workers is raised to 50 |

The trade unions as well as the workers assert that the proposed provision in the draft code providing **10 per cent** of workers shall apply (be applicant) for **registering a trade union** would dismay formation of trade unions in India. According to them the government cannot make law stringent for forming trade unions. All trade union members suggested that government should constitute a tripartite committee with employees, employers and representative on board along with experts to study the bill in detail before finalizing the draft bill.

On the other hand, the government says that the proposed Bill is not anti-labour. A proposal has been made to **increase compensation** for workers in certain cases of job loss. Employees **will get 45 days' pay**. At present, workers get payment of **15 days** in such case.

Labour reforms have long been pending in India. Almost 90 per cent of the labour community is casual and not under the security of any law and regulations. On the other hand, some sections of industry and neo-liberal thoughts have argued for greater flexibility in labour markets and easier hire and fire policies for increased competitiveness, push in manufacturing, and greater output. Modi government's thrust on 'Make in India' and "ease of doing business" directly feeds into this narrative. NDA's new Labour Code Wage Bill is put forward as the best answer to boost economic productivity. In fact, in a country where labour health, safety, and welfare remain low priorities, industrial accidents are high, medical insurance and social security is weak, and minimum wage guidelines are routinely violated, the government should take measures or adopt policies to solve these hurdles first at least to some extent.

The amendments to Factories Act (which is a social legislation aimed at ensuring occupational safety, health and welfare of workers at the workplace) propose raising the numbers of workers to 20 for firms with power supply (earlier 10) and 40 with no power supply (earlier 20). However the most significant change is in Contract Labour Act, important because contract labour constitutes almost half the workers and they are often poor migrants. Changes to this Act will exempt companies employing less than 50 workers from the ambit of the Act (from the earlier limit of 20).

Even though from the workers guild there are antagonisms and criticisms about the new amendments proposed, the fact cannot be denied that India currently has over 44 national (federal) labour laws and close to 100 state laws. Within this **spider's web of legislation**, employers have found it difficult to remain consistent. Employees and their representatives identify and take advantage of the protections that existing law offers. Some laws, for example, contain differing definitions of employee and employer, making it difficult even to determine

whom the concerned personalities are. India's 44 national, and more than 100 state labour laws, is not only costly and time-consuming, but has also deterred foreign investors, and the business groups.

The government is making a green attempt through labour law reforms, beginning with a **'complete makeover'** of the Factories Act, 1948 to bring it in harmony with the government's plan to boost manufacturing and job creation. It is true that there is a delicate line that carves the interests of industry and industrialists, government and nation, labour and labour organizations. The labour ministry's efforts to consolidate 44 labour laws into four or five broad labour codes are aimed at **reducing compliance hassles** for companies. The government hopes that the reforms in labour legislations will not only help the **economy grow**, but also **create more jobs** for the youth. The ease of doing of business is key for promotion of manufacturing and creating jobs. It is also true that too many labour laws and overlapping provisions create bottlenecks and a not-so-conducive atmosphere for business growth.

Labour reforms both in the states and by the centre are important and the government understands the need for them, at the same time, **protection of workers' rights** and job creation are equally important. Nearly a million people enter the labour market every month in India, according to the labour ministry. While the proposed factories bill talks about redefining a factory in order to allow separate departments of a company to be shown as separate factories, the industrial relation code talks about easing hiring provisions.

Through these amendments the government has promised a string of **business-friendly reforms** to attract foreign investment and revive Asia's third-largest economy. The government wants to **simplify India's labour laws**, which date back to the British colonial rule. Labour

reforms have a key role to play in improving the **ease of doing business** in India. Therefore, there is a rising expectancy that government, both federal and state is set to push through major initiatives for making changes in labour laws. Hence the changes to be made to labour legislations or the proposed amendments of 2015 cannot be rejected or criticized as such. The government has its own justifications for reforms and the workers have their own apprehensions about the reforms. Hence the employees should also be convinced that there is no curtailment of their rights and moreover it is the duty of the government to ensure that the workers are guaranteed the rights that they have gained through age old struggles.

CHAPTER VI

ANALYSIS AND INTERPRETATION

6.0 Introduction

This part of the study deals with the analysis and interpretation of the primary data collected from the respondents. The universe of the study consists of all the stake holders namely; the trade unions, workers at the grass root level, managements of industrial units and the central & state governments in India including academicians and the judicial officers. The distribution of the source for primary data collection was decided as follows:

Table 6.1 Category of stakeholders

| Category of the Respondent | Frequency |
|--|------------------|
| Trade Union leaders of all the major central trade unions | 15 |
| Workers at the grass-root level from each union | 20 |
| Professionals representing management of Industrial units | 25 |
| Officials representing government Labour Department | 10 |
| Judicial officers including Advocates practicing labour laws | 13 |

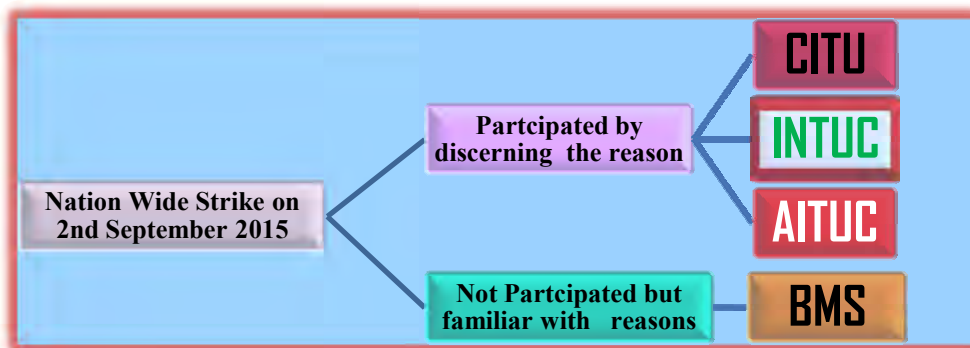
Therefore, it was thought appropriate to develop five sets of interview guides for each group of the parties mentioned above in line with the objectives set forth in the project. It was

also thought fit to develop the questionnaires in the local language (Malayalam) in case of the first two parties and in English for the rest. Accordingly, five sets of interview guides were prepared and the questionnaires are attached in the appendix.

6.1 Participation in the nationwide strike.

In May 2015, a convention of 11 Central Trade Unions (CTUs) had presented a 12-point charter of demands to the BJP government at the Centre against the labour policy of the Union Government. The demands included seeking withdrawal of labour law amendments, stopping privatization and foreign investment in railways, insurance and defense, banning speculative trade in commodities, policies to address price hike and improve employment opportunities etc. Trade unions including CITU, INTUC, AITUC, Hindu Mazdoor Sabha, AIUTUC, TUCC, SEWA, AICCTU, UTUC and LPF along with their affiliates had participated in the nationwide strike on 2nd September, 2015 while the BMS abstained on grounds that the Government had positively responded to look into 10 out of the 12 demands. According to them, since the promise was not fully met by the government, they took up the matter with the government and are in touch with the Central Trade Unions for organized a nationwide movement for the cause of workers.

Fig: 6.1Participation on the nationwide strike on 2nd Sept 2015.



The trade unions postulate that the government is aggressively bringing sweeping changes to push the overwhelming majority of workers out of the coverage of all labour laws and to drastically curb trade union rights. In an interview with **R. Chandrasekharan, the National Vice President and State President of INTUC**, he stated that **both the government and the management are contemplating anti- labour polcies and the participation in the nationwide strike was inevitable**. He further opined that since the strike was completely successful the government will be compelled to adopt pro labour policies in near future. According to **Saji Narayanan, the former National President, BMS**, the reason for not participating in the strike was the assurance by the Minister to accept 10 out of 12 demands.

6.2 Panel of experts & their opinions

A panel of subject experts was proposed with a view to study the major **changes/amendments** made in the existing laws and to assess whether these changes deny or deprive any of the rights /benefits enjoyed by labour until 1991. It was also thought to get their view points on the research as a whole. With this in view, a panel of experts from different fields such as Labour Department, Advocate practisinglabour laws, senior HR Manager and a senior Trade Union leader were constituted with the following persons.

Table 6.2 Panel of Experts

| Name of the Expert | Department |
|--------------------|---------------------------------------|
| Sri Prakash Oliver | Additional Labour Commissioner (Retd) |
| Sri Anil Narayan | Advocate (practisinglabour laws) |

| | |
|---------------------|---|
| Sri VarkiachanPetta | Deputy General Manager (HR), EICL, |
| Sri V.J. Joseph | Trade Union Leader, presently State Treasurer & National Executive Member of INTUC. |

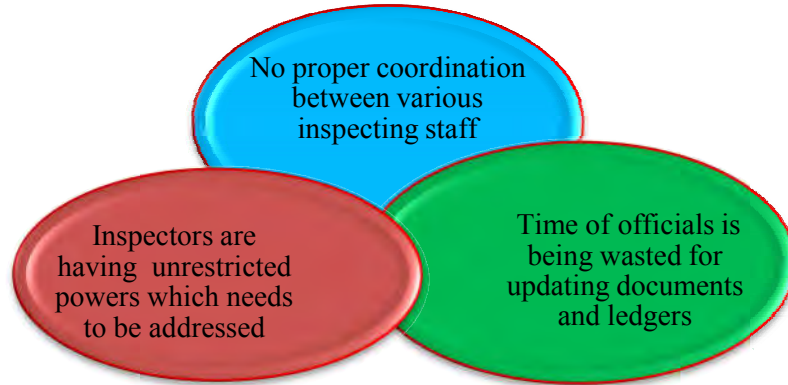
After frequent meetings and deliberations, the expert panel came to the following observations regarding the leadership of the trade unions.

Fig 6.2. Expert Panel opinion on trade union leadership



On other aspects of labour jurisprudence and government policies on labour, the panel came to the following deliberations. They expressed very much concern over the power of inspecting authorities provided under various labour legislations which is compiled as follows.

Fig 6.3 Expert panel opinion on Inspecting staff



The initial remarks of expert panel can be summed up as following:

Table 6.3 Expert panel remarks

| |
|---|
| The reasons for the opposing amendments by the trade unions may be political or loss of faith in the enforcement machinery. |
| The government is adopting contract employment in public sectors in the pretext of cost cutting. |
| Investors cannot survive in the global market and face the competition. |
| Amendment to Payment of Bonus Act of December 2015 raising the wage limit to Rs21000/- for the eligibility to get bonus is a welcome step |

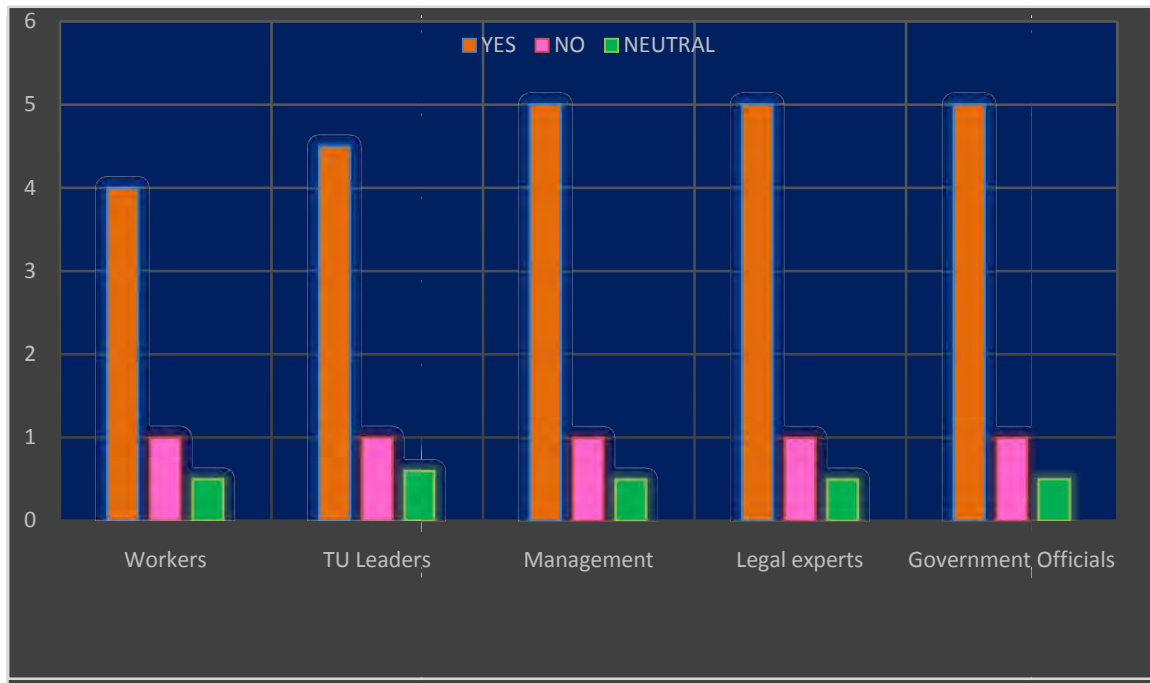
The views of the expert panel are expressed in the above tables and figures. The panel agrees that there are issues between the government and the labour and the latter is opposing the proposed amendments. According to them, even though the government is adopting contract employment, investors cannot survive in the competitive market without adopting new policies and programmes.

The responses collected from the five categories of respondents are analyzed below with the help of tables and figures. Some of the common questions asked to all the respondents are shown below.

The response to the question whether Right to Association is guaranteed in the establishment is shown below. Almost all the respondents agreed that in their concerned establishment, there is freedom of association and **nothing prevent them from exercising their**

Right to freedom of association.

Fig 6.4 Freedom of association in industry

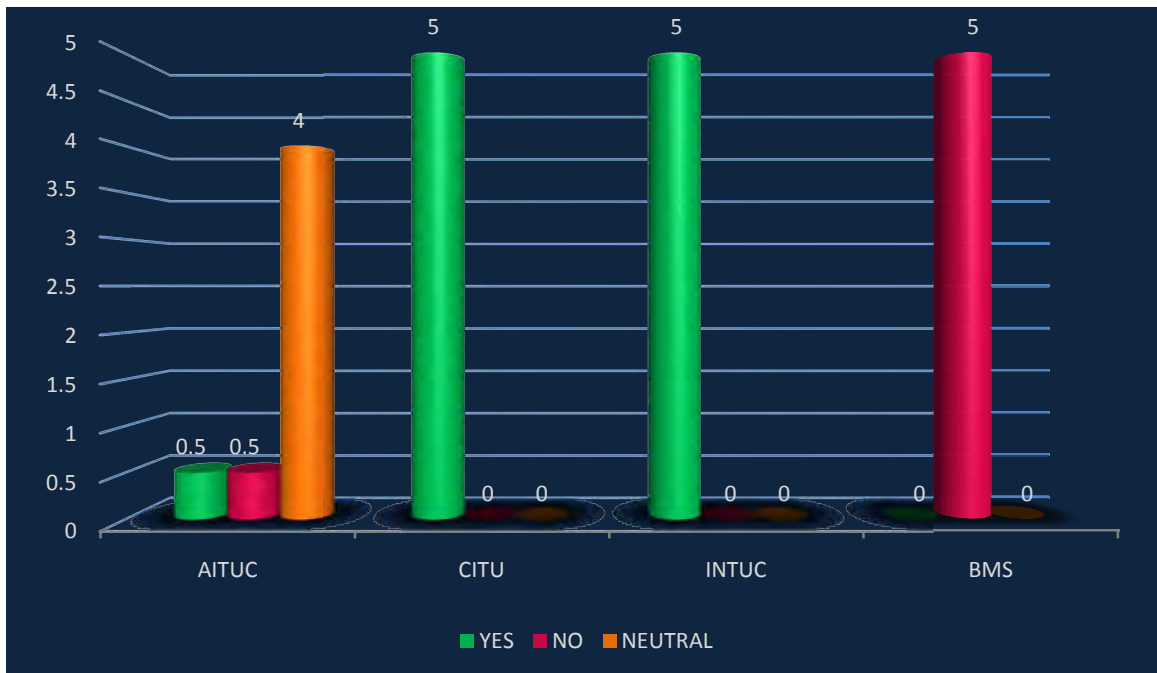


The response to the question whether the policies (FDI, PPP, Ease of doing business, Make in India) promulgated by the present BJP government (2015) is anti-labour is represented

below. Some trade unions viz CITU and INTUC strongly believe that the present government is adopting policies only to **satisfy foreign investors** thereby curtailing the rights of the labour. **R. Chandrasekharan, the National Vice President and State President of INTUC stated that** the Constitution of India in Article 19 (1) (C) has given right to form association and work for it which is a fundamental right in itself. Directive Principles of State Policy under Article 43 provides that all the workers have to be ensured living wages, better living conditions including rest and recreation and to make legislations to this effect. This right is denied to workers".

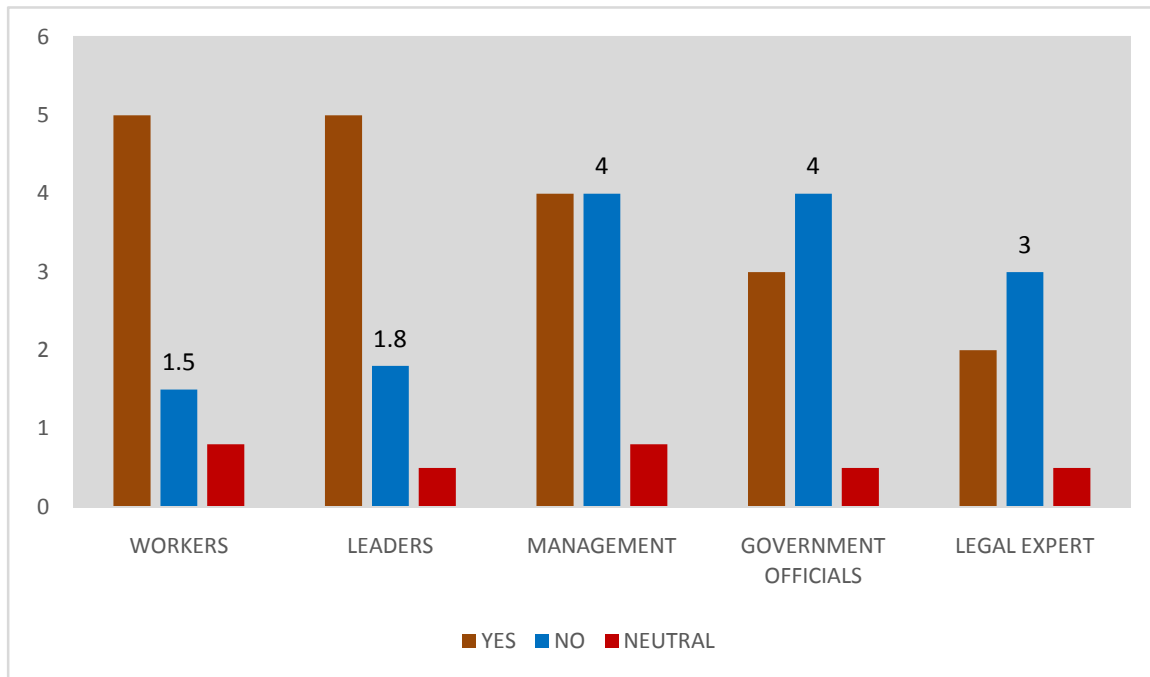
Sri AnathalavattomAnandan, the State President, CITU is of the view that this Government is in fact ‘inserting dagger in to this right of workers’ in organizing collective bargaining through its neo-liberal policies. AITUC provides a conditional acceptance to the new policies, but BMS supports the same.

Fig 6.5 Present government policy and trade unions



Answer to the question whether labour jurisprudence is indispensable in the Special Economic Zones for the advancement of contemporary labour scenario is shown below.

Fig 6.6 SEZ and industrial jurisprudence



Most of the workers as well as the trade union leaders strongly support that **labour jurisprudence is necessary in SEZ**. At the same time majority of the management officials states that if the government can provide adequate working conditions through its policies, laws by itself is not necessary. The government officials and the legal experts are also having similar views.

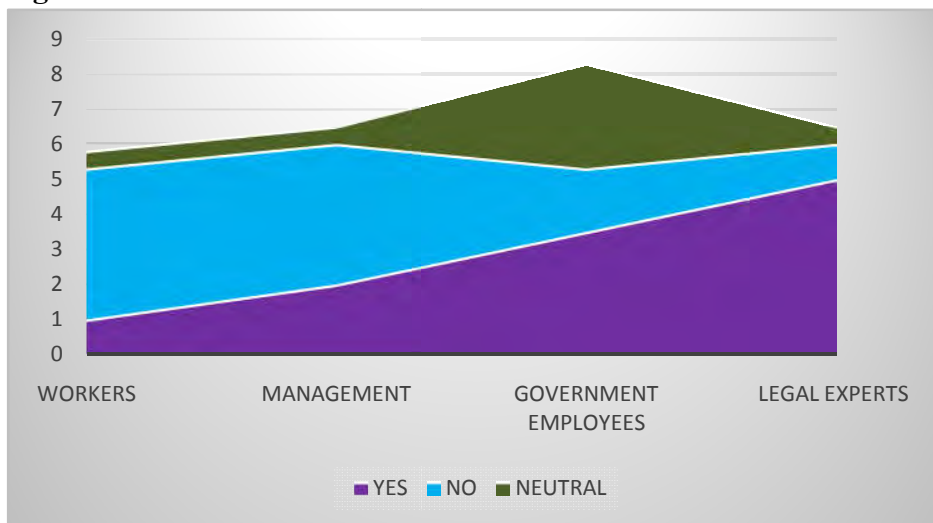
In this connection, the views expressed by **Sri K. Biju, IAS**, Labour Commissioner is, perhaps, worth mentioning. According to him, “**There should be a separate law for the SEZ/CESS areas**”. Further, he said “**the entire regulatory framework of labour laws need to**

be revolved in tune with the changing times keeping the interest of the workers and the ease in doing business”.

In the words of **Sri K. Mohandas**, Former Additional Labour Commissioner in-charge of Industrial Relations and former Executive Director, KILE “**complete avoidance of labour laws are not envisaged in SEZ/CESS areas. There is no reason for complete moratorium for labour laws in such areas**”. The Government of Kerala has notified the IT/IT Enabled Services to be commercial establishments. The lack of interest of employees in joining trade unionism is the main reason for non-institution of trade unions among them. On class cooperation, he further adds that “when the country is seeking the other countries to “make in India”, there will be demands from those industries about the industrial relations climate available in India. Without co-existence of the workers and employers and cohesion between the entire workforces, no industry is going to prosper in the present day circumstances. Any imbalance in this can jeopardize the existence of the industry itself.”

The response to the query whether an enactment like GCTOC Bill is required in Kerala is given below.

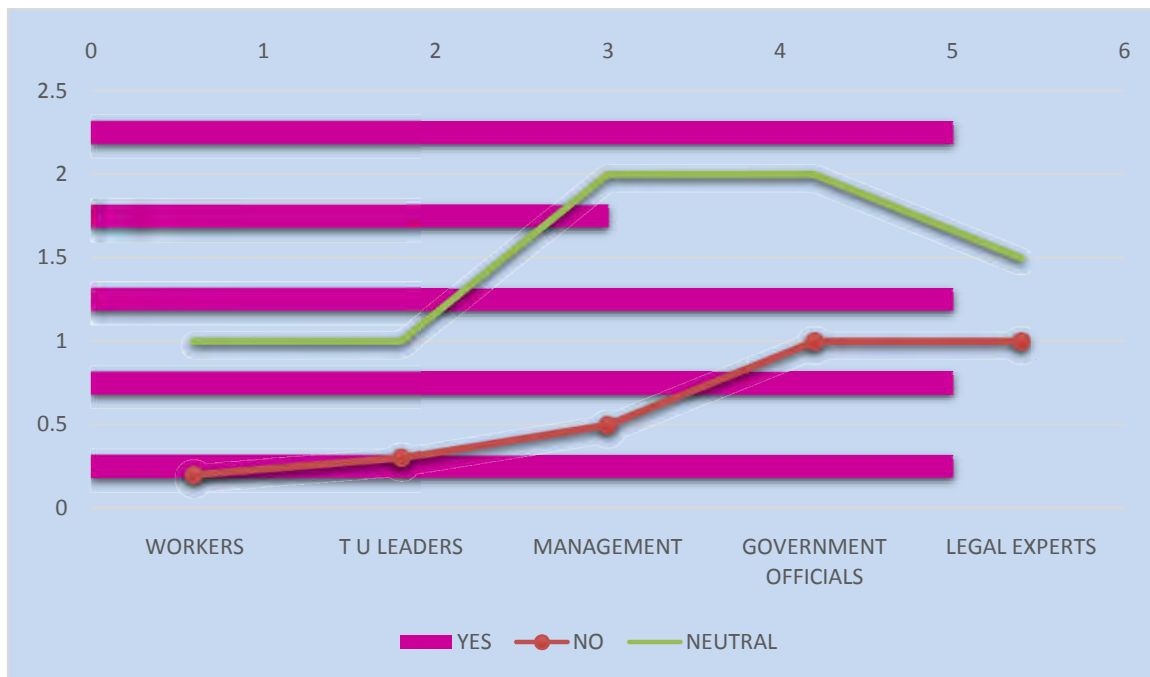
Fig 6.7 GCTOC Bill in Kerala



Workers **strongly oppose** such an enactment in Kerala. Most of the management officials join the same. But some of the government officials as well as legal experts are of the view that such an enactment can reduce industrial unrest and thereby ensure industrial peace.

On the question whether collective bargaining emphatically revitalize the labour sector, the response was as follows;

Fig 6.8 Collective bargaining in industry



The majority in all the five categories of respondents agreed that **collective bargaining plays a very vital role in bringing industrial harmony**. But some of the government officials and legal experts had reservations as they had witnessed aggressive behavior of trade unions during the collective bargaining process.

On another question whether the grass root level participants (Workers) of the labour sector are aware of their rights and obligation enshrined in the form of labour jurisprudence the response is given below.

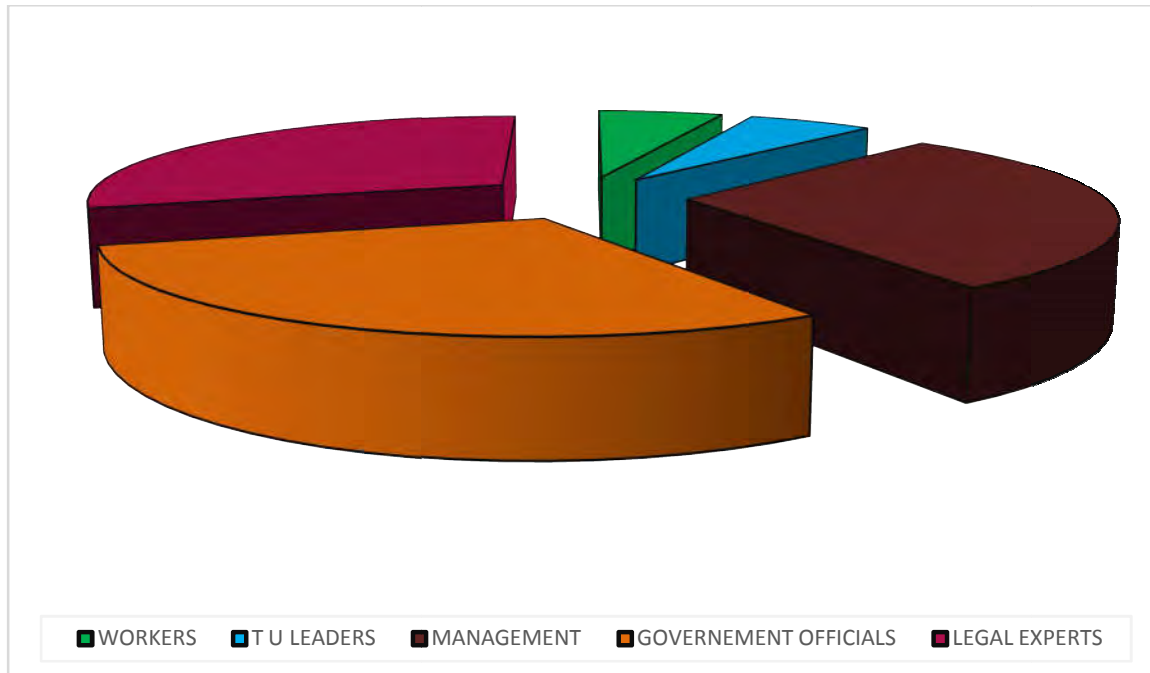
Fig 6.9 Awareness of workers on industrial jurisprudence



The grass root level workers and the trade union leaders agree that they are **aware of their rights**, and duties provided under different legislations. But the management officials do not agree to this. Most of the government officials and the legal experts also join the view of the management officials.

The answer to the query whether the proposed Amendments of 2015 is conclusive in handling the issues of workers and other labour related complications is represented below.

Fig 6.10 Proposed amendment 2015 and labour complications



Most of the workers as well as the trade union leaders do **not believe that the proposed amendments are sufficient to solve labour complications**. But the government officials have a positive approach towards the same. Majority of the legal experts and management officials also believe the same.

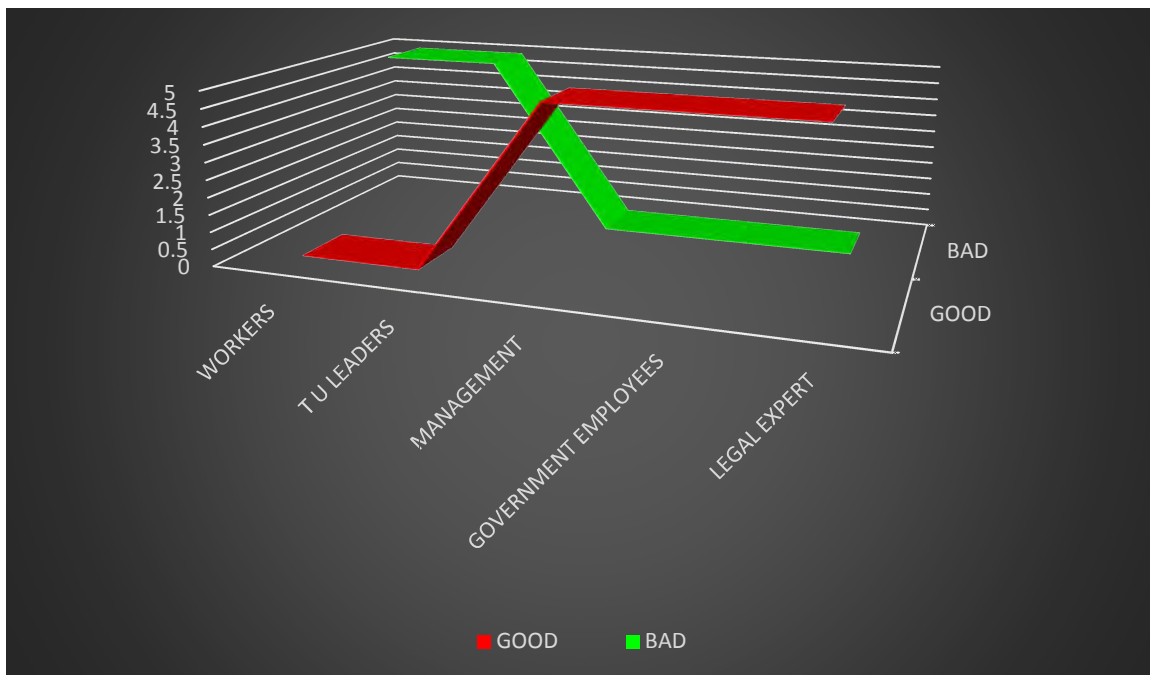
When the question regarding the very recent (December 2015) amendment made to Payment of Bonus Act, most of the respondents had a **positive reply**. Very few of the management representatives had a different view which is depicted in the figure below.

Fig 6.11 Payment of Bonus Act amendment 2015



On the question whether FDI/PPP are GOOD OR BAD they responded like this.

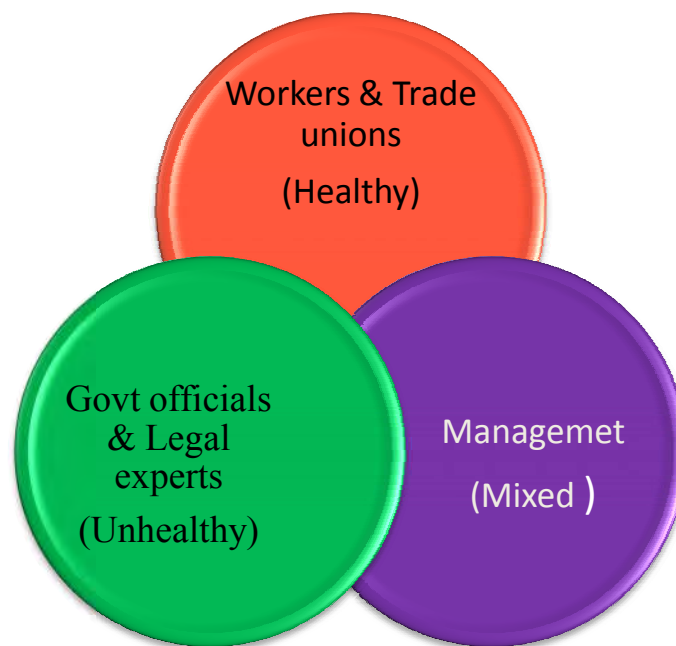
Fig 6.12 Opinion on FDI/PPP



As far as the workers and trade union leaders are concerned, they vehemently **criticize these policies as anti-labour**. At the same time the management representatives wholeheartedly welcome these for the development of the industry and for economic growth. The government officials and the legal experts also join them.

Regarding the relationship between the trade union and the management, the opinion of the respondents is given below.

Fig 6.13 Opinion on relationship of trade union and the management



The workers and the trade union leaders affirm that **they do have a smooth relation** with the management. The management gives a mixed opinion and the government officials and the legal experts do not agree with them.

When the question whether workers had lost faith in trade unions, the opinions were given as follows;

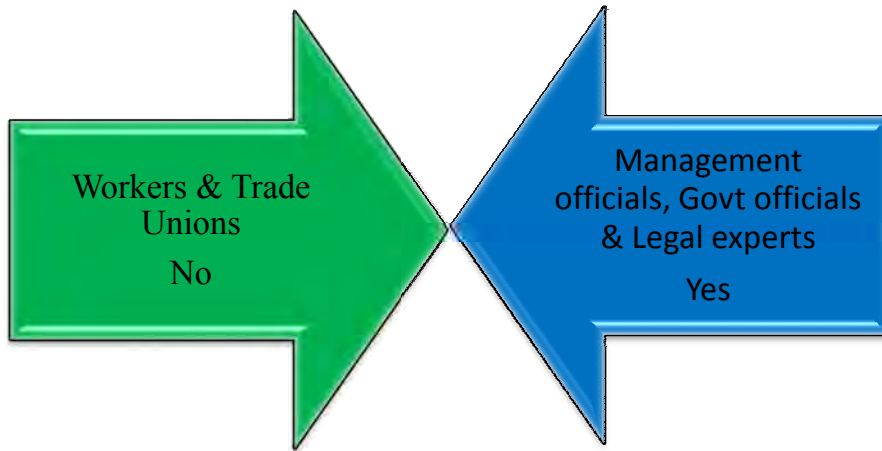
Fig 6.14 whether trade union deviate from the objectives and workers lost faith in trade unions



The **workers and trade unions still have faith in the unions**, but the management doubts the same. The government officials and the legal experts strongly reject this view. Regarding the **union's deviation from the objectives** for which it was formed, a similar view as given above was taken by the respondents.

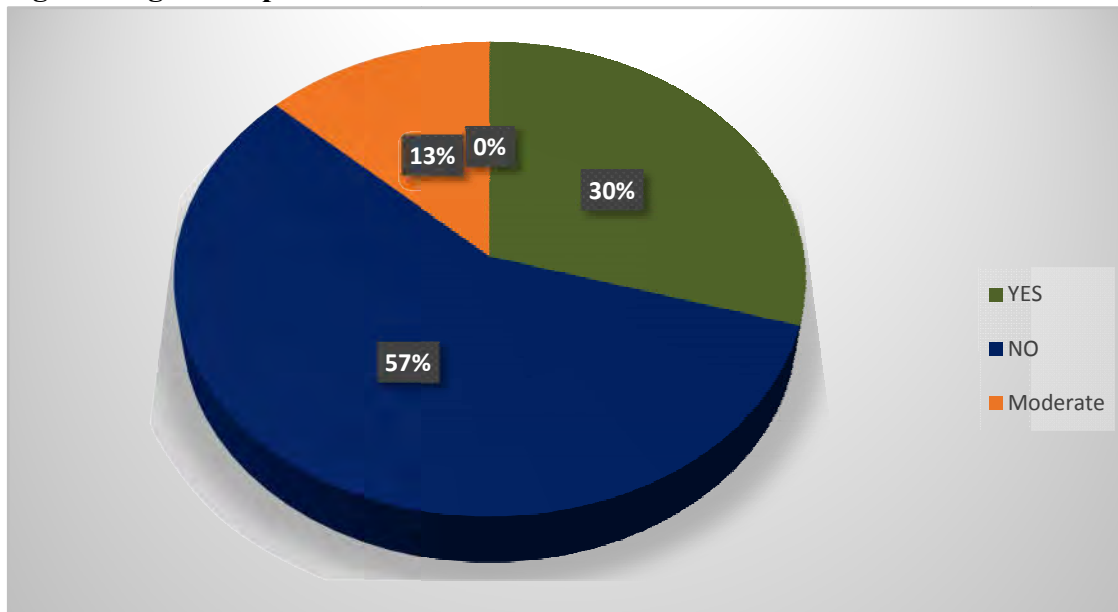
Regarding the question of **rivalry among different unions** in the same industry, the opinion is given below. The workers and the unions never agreed to this, but all the other three respondents strongly support that there are rifts among different trade unions in the same industry. They further observe that this leads to industrial unrest and disharmony.

Fig 6.15 Rivalry among different unions in the same industry.



When the government officials were asked **whether unions act according to laws**, the response was like the following.

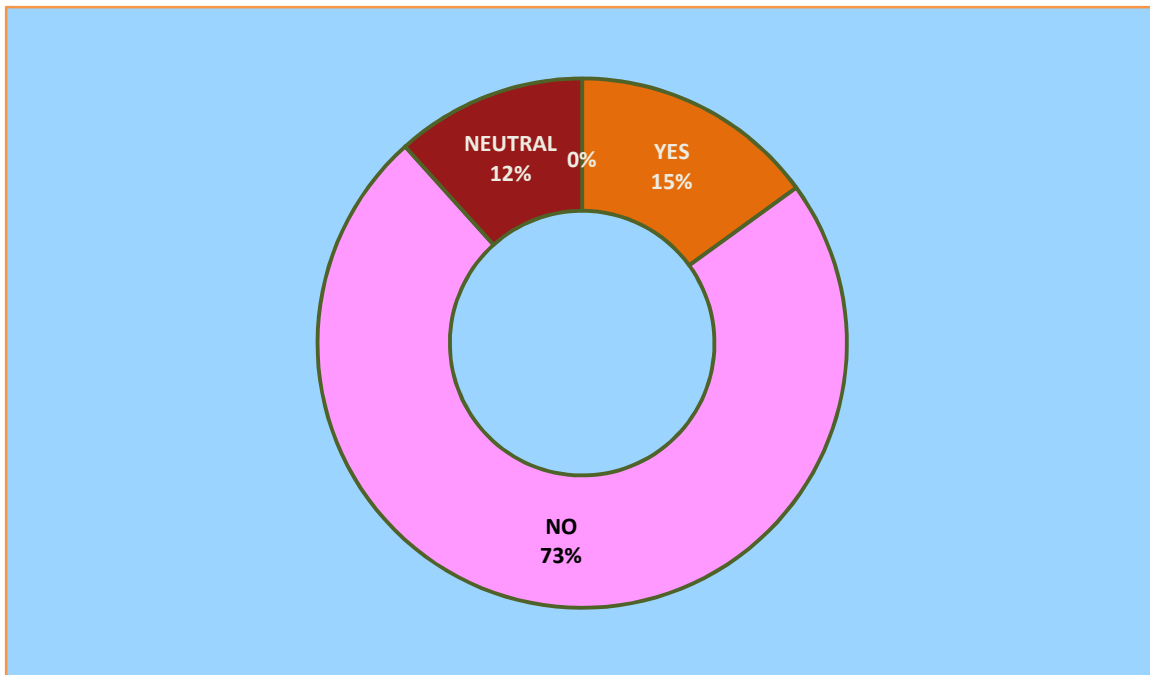
Fig 6.16 Legal Compliance of Trade Unions



Most of the government officials opined that unions are going away from legal provisions and that is also a reason for the disharmony between the management and the unions.

When the government officials were asked about the **political affinity of unions** and its utility the response was like the following;

Fig 6.17 Political affinity whether beneficial to unions.



Most of the government officials believe that political concerns are not at all beneficial to the growth of unions.

6.3 Analysis of the views of respondents.

The above data, tables and figures represents the opinion of the five categories of the respondents on various issues discussed above.

6.3.1. Opinion of Trade union leaders.

As depicted above, leaders of Five Trade Union were interviewed. The unions are HMS, UTUC, CITU, NTUI, AITUC and BMS. The questions asked, answers collected and the suggestions identified are summarized below. All of them agreed on almost all the questions and the answers are almost similar.

6.3.1.1 According to all the unions, Objectives of trade unions are the following.

Table 6.4 Objectives of trade unions

| |
|---------------------------------------|
| Creating job opportunity |
| Maintaining industrial peace |
| Ensuring job security |
| Improving service conditions |
| Enhancing production and productivity |

6.3.1.2.Views on contractualization

All the unions are against contractualization and their view points include the following.

Table 6.5 Contractualization and unions

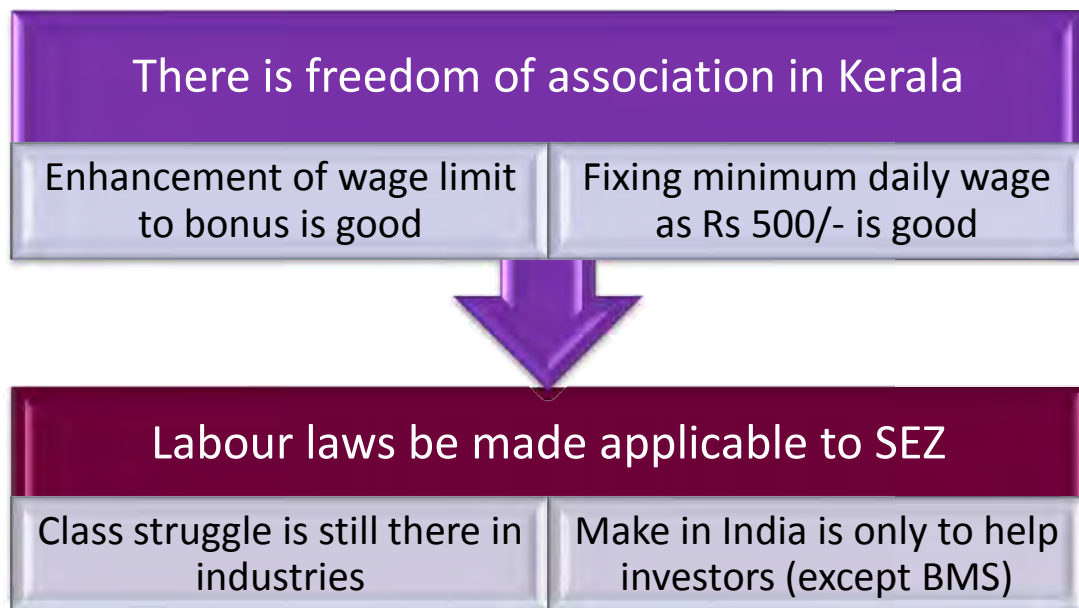
| |
|--|
| Organized labour is pulled out |
| Contract labour is appointed without guaranteeing any of the rights under laws |
| Even permanent jobs are outsourced to contractors |

| |
|---|
| Disparity in wages and service conditions |
| Engaged for indefinite period |
| Enforcement authority keeps their eyes closed |

6.3.1.3. All the unions agree on the following matters.

All the trade unions agree that there is right to form trade unions in Kerala and there is no hindrance to this right. All of them agree to enhancing the wage limit for bonus as Rupees 21,000/- by the amendment of December 2015 although some of them are for complete removal of ceiling for bonus eligibility. Regarding the fixing of minimum wage as 500/- per day, unions opined that it is a social necessity. All are of the view that labour laws be made applicable to SEZ. Regarding “make in India”, all the unions except BMS believe that it is only to help the investors. But BMS believes that there will be more job opportunities through these policies.

Fig 6.18 Common opinion of trade unions



6.3.1.4.Munnar issue and FDI, PPP and GCTOC Bill

When they were asked about the role and relevance of trade unions since the Munnar strike, they were of the view that it is the time for unions to change their strategy and to regain the trust of workers. But none of the unions believe that unions are going away from workers. At the same time all the unions are strictly against the policies like PPP, FDI and GCTOC Bill.

Fig 6.19 Munnar issues and opinion on FDI, PPP & GCTOC Bill



6.3.1.5.Other view points of the unions.

Table6.6 View points of unions

| Name of Trade Union | Perspectives of unions | | |
|---------------------|-------------------------------------|---|--|
| | Attitude of the BJP govt to workers | Opinion on Proposed Labour law amendment 2015 | Whether Unions were effectively consulted? |
| CITU | Stands for the employer | Not favouring the amendments | The amendments were not discussed with anyone. |
| INTUC | Working at the | Anti labour | Yes, but not effective |

| | | | |
|--------------|--------------------------------------|--|--|
| | dictates of corporates | | |
| AITUC | Not against workers | Not supporting | Yes, but labour issues were not addressed. |
| HMS | Not satisfactory | Supporting, it should be for the workers | Yes, but not effective |
| UTUC | Trade unions are not totally ignored | Support if amendment is necessary for industrial growth | Yes, but one sided |
| BMS | Satisfactory | Flexible laws are essential, but should not be against workers | Yes, but not enough |
| NTUI | Not anti labour | Support if for the benefit of workers. | Not heard the workers |

These views were expressed by the trade union leaders regarding the policy of the present BJP government and amendments to labour legislations.

6.3.2 Opinion of grass root level workers

16 workers from different trade unions viz., CITU, INTUC, AITUC and BMS were interviewed and their views were collected on the following questions. The answers were more or less similar.

6.3.2.1. Reasons for joining trade unions.

When the workers were asked about the reasons for joining trade union, they all agreed to the following aspects.

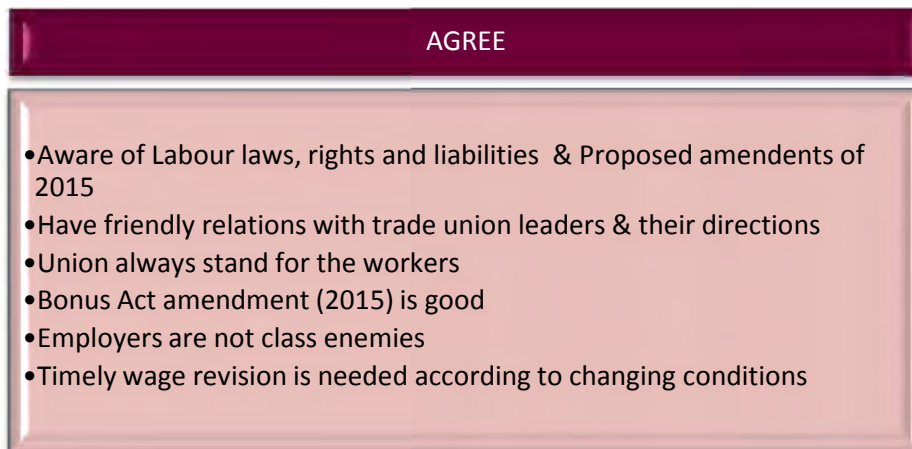
Table 6.7 Reasons for joining trade unions

| | |
|----------------|---|
| Trust | Political affiliation |
| Own conviction | Belief that the union will protect them |

Majority of the workers were on a **consensus** regarding the below mentioned aspects.

They all agree that they are aware of labour laws, the amendments proposed in 2015, their rights and liabilities etc. They do agree that they are in good terms with the trade union leaders and they usually obey their directions. As far as the workers are concerned, the unions always stood for them and they believe in unionism. They all welcomed the amendment made to Bonus Act in December 2015 enhancing the wage limit to Rs 21,000/- for claiming bonus. Further they do not treat employers as class enemies. Regarding wage, their suggestions is that it should be timely revised on need basis.

Fig 6.20 Consensus among unions



6.3.2.2. Change in agitation methods

Table 6.8: Change in agitation methods

| | |
|--------------|--|
| CITU | Before 1991, struggle through violence, but after 1991 people realized the need for resolving issues through negotiation |
| INTUC | Before 1991, trade unions stood for rights of workers only, but now unions are concerned about organization's standing also. |
| AITUC | Before 1991, explosive attitude by trade unions, but now based on changing needs of time. |
| BMS | Before 1991, violent struggles, but now peaceful as workers realized that they do not have existence without employer |

During the initial stages of trade union movement, the workers had resorted to violent agitations, but after the new economic reforms and changing policies of the government, the attitude and approach of the workers also underwent considerable change, that is represented in the above table.

They had different views on the following aspects.

6.3.2.3. Difference of opinion

Table 6.9 Difference of opinion

| Belongs to the trade union | Opinion of workers | | | |
|----------------------------|--|--|---|--|
| | Support make in India | Present BJP government is anti- labour | Unions resort to strike for political reasons | Faced any problem being a trade union member |
| CITU | Conditional Support only if investors come & without affecting the | Yes | Not | Not |

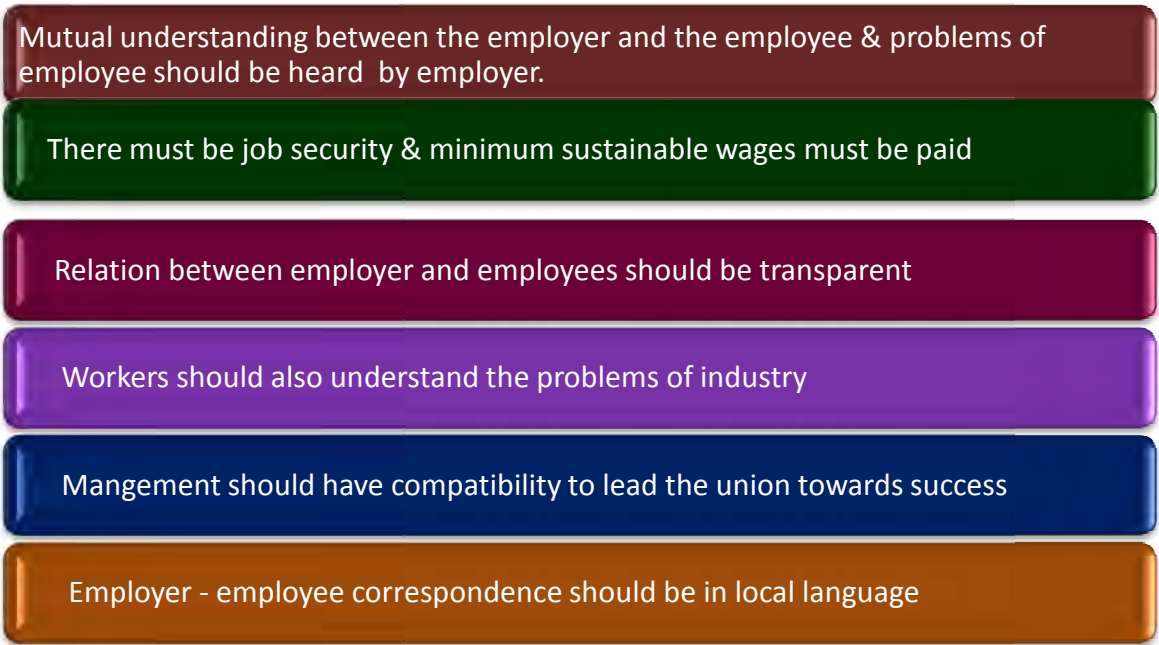
| | | | | |
|--------------|------------------------------|-----------------|-----|-----------------------------------|
| | workers | | | |
| AITUC | Conditional Support as above | Do not think so | Not | Not |
| INTUC | Conditional Support as above | Yes | Yes | Yes, like suspension, enquiry etc |
| BMS | Support | Not | Not | Not |

Even though they had almost similar views on several aspects, they differed in their opinion on the above mentioned areas.

6.3.2.4. Suggestions for maintaining peace industry

The workers unanimously provided the following suggestions for improving the relations between the employer and the employees.

Fig 6.21 Suggestions by workers



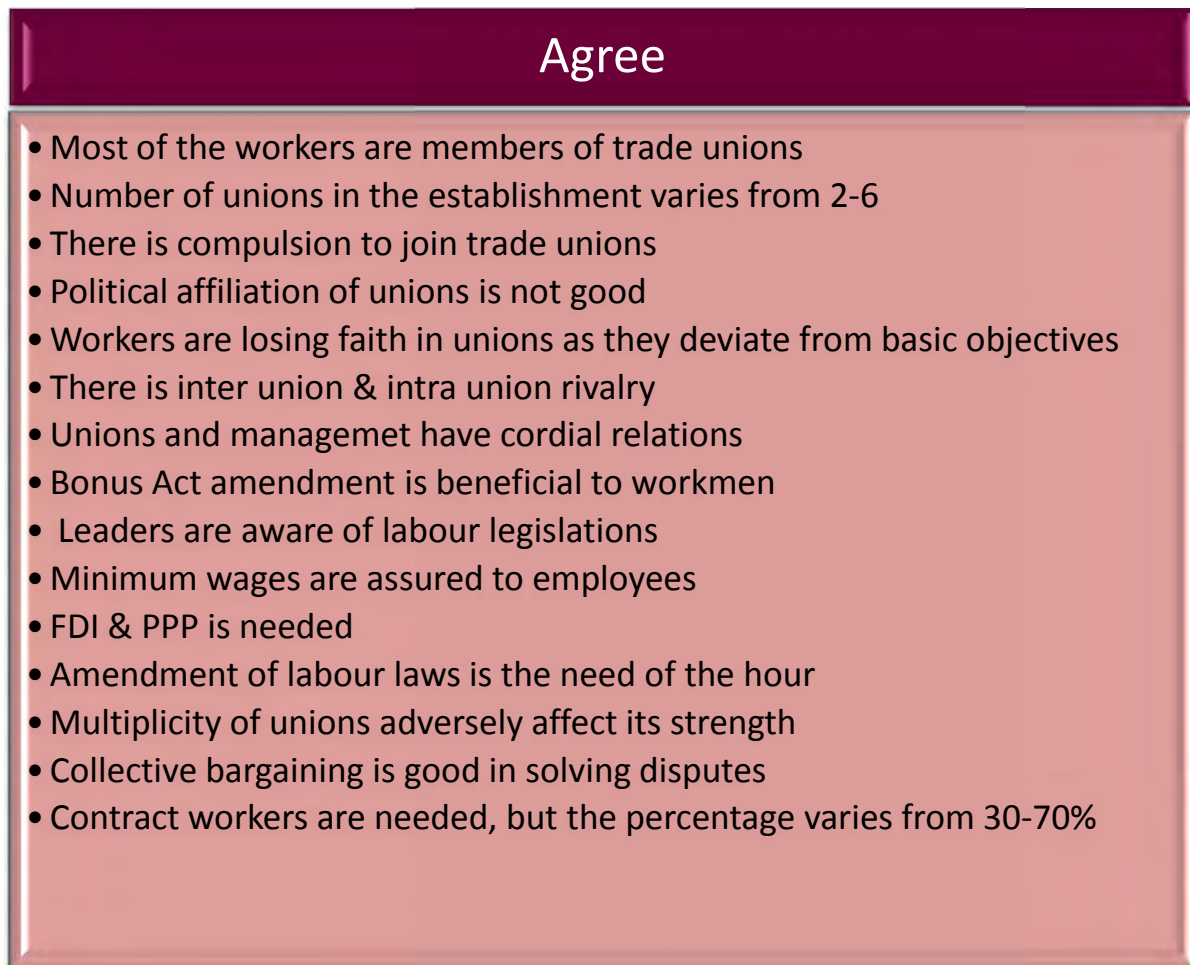
6.3.3. Opinion of Management Representatives

14 respondents in this category are interviewed for collecting their opinion. Most of them had almost similar views on many aspects.

6.3.3.1 Consensus among Management Representatives

The majority of the Management Representatives agreed on the following particulars.

Fig 6.22 Consensus among Management Representatives



6.3.3.2 Negative comments

Most of the management officials expressed negative views on the following statements.

Table 6.10 Negative views

| |
|---|
| There is class struggle among the employers and the employees |
| Right to association is denied |
| BJP government is anti- labour |
| Labour legislations are needed in SEZ |
| An Act similar to GCTOC bill is needed. |

6.3.3.3. Suggestions of management officials

The management officials made some suggestions for the smooth functioning of the industries and for the betterment of the relationship between the employers and the employees. The suggestions they proposed are shown below.

Fig 6.23 Suggestions of Management officials

Suggestions of Management Officials

- Workers should get more involvement in business activities
- A culture of partnership between labour and management should be developed.
- Role of trade unions should be redefined
- External influence on trade unions be minimized
- Management should have freedom to reward innovation and creativity
- Management should have the freedom for creating new business environment
- There must be communication models between the labour and the management
- Trade unions interference on day to day activities of the establishment be curtailed
- Affixing notices, flex boards with photos to be banned
- Winning the heart of the people should be told to trade unions and political parties
- Joint committees at unit level and corporate level to coordinate matters
- Unions should honestly fight for justice
- Employees should be provided due share
- There was a time when manpower was considered as a commodity but as time passed, they need to be considered as an asset.

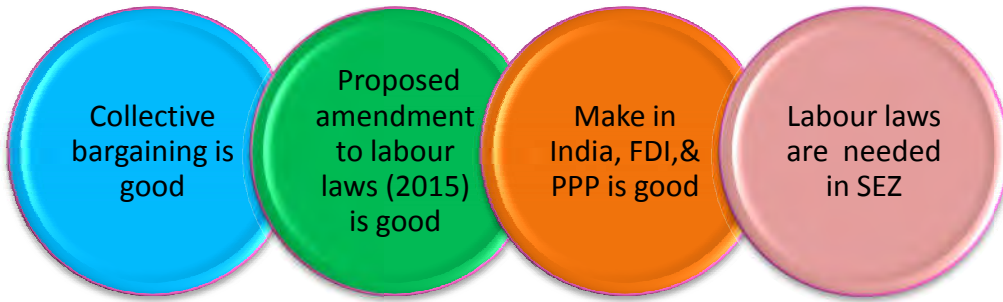
6.3.4 Perspective of Government officials

Government officials from labour department was also consulted for eliciting their views on the above mentioned particulars. Most of them gave a concurring view on some of the aspects given below.

6.3.4.1 Concurring views of government officials

Most of the government officials agreed to the following aspects. According to them, all the below mentioned features are needed for the betterment of the employer - employee relations.

Fig 6.24 Concurring views of government officials



6.3.4.2 Partial agreement of government officials

On some of the below mentioned aspects, most of the government officials submitted a partial compliance.

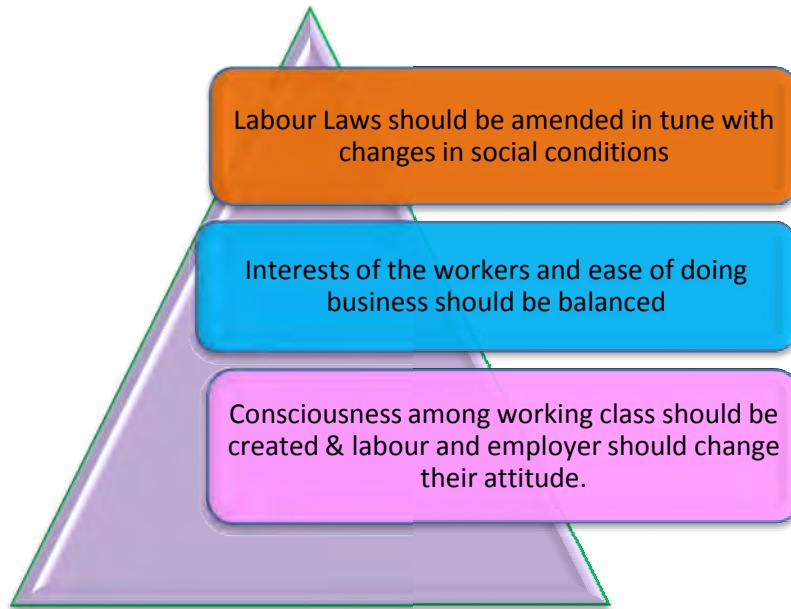
Fig 6.25 Partial agreement of government officials



6.3.4.3. Suggestions of Government officials

The government officials provided some common suggestions for improving the employer- employee relations and for the smooth running of factories and other establishments.

Fig 6.26 Suggestions of Government officials



6.3.5. Opinion of legal experts

Legal experts and retired judicial officers were also consulted for collecting their view points on the reasons for the labour unrest and finding out their suggestions in this regard.

6.3.5.1 Positive comment of legal experts

The legal experts consulted provided a positive reply or they were in agreement with the following observations.

Fig 6.27 Concurrence of legal experts



At the end of the process of interviewing all the respondents and compiling all the data, the panel of experts were requested to meet on 21st March, 2016 and give their specific opinion on the central government's initiatives on the labour law reforms. Their individual views are summed up as follows.

6.3.6. Views of panel of experts on the government initiatives /the reforms to labour laws.

The experts in the panel have **in general welcomed** the labour law reforms aimed at “ease in doing business” and for that purpose a flexi-labour law provisions without adversely affecting the working class. The individual views are given in brief below.

AdvAnil Narayan, among others, has pointed out that the labour laws in India is in a mess with 44 Central Laws and many more legislations brought out by the state governments

and the compliance to all of them by the employers would be cumbersome. He advocated for a trust oriented compliance system with self-certification 'on line' and avoiding paper work. He further stated that there are laws which are not implemented by the government giving a hint that dearth of laws is not the problem but the implementation part of it makes things difficult. He has welcomed the government initiative like; revision of pension scheme, raising wage ceiling of EPF benefits and the Bonus eligibility which are pro-labour schemes, the SramSuvidha portal creation in respect of certain laws, allotment of UIN Number etc. which are beneficial to the employees. He too welcomed the codification of the 44 labour laws in to 4 codes relating to Industrial Relations, Wages, and Safety & Security & Welfare. He favoured a new culture with the 3 parties together for the development without which the situation will not improve excepting making a few labour law reforms.

Sri Prakash Oliver has stated that the country needs to grow at a pace of 9 – 10% and this will happen only if we scale up the manufacturing sector as envisaged by the PM through the “make in India” campaign. He advocates for doing away with the old system of compliance like wage slips and maintenance of registers without antagonising the labour force. According to him the labour laws in India itself demands reforms to unify various provisions in laws, avoiding multiplicity and inconsistency. He, however, is of the opinion that the words of labour unions are completely ignored and the reforms are targeted to benefit only the employers having very little concern for the workers. It is evident that the neo-liberal policies of the government is aimed at profit making by the employers; a pro-industrial policy for boosting investment in the country. For him, ours is a civilized society where it is essential that means of survival is ensured for all and if this is not done, the workers are virtually thrown open to a condition of slavery and it drastically reduces their collective bargaining power.

To Sri VarkiachanPettah, the labour law reforms undertaken by the Central Government is a welcome step in so far as the employers are concerned. There is an apprehension of ‘capacity to pay’ factor coming to play when the employers are not in a position to meet the increasing burden on them in certain amendments. Trade Unions may oppose the move. But if the reforms are delayed, there is likely-hood of India missing the bus and only globally competitive will survive at the end. According to him, employers should have the authority to hire and fire of employees within the stipulated law, the compensation factor to be specified.

6.3.7 Analysis of data

From the data collected, opinions gathered from different sources, the interviews and questionnaires of respondents and the views expressed by them and those of the panel of experts are summarized as follows:

The relationship between the management and the labour on the one hand and the labour and the government on the other are **not cordial**. This has not been agreed by the workers and the trade union leaders, but the government officials and the management representatives assertthe same. As far as the labour is concerned, they always view with suspicion the movements of the government whether it is a new legislation or amendment to an existing provision or a new policy concerning industrial units.

The present labour law reforms proposed in the year 2015 is also being viewed by the workers and unions as anti-labour. Though some provisions create such apprehensions in their mind, the government’s view is that the proposals are for more **foreign investments** and for ensuring **industrial growth** and securing **more employment opportunities**. Hence, the

management representatives and the government representatives are not against such changes totally.

Some of the problems as analyzed from the data include **politicization of unions, lack of awareness of industrial jurisprudence by grass root level workers, multiplicity of trade unions** etc. But still trade **unions are having a vital role** in securing industrial harmony, which is agreed to by all the respondents.

Even though they had deviated from the basic objectives for which they had been formed, the unions **must realize their drawbacks** and try to rectify the same and should function as a catalyst between the management and the labour and the government and the labour. They should regain its power which is necessary in the present context particularly in view of the fact that **Collective bargaining** is welcomed as a step for the smooth settlement of industrial disputes. This is supported by all the respondents also.

The need is for a dialogue in order to remove the suspicion among the working class for bringing a 'made for each other relationship' between the management and labour. The trade unions are not against the development of industries and for the slight modification in labour laws without adversely affecting the working class but consensus must be developed with them before such amendments. The initiative should be from the government and unions should adopt a positive **change in their attitude** in tune with the changes in the society and make the **workers realize** the same.

The very recent amendment of Payment of Bonus Act (December 2015) is a **welcome step** as it could cover more employees.

There is lack of awareness among grass root level workers and some of the union leaders about their rights and duties and **labour jurisprudence**.

Contractualization is prevalent in all sectors as a necessary evil. This results in violation of the rights and opportunities for permanent employment and better working conditions to the workers. This phenomenon is in government undertakings & private institutions and the enforcement authority is seldom found to be effective in dealing with the issue for obvious reasons.

Compliance to the vast number of labour laws is difficult and it affects 'ease in doing business' as the valuable time of the investors is lost in unproductive work. **Codification** of such laws into 4 codes and a flawless 'on line' self-certification system which is easier to comply would be welcome.

The labour laws made in the pre-independence or post-independence period have become **obsolete** and calls for change/modifications to suit to the changing needs of the society.

CHAPTER VII

SUMMARY, FINDINGS AND CONCLUSION

7.0 Introduction

The right to form trade unions has a very wide and varied scope including all sorts of association's viz., political parties, clubs, societies, companies, organizations, entrepreneurships, trade unions etc. Trade unions in India have come a long way since the first organized trade union - the Madras Labour Union, one of the earliest unions, was formed in 1918. The workers come together to maintain and improve their bargaining power on wages and working conditions. It is a fact that many Indian trade unions have an affiliation with a political party. India has more than 18602 registered trade unions in the year 2010 and Kerala has 12030 registered trade unions as per the official records of the Ministry of Labour and Employment, Govt of India along with an unaccounted number of unregistered trade unions scattered across a large spectrum of industries in India.

Even though the trade unions are being organized for the protection of workers, gradually there was a shift in attitude on the part of the trade union leaders having political backgrounds for their own selfish motives. Even trade unions started organized movements of militant nature against the governments thereby causing friction in industrial relations. This is clear from the primary and secondary data collected. Along with this, the present central government's policies like **make in India, ease to do business, FDI, PPP etc** are also being

viewed by the unions as anti labour. The proposed **reforms in the age old labour legislations** are also viewed as anti labour by the employees. In fact, various trade unions have already engaged in opposition and nationwide protests against these reforms.

7.1. Analysis of specific objectives

The study is designed in the present format, taking into consideration the following objectives.

1. To examine why the trade unions – both the left and the right ones consider the State and the Central Governments as anti-labour and frequently exhort for agitations;
2. To understand whether the leadership of the trade unions is still guided by the class struggle doctrine in handling employee-employer relations and consider employers as class enemies;
3. To study the major changes/amendments made in the existing labour laws and assess whether they deny or deprive any of the major rights/benefits enjoyed by labour until 1991;
4. To make a comparative analysis of the objectives, perspectives, strategies and activities of the trade unions especially in Kerala, prior to Liberalization, Privatization and Globalization (1991) and afterwards.

(1) In so far as the first objective is concerned, it is a fact that the trade unions and the grass-root level workers whether belonging to the left and right wings including

the trade union wing of the ruling combination view the government's present initiatives as anti-labour and resort to agitations. This is evident from the 2nd September, 2015 strike and the resolution of 28th January, 2016 resolving to fight against anti-labour policies should continue and had planned agitation of 10th March, 2016 where BMS, INTUC, AITUC, HMS, CITU, AITUC, TUCC, SEWA, AICCTU, UTUC and LTF are parties and signatories to it.

In the words of Sri CP John of HMS, “**the attitude of central government towards labour after it has come to power till date is not satisfactory**”. Sri Thomas Joseph of UTUC states that they have “participated in the strike on 2nd September, 2015 for **the anti-labour policies** of the Central/State governments”. He narrates further that since the beginning of liberalization in the year 1991, cost cutting at the cost of labour in some form or the other is being followed and the labour amendments is a continuation of the same policy. In practice, he says, both are one and the same. In the words of CITU President, the government at the centre has been following the anti-labour policies and this government is for the employers and are acting at their dictates.

Com.Thankappan is of the view that “**what the government does is not to hear the workers and to hear the employers and enact laws as per their dictates**”. According to Sri Saji Narayanan, “the multi-national companies need union free workplace and hence, there had been hectic move by both central as well as state governments to suspend labour laws and social security laws in SEZ/EPZ. This is being resisted by the unions and there is denial of trade union registration as happened in Maruti'sManeswar Plant”. As may be seen from the

discussions above, there is discord between the labour unions and the government over issues concerning labour and they apprehend that they are being side lined or their power of supremacy in dealing with labour issues is being taken away. They treat the government anti-labour and resort to agitations.

- (2) In regard to the second objective, as to whether or not the trade unions are still guided by the class struggle doctrine, the words of Sri Anathalavattom Anandan of CITU would be appropriate when he says **“the divide between the haves and have not’s are on the increase and the majority of the population are lead to starvation and this results in dissatisfaction and will lead to wrong thinking and deeds”**.

He suggests that the disparity with regard to wealth being concentrated on the one side and on the other where the people are starving, should end. His idea is to teach this class politics to the working class. He does not favour class cooperation in the given circumstances. However, he was right in telling that “violent politics is not there in the dictionary of trade unions”. According to Sri D. Thankappan, “class struggle strategy depends upon the changing objective conditions. When the democratic struggle strategy fails to bring results, a more serious united struggle strategy becomes the need. This class struggle or the enhanced strategy will not be decided by the leaders but the objective conditions of the working class”. Coming to the words of Sri J. Udayabhanu of AITUC “class struggle is a struggle against capitalism by the working class and it has to continue. For him, class cooperation is against the interest of the workers”.

According to Sri CP John of HMS, so long as classes exist, there is bound to be class struggle. There is only class struggle and not class cooperation. If that should happen, there should be classlessness in the society. In the opinion of Sri Thomas Joseph of UTUC, “it is not yet time to leave class struggle doctrine style of demonstrations, but in consideration of the changed circumstances, the traditional style of struggle needs to change”. However, **the INTUC does not favour the class struggle doctrine and they are for class cooperation in resolving issues.**

From what is transpired from the discussions above, it is clear that the trade unions still embrace the class struggle doctrine. According to them if there is a real partnership between the labour and the employer, there should be proportionate division of gains of prosperity to the working class.

(3) The core issue which created discord between the labour unions and the government is the government initiative in bringing about reforms in labour laws which, according to the unions, is anti-labour and has been created at the dictates of the capitalists. Amendments to various labour laws and how it affects the labour class, positively or negatively, have been discussed in Chapter-V in detail. A comparative analysis of labour jurisprudence in a few countries with that of India has also been provided in Chapter-IV. In order to prove the objective-3, the researchers do not like to bring in all such reforms here thinking this to be a repetition but would like to cite certain examples and the reactions of the trade union leaders on the subject to bring to the fore what affects the labour class.

The newly introduced Labour Code bills; Labour Codes of Industrial Relations Bill, Labour Code Wage Bill envisage certain changes in the structural fabric of industrial Dispute, Trade Unions, Standing Orders, Wage Payment & Bonus. The Labour Code of Industrial Relations Bill seeks to unify the four different Acts into one. The change in VA and VB of the Industrial Disputes Act, making the limits to above 50 and above 300 for application of the chapters is the major amendment. Further, the requirement of a notice for striking work is applicable to both types of establishments. Under the proposed amendment, in the Industrial Disputes Act, an employer engaging workers up to 300 need not get permission of the government to close down, lay off or retrenchment. However, in order to protect the workmen, the notice period for retrenchment has been enhanced to three months from one month. The penalties for violation are enhanced. With this, the freedom of trade union is not curtailed in the code, but is expected to control a bit while giving the employer a free hand to close down an unviable unit.

It cannot be said to be totally against the working class. The conditions stipulated in the Trade Union Act by the amendment to have 10% or 100 workers can register a trade union and this would mean also that only workers of an organization can register a trade union. This could be continuously ascertained at intervals and steps taken to cancel the registration of such trade unions which do not conform to the above provisions. Hence, the strict implementation of the provisions of the Trade Unions Act and Kerala Recognition of Trade Unions Act is a requirement to curtail name-sake minority unions which can create stumbling

blocks in maintaining industrial harmony which is in the interest of trade unions as well as the management of industrial establishments. The Bonus Act amendment is welcomed by all respondents. Similarly, there are pro-worker provisions in the Wages Bill too. In the words of Sri CP John of HMS, “**flexible laws are a pre-requisite to competitive economy and capital goes into the direction of lower wages.** However, the higher job demands more wages. He adds that in China, there is flexible labour laws, but there are protection to labour in the shape of subsidized food, health, recreation, housing and education to the children and all”. In his view, the amendments to Factories Act, the new Small Factories (Regulation & Services) Bill etc. are no doubt anti-labour. According to the UTUC General Secretary, “the government has not kept up its promise that the amendments to labour laws will be implemented only after tripartite discussions. It was not after discussion with the unions that the amendments were introduced and though there has been some discussions, those were one sided”. Here, the complaint is not for the amendment, but for not reaching a consensus with the workers’ representatives before its introduction. But he adds that amendments to the labour laws brought out by the central government is based on the foot-print of globalization to help the corporate. This being anti-labour, their demand is to withdraw the same.

On GCTOC Bill 2015 almost all the unions have said this to be anti-labour while the Management representatives have a different opinion. In the words of State President of CITU, “**the amendments to various provisions of the labour laws is to help the national and international corporate**”. In specific, he states

that the Factories Act, the provisions with regard to number of employees i.e., 20 has been replaced by 40 means that where less than 40 persons are employed they are taken out of the purview of labour laws. In the words of Com. D. Thankappan, **“in Factories Act registration when the number of employees has been raised from 20 -40, at least 80% of the factories come out of the registration thereby the workers employed therein will have no protection from the labour laws”**. According to Sri Saji Narayanan of BMS, **“there should be ease in doing business for implementation of schemes like “make in India” and labour laws is not a hindrance to such schemes but is instrumental in maintaining industrial peace**. Labour law is an integral part of the scheme and it should have a pride of place in it”. He states that “there are pro-labour amendments and there are also anti-labour provisions in the amendment. The BMS is for strengthening the tripartism and any change should be brought out only by consensus among the three partners”. For Sri R. Chandrasekharan of INTUC, **“the labour law amendments are for the benefits of the international corporate firms and have been brought out at their dictates”**. However, the management representatives, the government officials, the legal experts and the panel of experts have a different opinion. According to them, the modification to the labour laws is a necessity in accordance with the changes in the society and its requirements. For them, **“ease in doing business”** is a very important aspect in the present business scenario where only globally competitive will survive. For this purpose, it is imperative to have a flexi-labour law with easy compliance provisions to facilitate business environment.

7.2 Testing of Hypotheses

The **first hypothesis i.e.**, the role, attitude and policies of the trade unions have changed since liberalization and new economic reforms is **established**. During the initial stages of trade union movement, the workers had resorted to violent agitations, but after the new economic reforms and changing policies of the government, the attitude and approach of the workers also underwent considerable change. This fact is evident from the viewpoints expressed by different trade unions during interrogations. The leader of CITU opined that before 1991, the labour struggles were less through violence, but after 1991 people realized the need for resolving issues through negotiation. According to INTUC leaders, before 1991, trade unions stood for rights of workers only, but now unions are concerned about organization's standing also. AITUC leaders agreed that before 1991, there was explosive attitude by trade unions, but now based on changing needs of time it has undergone a change. The view of BMS was that before 1991, violent struggles were part of labour movements and that has given way to peaceful negotiations as workers realized that they do not have existence without the employer. As all the trade unions agree to the same view, this hypothesis is undoubtedly established.

The **second hypothesis** was that factors like non adherence to democratic values, inter union and intra union rivalry, multiplicity of trade unions, politicisation, unhealthy relationship between the management and the trade union leaders are the reasons for the mismatch between the agenda of unions and expectations of new workers. This is **also proved** beyond any doubt as all the

respondents agreed this fact. In Kerala even small establishments have multiple trade unions with diverse interests and this affects badly the industrial relations and the growth of that industry. Therefore, along with the increase in the number of political parties, the number of trade unions also increases, all of them with diversified interests as in the case of political parties. All these trade unions have nominated political bosses at the helm of affairs and it is natural that any action outside will have its reaction inside the factory set up too. Any friction between the trade unions will spoil the industrial relations which in consequence affect production and productivity in the industrial establishment.

The **third hypothesis** is that the policies of the government since the new economic reforms have curtailed the rights of the workers to some extent. This is a genuine apprehension of the workers as some of the labour legislations amended since 1991, the new economic reforms have provisions adversely affecting the workers. For example, the provision in the Trade Unions Act introduced in 2001 imposes restriction on union formation even though the justification is for reducing the number of unions. **Contractualization** of workforce in all the sectors is another policy adversely affecting the workers as they will have to do the same type of job like a permanent employee but will not get comparable wages or other benefits available to the permanent employees. At present the central government is proposing **new amendments** to labour laws (2016) which also has provisions detrimental to the rights of the workers in organizing strike, conditions for lay off and retrenchment. Hence the third hypothesis is clearly **established**.

The **fourth hypothesis** is that the amendments made to labour legislations since the new economic reforms and the proposed amendments of 2015 may adversely affect the workers and trade unions. The proposed amendments to labour legislations along with the amendments since 1991 are detailed in Chapter-VI. Most of the amendments made to selected legislations is dealt with in the chapter along with the critical analysis. As stated just above in the third hypothesis, the amendment made to Trade Unions Act in 1998 and 2001 imposed certain restrictions on trade unions regarding the minimum number of workers to form a trade union. The proposed amendment to Industrial Disputes Act in 2015 in fact restricts the right to strike and makes provision for easy layoff, retrenchment etc. Hence there was nationwide strike against these proposal of amendments organized by majority of the central trade unions having affiliations to political parties. No doubt, there are some beneficial provisions too. But taking into consideration the opinions of the respondents, it could well be established that the **fourth hypothesis is also proved.**

It is also established that multiplicity of trade unions and politicizations are some of the reasons for the unhealthy relation between the trade union leaders and the workers. Another inference in the hypothesis which is established is that neo-liberal policies of the government and the subsequent amendments of labour legislations adversely affect the workers to a certain extent.

In India, the trade union movement is generally divided on political lines. However, in today's working environment, a trade union aligned with a political party does not best serve the interests of union members and workers, not only in

India but elsewhere in the world. As the popularity of the political party in the Government goes down, the popularity of the trade union also goes down. Furthermore, this linkage with the political party can drive away potential union members who may not share the political agenda of the party.

7.3 Summary

The present study is exploratory in nature based on interview method. Qualitative information from primary and secondary sources was gathered for the study. The methodology of the study is designed in such a manner to arrive at inferences based on collection of qualitative information through interviews and also through responses gathered from knowledgeable persons through interactive sessions.

The report of the study is presented in a well-structured format consisting of seven chapters.

7.4 Findings of the Researcher

The researcher has ascertained the following findings as the outcome of the study. The reasoning for the findings have also been incorporated.

1. **There is an uncomfortable relationship between the government, management and the workers.** This is the view expressed by all the trade union leaders belonging to the CITU, AITUC, INTUC, UTUC, NTUI and BMS and the grass-root level workers. In this connection, the words of **Sri Saji Narayanan of**

BMS, the Trade Union Wing of the ruling BJP is perhaps appropriate when he says that “there is fragile industrial relation situation. There is also denial of trade union registration as happened in Maruti’sManeswar Plant. Hence, the demand for compulsory registration of TU in 45 days”. In the words of **Sri Thomas Joseph, General Secretary, UTUC** “there is a conscious effort to discourage strikes and hence, ILO conventions’ anxiety has some relevance”. **The views of Sri AnathalavattomAnandan, CITU** is that “this government is in fact inserting dagger in to this right of workers in organizing and collective bargaining”. The grass root level workers also mentioned this and they endorsed the views of trade union leaders. It is indicative of the uncomfortable relationship between the government, management and the workers.

2. **There is an apprehension in workers that both the government as well as the management are together curtailing their rights & privileges earned through decades of struggles.** The workers are of the view that registration of trade unions are either delayed or denied at the Government level, although there is no incident of denial of right to association and collective bargaining in Kerala. They also complain that the Managements are avoiding the conciliation meetings and the government authority is keeping silent on the issue. Moreover, the incident at Maruti’sManeswar Plant of July 18, 2012 over the issue of trade union registration has created an impression among them that there may be a repetition of the same in other parts of the country. Although India is a founder member of ILO, India lags behind in ratification of the conventions and it has so far ratified

only 43 out of 189 conventions. The opinion of BMS as mentioned at point-1 above is also indicative of this apprehension of the workers.

3. **The amendments in labour legislations since the LPG and the proposed amendments of 2015 are perceived by workers as pro-management strategy to the disadvantage of workers.** The LPG period adversely affected the labour in Kerala with hire and fire or curtailing their rights and privileges. The influence of trade unions over IT sector in SEZ/CESS areas have diminished their status. Job security has given way to income security. Trade union leaders also admit that workers today are not willing to strike. The present labour laws are drafted in the pre-independent period at the behest of the British Regime. Much water has flown into the river thereafter. There is redundancy and refinement is necessary according to the needs of the time. The rigid provisions and strict enforcement alone will not work. The TU leaders also agree this, but what they need is “effective tripartite” consultation and consensus before the notification of the amendment.
4. **The grass root level workers irrespective of their political affiliation agree that they used to engage in violent agitations in the past.** The present situation has changed their outlook and the violent struggles of the past has given way to sitting across the table, solving problems through bipartite consultations and entering into long term or short term agreements. This is considered to be a welcome development.
5. **The trade unions talk about rights of workers all along without mentioning their duties when rights are the correlative of duties.** An incidence of inter-

union rivalry creating a strike in an industry at Kalamassery was narrated by a former Conciliation Officer. One prominent trade union signed a Long Term Agreement while the other abstained. As the majority union has signed the Memorandum of Settlement, the MOS stood valid and binding all the workers in that establishment. Finally, the matter resulted in prohibition of strikes. The workers should realize that along with right to get protected, they too have a duty towards the organization and protect it from liquidation in their own interest.

6. **Grass root level workers are losing faith, trust and acceptability in union leadership.** Conciliation meeting is nothing but a crowd talking as they feel without hearing or listening to what the leader has to say. This has been confirmed by most of the management representatives. “There was a time when the leader’s words were considered to be the last word. But presently the number of workers participating in the conciliation conference denotes their loss of faith in the leadership. Many a times, the conciliation meeting has become a crowd and it is difficult to handle the situation” said a retired ALC. One of the prominent trade union leaders has rightly said “**a leader has to live in the hearts of workers**”.
7. **There is lack of awareness among workers of their duties, responsibilities, labour jurisprudence and class consciousness.** During interview, the workers were asked about their legal awareness and even though they replied positively, it was proved to be incorrect.
8. **The most important issue confronting the labour at large is engagement of contract labour / casual workers for jobs which are permanent in nature as a**

measure of cost reduction. The Contract Labour (Regulation & Abolition) Act, 1970 prohibits employment of contract labour for core activities in industrial setting. Yet, it is seen from the primary data collected through interview that there is 30 to 70% engagement of contract employment in industries. These are to some extent, against permanent nature of jobs and there is a certain amount of pay parity between the regular employees and those of the contract workers. It occurs in the government establishments, government undertakings and private undertaking as well. The enforcement authority is required to close their eyes on such violations. The responsibility for non-enforcement of the provisions, therefore, rests with the government.

- 9. Management of different establishments have different views on the subject i.e., engagement of contract labour.** According to them, there are jobs which are seasonal or are depending on market conditions and the market conditions keep on changing according to changing needs. In such circumstances, keeping all the people permanent would adversely affect the prospects of the organization. **This argument sounds good.** During the interview with a top executive of a government undertaking, it was gathered that one or two establishments were to be shifted out of the state on account of dispute with trade unions over engagement of contract labour for such seasonal type of jobs. Their plea is for a scheme for taking care of flexi labour requirement. The question here is, **can we treat it legal to keep temporary workers permanently temporary while paying them a mere subsistence wages?**

10. **Tolerance level of internal leadership is low leading to satisfaction of ego rather than solving problems.** There are also internal trade union leaders without proper knowledge of their duties and responsibilities venturing into unlawful activities creating hardships for themselves and the organization.
11. **Multiplicity of trade unions with diverse political interests stands in the way of effective handling of disputes and growth of industries.** In Kerala even small establishments have multiple trade unions with diverse interests and this affects badly the industrial relations and the growth of that industry. One union for one industry is a welcome idea.
12. **Expectation of working class arising out of higher standard of living in Kerala leads to frustration in the workforce.** Majority of workers at grass root level is of the opinion that the rise in prices of essential commodities is making their life difficult to take care of the day to day social needs. Building equilibrium of the interests and minimizing the frustration level is the key in creating harmonious relations.
13. **Unlike other states, there is no visible threat to freedom of association and collective bargaining in Kerala.** With high degree of political consciousness and trade union network, it is impossible to deny freedom of association to form union and collective bargaining. In fact, it is worthy to mention that in most of the organizations where the researcher has visited there is long term agreement entered into between the labour and the management without interference of conciliation machinery.

14. **“Job security” is giving way to “income security”, may be IT sector influence is slowly spreading to other areas.** With the emergence of IT sector, the influence of trade unions in Special Economic Zones and similar sectors diminished. Here the employees do not get what they are entitled to, but earn only what they are able to negotiate with the employer. Extended hours of work have become a part of such establishments. The enforcement machinery has become toothless in those sectors. Neither right to organize is denied nor they want to organize trade unions but employees are not willing to join the trade unions. This is likely to be spread to other areas.

15. **There is no visible sign of exploitation of labour in the industrial sector in Kerala.** We have not studied the traditional sector like Plantations, coir, cashew, tiles etc. where there is a strong view that exploitation of labour is prevalent. Munnar strike by the Female folk is an example where they have not allowed the trade unions to come nearer to them and they have been partially successful in concluding a settlement of their demands partially or fully. There are press reports that these female labour class had returned to their respective trade unions. However, there is no exploitation of labour in Kerala other than in the traditional sector.

16. **Class cooperation is the magna-carta of healthy existence and sustenance of industrial establishments.**

There will not be two opinion that the workers should get fair / decent wages and better working conditions and along with that the industry should

survive the competition in view of the globalized economy. Both these are identical and could be treated as two sides of the same coin. This fact should be understood by both the workers and the management of industrial establishments. Kerala has abundant human resources considered to be the best in the world. But in the state they are seldom seen to be productive as known from the management/government representatives.

17. Inter-union and intra-union frictions stand in the way of resolution of disputes.

In Kerala, the trade unions are associated with political parties. The number of political parties keeps on increasing with every split in the party and all of them have diversified interests. Therefore, along with the increase in the number of political parties, the number of trade unions also increases, all of them with diversified interests as in the case of political parties. All these trade unions have nominated political bosses at the helm of affairs and it is natural that any action outside will have its reaction inside the factory set up too. Any friction between the trade unions will spoil the industrial relations which in consequence affect production and productivity in the industrial establishment.

18. Conflict is inevitable when there is existence of diverse interests between the labour and the management.

Question arises whether there should be trade union in the industry or not. The existence of a live trade union under the Trade Union Act, 1926 is a must. Conflict of the trade union will manifest in the charter of demands given by them

to the management. It is correct to say that “**conflict leads to consensus and consensus is the pre-requisite to industrial peace**”.

19. The Industrial Relations Bill that codifies four different Acts neither curtail the rights of trade unions nor contain drastic steps to curtail the rights of the working class.

Their freedom of association is guaranteed by the constitution. Hence, it cannot be anti-labour.

The views expressed by most of the trade union leaders is that the enforcement machinery is ineffective.

7.03 Conclusion

It is concluded from the secondary data that there are different stages of the trade union movement starting from the historical context in which unions functioned during the first four decades in the post-independence period. During the **freedom movement, trade unions were patronized by political parties** and the freedom movement helped trade unions to be recognized as legal labour organizations to promote the interests of the working class, more especially in the organized sector of the economy. Trade unions during the post-independence period preferred **state-led planned industrialization**. The national government also passed a number of Acts with which they codified the roles of trade unions as instruments of collective bargaining on behalf of the workers. Tripartite structures of consultation were created like the Indian Labour Conference, Wage Boards, Central Industrial Relations Machinery, Joint Management Councils etc.

The entire idea was that these institutions should be used to **reduce the areas of conflict** by dialogue, rather than resort to strikes. In case of failure by dialogue, the government used the instrument of compulsory adjudications, by appointing state as well as national level tribunals. The result was that trade unions felt that the state has given them a respectable place to voice their concerns and thus they were able to extract with the help of the state good amount of power to protect and promote the interests of labour. In other words, this period was marked by **social cohesion between the state and the trade unions** to improve the miserable conditions of the working class. The arm of the state was in favour of the working class.

Another conclusion is that the economic reform process initiated by Rajiv Gandhi, and later strengthened in 1991, adopted the Liberalization, Privatization and Globalization, popularly referred to as the **LPG model of development had adverse impacts on unions**. In other words, the country accepted the market-based strategy to accelerate development with **least amount of state intervention**. This had an impact on the trade unions. The arm of the state started strengthening the capitalist class and they were considered as the chief instrument to promote development. Globalization added strength to the Indian capitalist class. Thus, capital—Indian as well as foreign—argued for **labour reform**. A new meaning was given to the term ‘labour reform’ which implied the power to **‘hire and fire’** workers, freedom to determine wages according to the market demand and supply. Although the state did not undertake ‘labour reforms’ by introducing a new

legislation to legitimize the demand of the capitalist class, it **silently worked to reduce state intervention.**

It is also concluded that the employers used different methods to reduce the size of the labour, by **decentralizing production** and even **sub-contracting** for various operations to small businesses. This led to **reduction in the growth of jobs in the organized sector** and increase in the share of the informal sector in industrial employment. **Regular workers were replaced by contract workers** to reduce wage costs, so that business firms could compete in the market. This started the process of weakening the trade unions. Lockouts were used by the employers to retrench workers and prolonged lockouts were used as the instruments of pressurizing labour to accept humiliating conditions of work before lifting lockouts. This process gathered momentum in all States—whether ruled by the Left or the Right or moderates in India. This further weakened the trade unions.

Whatever may be the situations going on, the researchers conclude that the **trade unions play a major role in employee welfare activities**, cultural programmes and banking and medical facilities and by creating awareness through training and educating the members of the trade union. On the other hand, the dominant managerial objectives in collective bargaining in recent years owing to heightened competition have been to reduce labour costs, increase production or productivity, flexibility in work organization (multi-skilling /multi functioning, changes in worker grades etc.), increase in work time, reduction in regular staff strength via VRS, stress on quality and so on. Despite certain recent developments which may be largely considered as one-off incidents, most **trade unions have**

managed to foster an environment so as to enable a healthy discussion between the workers and employers with respect to any demands the workers may have. Furthermore, trade unions in India have, over the period of time, ensured to provide a forum to facilitate **better industrial relations, industrial growth and improve productivity.**

The present study is an effort on the part of the researchers to examine the role **of trade unions in the changing economic and political scenario.** An attempt was also made to evaluate the amendments since 1991 to discover whether it has adversely affected the rights of the workers. Whether the proposed amendment in 2015 will take away the rights of workers is also traced. The effort was succeeded and the researchers have collected the opinion of the workers, trade unions leaders, management officials, government officials and advocates/judicial officers in this regard and all these data are analyzed in Chapter VI of the study.

7.4 Recommendations and suggestions

Based on the primary and secondary data available and also depending on the short comings identified during the course of conducting the study, the researcher suggests the following recommendations for the smooth relationship between the labour and the government.

1. Industrial Relations Committee:

Kerala has a tripartite forum consisting of the government agency, the representatives of the management and the workers in the traditional sector like Plantations, Coir, Cashew, Tiles and so on. This tripartite body without any

statutory backing is deeply rooted in Kerala and has been effectively performing in our State for quite some time. This is unique to Kerala and is presently in traditional sectors only. However, this can be strengthened to include in other sectors also and other states can follow this Kerala model of maintenance of industrial peace and resolution of Industrial Disputes. Strengthening the IRC was suggested by one of the respondents of repute from the government side.

2. Training to trade union leaders

It is evident from the findings that most of the trade union leaders in shop floor level do not know the very objects of trade unions, they join the trade unions just for the sake of prestige and identification with the group. The leaders must be properly trained by the government on a periodical basis regarding their rights and responsibilities. Experts from labour department, management experts and legal experts can be utilized for this purpose.

3. Training of grass root level workers.

Government has to take up the initiative of educating workers about their rights and duties. They must be provided compulsory instructions about the rights and responsibilities, labour jurisprudence etc. Workers shall also be informed about the implications of liberalization, privatization and globalization and the consequent changes in the industrial sector and the new role of trade unions in this regard. Government and the NGOs shall conduct camps to create awareness among workers in these regards.

4. Freedom of management

In every establishments, the management should have the freedom to change the business environment for its improvement without curtailing the rights of the workers. Management should take a positive view and adopt policies and programmes to train the trade union leaders and workers regarding the need for the competitiveness, new methods of production etc. at the new international scenario.

5. Contractualization

From the findings, it is understood that one of the main issues addressed by the workers are the contractualization of labour and the denial of rights thereby. It is true that contractualization is prohibited for core activities but the problem lies with the enforcement mechanism. It is the responsibility of the government to ensure that the appropriate legal provisions are implemented in contract labour. Keeping in view the inevitable nature of flexi-labour requirements to take care of the seasonal or flexi-positions in the establishments and to prevent possible exploitation of labour in such areas, it is felt essential to fix a time-frame within which such employees could be absorbed in permanent cadre.

6. SEZ/CESS areas.

The Government of Kerala has notified Techno parks as commercial establishments coming under the Shops & Commercial Establishments Act. It has been made clear that the provisions of labour laws are applicable to these establishments. Complete avoidance of labour laws are not envisaged in such of

the areas. As stated, there is IT or IT Enabled Services coming under the purview of the Shops & Commercial Establishments Act, 1960. However, there are manufacturing units situated in the area which should come under the Factories Act. The agitation that arose in Technopark, Trivandrum in relation to a manufacturing unit is an example for the effort of trade unions to establish unions in the Technopark. The indication is that the area is not totally free from problems from the labour angle despite many positive sides and the Labour Department has reportedly taken it as an inspection free zone. In Andhra Pradesh and the CESS area in Ernakulam, the areas have been brought under the Development Commissioner making the area out of the control of the Inspecting Authority of the Labour Department. Hence, the suggestion to have a separate dispensation for all the CESS/SEZ areas

7. Amendment to Labour Laws

Modification to the Trade Union Act, 1926 & Kerala Recognition of Trade Union Act, 2010 are necessary. The machinery for registration of a trade union have to monitor the status of a trade union continuously to determine their representative capacity. The condition stipulated in the TU Act by the amendment to have 10% or 100 members continuously has to be ascertained at intervals and steps be taken to cancel the registration of such trade unions forthwith. The Kerala Recognition of Trade Unions Act, 2010 has generated a paradigm shift in the existence and representative capacity of a trade union.

In the Industrial Disputes Act, 1947, a trade union need to be registered to be eligible to participate in a conciliation conference. While going through the ID

Act, considerable membership is a pre-requisite for assessing the representative capacity of a trade union. **Strict implementation of the provisions of both these Acts** is a requirement to curtail name-sake minority unions who can create stumbling blocks in maintaining industrial harmony.

As already explained above, the amendments cannot be said to be completely anti-labour and it has definitely some pro-labour elements viz amendment of Bonus Act in December 2015, the amended provisions of the Wage Bill and the penal provision in the Industrial Relations Bill and the power to summon the employer etc. It is true that the working class retaliate when certain rights which they and their trade unions were enjoying for decades are touched upon. But a novel pro-industry approach which is not against the legitimate rights of the working class as against the complete pro-labour stand is welcome and is the need of the time. The real concerns of the working class and their right to association have to be contemplated in a realistic and objective manner taking into consideration the growth of industrial sector.

8. Weekly holiday

Kerala Shops and Commercial Establishments Act, 1960 have stipulated many ideals to ensure that the employees especially the women are protected. In the present context, enforcement of weekly holiday seems to be impractical. Sunday was considered to be closed holiday for all shops and establishments. But some big establishments get exemptions from Section 11(1) of the Act giving staggered weekly off to their employees. The suggestion here is to liberally allow exemption from 11(1) to all those who are applying for the

same condition that staggered weekly off is allowed to employees. The above views were expressed by a former ALC during the interview.

9. Outside leadership

The findings show that outside leadership and politicization are some of the reasons for the weakness of trade union movement. During the initial stages of trade union movement, outside leadership was essential due to ignorance, illiteracy and social backwardness of the workers. The outside leaders, usually politicians, will be having extra organizational goals and may lead to political exploitation of the trade unions. Hence outside leadership and politicization of unions should be strictly prohibited through legislations.

10. 'Make in India' is an effort to increasingly produce things in our country rather than importing from other countries. In this instance, the manpower has to be increasingly educated, skillful and efficient. Therefore, increasing skill levels of the available manpower is essentially needed. Retraining existing manpower inside is to be pursued for the productive existence and health of the industry. The emergence of the different Parks and Smart City initiatives will attract more educated and trained manpower internally. Thus the responsibilities are very large on the Government. Perhaps, KILE and the Directorate of Training may look into this and take pro-active steps in this direction.

11. Tripartite Consultative Forum should be strengthened by developing a mechanism for meaningful dialogue with all the stake holders for arriving at a consensus before implementing government initiatives to avoid confrontation with labour.

The trade unions should also understand the inevitable position of the government in moving ahead with the 'ease in doing business' policies to invite investors.

- 12.** Flexible labour laws are a pre-requisite to competitive economy and capital goes into the direction of lower wages. However, higher job demands more wages. Therefore, flexible labour laws ensuring protection to labour in the shape of subsidized food, health, recreation, housing & education of children associated with strict control in rising prices of essential commodities will be a welcome step in the right direction. It is for the government to adopt a suitable policy in this direction.
- 13.** Along with flexi labour law provisions, a system of easy compliance which should be 'trust oriented' with self-certification on line can be thought of with time bound inspections so as to avoid misuse. The purpose is to avoid the maintenance of statutory registers in an era of cloud computing.
- 14.** The enforcement machinery should take a pro-active stand to prevent occurrence of industrial unrest rather than acting as problem solvers.
- 15.** The machinery for monitoring the conduct of trade unions seldom acts effectively. This will require a scientific approach needing frequent training of lower/middle level officers in the Labour Department. This is particularly necessary in view of the conditions stipulated in the Trade Union Act by the amendment of 2001 to have 10% 100 members to be continuously ascertained at regular intervals and steps taken to cancel the registration of such trade unions which does not come within the ambit of the above provision. Strict implementation of the provisions

is a requirement to curtail name-sake minority unions who can create stumbling blocks in maintaining industrial harmony.

Politics and trade unions are not easily divisible as they are blended into each other since the birth of the trade unions and are associated with the freedom movement. Free and strong independent unions can alone withstand the new situation and this new situation provides the trade unions an opportunity to come out of the political affiliation, failing which, the very existence of the trade unions will be threatened. Education of the working force with regard to international structural changes and its implications such as liberalization, globalization, privatization and its inevitable adoption will be helpful for the trade unions to undertake new responsibilities. Indian Labour should accept the inevitable truth that more jobs will now be on contract basis, rather than being regular salaried jobs. There are clear signs that the government sector has been downsized. Economic reforms are a mixed blend of opening the door of prosperity and a higher standard of living, but at the cost of job security and labour welfare.

BIBLIOGRAPHY

Ph.D. Thesis

1. MOLLY VARGHESE, DYNAMICS OF TRADE UNIONISM IN KERALA WITH A VIEW TO FIND GANDHIAN ALTERNATIVE TO THE INDUSTRIAL PROBLEMS IN KERALA.(Ph.D. Thesis) 2000
2. Mrs. TESSY KURIAN, A STUDY OF WOMEN WORKERS IN THE PLANTATION SECTOR OF KERALA(Ph.D. Thesis) 1999
3. SREEDEVI R, VILLAGE INDUSTRIES IN KERALA : PROBLEMS AND PROSPECTS (Ph.D. Thesis) 1992
4. Mr. VENUGOPALAN KV, INDUSTRIAL RELATIONS IN THE PRIVATE AND PUBLIC ENTERPRISES IN THE STATE OF KERALA (Ph.D. Thesis) 2007
5. Mrs.SREEKALA K, PROBLEMS AND PROSPECTS OF INDUSTRIALISATION AND THEIR IMPACT ON ENVIRONMENT WITH SPECIAL REFERENCE TO KERALA : A GANDHIAN CRITIQUE (Ph.D. Thesis) 1995
6. A J GEORGE, HUMAN RESOURCE MANAGEMENT PRACTICES IN TEA PLANTATION INDUSTRY: A GANDHIAN CRITIQUE (Ph.D. Thesis) 2002
7. VINODKUMAR CP, TRADE UNION MOVEMENT IN KOLAR GOLD MINES : A CASE STUDY (Ph.D. Thesis) 2009
8. ZACARIA TV, INTERFACE BETWEEN ENVIRONMENTAL AND TRADE UNION MOVEMENTS IN KERALA (Ph.D. Thesis) 2012
9. DESAI SHRI KRISANAND, TRADE UNION MOVEMENT IN GOA : 1936-1986(Ph.D. Thesis) 2014

10. MM THAMPI, IMPACT OF TRADE UNIONISM ON THE INDUSTRIAL DEVELOPMENT OF KERALA-A STUDY WITH REFERENCE TO SMALL SCALE INDUSTRIES IN KERALA(Ph.D. Thesis) 1997
11. TM THOMAS ISSAC, CLASS STRUGGLE AND INDUSTRIAL STRUCTURE A STUDY OF COIR WEAVING INDUSTRY IN KERALA 1859-1980 (Ph.D. Thesis) 1984
12. K P KANNAN, OF RURAL PROLETERIAN STRUGGLES MOBILISATION AND ORGANISATION OF RURAL WORKERS IN KERALA, INDIA (Ph.D. .Thesis) 1986
13. A V JOSE, AGRICULTURAL LABOUR IN KERALA AN HISTORICAL CUM STATASTICAL ANALYSIS (Ph.D. Thesis) 1980

TEXT BOOKS

1. K.RAMACHANDRAN NAIR,THE HISTORY OF TRADE UNION MOVEMENT IN KERALA (2006)
2. H.P.KHARE, CURRENT TRENDS IN TRADE UNION MOVEMENT (1987)
3. Dr.P.P ARYA, TRADE UNIONS IN INDIA- GROWTH AND RECOGNITION (1985)
4. SANTHOSH SOOD, TRADE UNION LEADERSHIP IN INDIA (1984)
5. KURIAKOSE MAMKOOTTAM, TRADE UNIONISM : MYTH AND REALITY (UNIONISM IN THE TATA IRON AND STEEL COMPANY) (1982)
6. SOHAIL JAWAID, TRADE UNION MOVEMENT IN INDIA (1982)
7. G.K.SHARMA, LABOUR MOVEMENT IN INDIA (1982)
8. HAROLD CROUCH, TRADE UNIONS AND POLITICS IN INDIA(1966)
9. KIRAN SAXENA, TRADE UNION MOVEMENT AND NATIONAL MOVEMENT (1990)

10. A.N.BUCH, S.T.SAWANT, S.S.MEHTA, R.SCHATTENFROH& K.VOLL, SWEAT OF LABOUR, ECONOMICS FOR TRADE UNIONS (1989)
11. ARAVIND N DESAI, JITHENDRA DHOLAKIA GOPAL KRISHNAN TRADE UNIONISM AND INDUSTRIAL DEVELOPMENT
12. SURENDRA NISCHAL, EFFECTIVE LEADERSHIP (1989)
13. G.RAMANUJAN, INTERNATIONAL LAW MOVEMENT (1986)
14. JOHN ZACHARIAH, ADMINISTRATION OF INDUSTRIAL AND LABOUR DISPUTES (1984)
15. K.L.GUPTA, INDUSTRIAL DEMOCRACY (1979)
16. SRIKANTA MISHRA, MODERN LABOUR LAWS AND INDUSTRIAL RELATIONS (1997)
17. K.D.SRIVASTATA, LAW RELATING TO TRADE UNIONS AND UNFAIR LABOUR PRACTICES IN INDIA(2001)
18. C.WILFRED JENKS, THE INTERNATIONAL PROTECTION OF TRADE UNION FREEDOM (1957)
19. NARENDRA KUMAR JAIN, REPORT OF THE NATIONAL COMMISSION ON LABOUR (2002) Vol I
20. NARENDRA KUMAR JAIN, REPORT OF THE NATIONAL COMMISSION ON LABOUR (2002) VOL II
21. S.K.PURI , LABOUR AND INDUSTRIAL LAW (2011)
22. V.B.KHER, INDIAN TRADE UNION LAW(1954)
23. RAJ KAPILA & UMA KAPILA, PLANNING COMMISSION REPORTS ON LABOUR AND EMPLOYMENT(2002)

24. PREETA JOSHI INTERNATIONAL LABOUR ORGANIZATION AND ITS IMPACT ON INDIA(1985)
25. H. L.KUMAR, EMPLOYERS RIGHTS UNDER LABOUR LAWS(2014)
26. KRISHNA SEKHAR LAL DAS, TRADE UNIONS ND THE NEW ECONOMIC POLICY IN INDIA, PERCEPTIONS AND RESPONSES UNDER NEO LIBERAL REFORM 1980- 1995
27. P.P.ARYA,LABOUR MANANGEMENT RELATIONS IN PUBLIC SECTOR UNDERTAKINGS (1982)
28. E.A. RAMASWAMY, WORKERS CONSCIOUSNESS AND TRADE UNION RESPONSES(1988)
29. NRISINGHA CHAKRABARTY, HISTORY OF RAILWAY TRADE UNION MOVEMENT A STUDY (1985)
30. R.P.SINHA, SOCIAL DIMENSION OF TRADE UNIONISM IN INDIA (1984)
31. M.V.KAMATH & V. B KHER, THE STORY OF MILITANT BUT NON VIOLENT TRADE UNIONISM(1993)
32. G.K.SHARMA, LABOUR MOVEMENT IN INDIA (1971)
33. NIRMAL SINGH,S.K.BHATIA, INDUSTRIAL RELATIONS AND COLLECTIVE BARGAINING-THEORY AND PRACTICE (2000)

ARTICLES

1. *TRADE UNIONS IN INDIA: A PSYCHOLOGICAL APPROACH* BY N.R.SETH PUBLISHED IN SOCIOLOGICAL BULLETIN, VOL. 17, NO. 1 (MARCH 1968), pp. 5-18

2. *THE RISE AND FALL OF INDIAN TRADE UNIONS: A LEGISLATIVE AND JUDICIAL PERSPECTIVE* BY E.M.RAO PUBLISHED IN INDIAN JOURNAL OF INDUSTRIAL RELATIONS VOL. 42, NO. 4, (APR., 2007), PP. 678-695
3. *TRADE UNION SITUATION IN INDIA: VIEWS OF CENTRAL TRADE UNION ORGANIZATIONS (CTUOS)* BY D.K.SRIVASTAVA PUBLISHED IN INDIAN JOURNAL OF INDUSTRIAL RELATIONS VOL. 36, NO. 4 (APR., 2001), PP. 463-478
4. *CO-OPTION OR CONFRONTATION? NEW CHALLENGES FOR INDIAN TRADE UNIONS* BY KALPANA WILSON PUBLISHED IN ECONOMIC AND POLITICAL WEEKLY VOL. 31, NO. 1 (JAN. 6, 1996), PP. 16-18
5. *PROBLEMS OF INDIAN TRADE UNIONISM* BY OSCAR A ORNATI PUBLISHED IN THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE VOL. 310, CURRENT ISSUES IN INTERNATIONAL LABOR RELATIONS (MAR., 1957), PP. 151-161
6. *ECONOMIC REFORMS AND TRADE UNIONISM IN INDIA – A MACRO VIEW* BY BISWAJIT GHOSH PUBLISHED IN INDIAN JOURNAL OF INDUSTRIAL RELATIONS VOL. 43, NO. 3 (JAN., 2008), PP. 355-384
7. *UNDERMINING PUBLIC SECTOR* BY C.P.CHANDRASEKHAR PUBLISHED IN FRONTLINE FEB 5, 2016 PP. 5-7
8. *INDIA TRADE UNIONS AND COLLECTIVE BARGAINING* BY NISHITH DESAI IN <http://www.nidhithdesai.com>
9. *EMERGING TRENDS IN TRADE UNION MOVEMENT* BY RUDDAR DATTA PUBLISHED IN MAINSTREAM VOL XLVI MAY 3, 2008

10. *TRADE UNION MOVEMENT IN INDIA AND THE AFTERMATH OF LIBERALISED ECONOMIC POLICY OF 1991* BY VISHAL ANANDI SHASHI RANJAN KUMAR JHA IN IOSR JOURNAL OF BUSINESS AND MANAGEMENT (IOSR-JBM) VOLUME 16, ISSUE 4. VER. I (APR. 2014), PP 47-53

WEBSITES

1. <http://www.ntui.org.in>
2. <http://www.whatis.techtarget.com>
3. <http://www.yourarticlelibrary.com>
4. <http://logistics.about.com>
5. <http://www.moneycontrol.com>
6. <http://economictimes.indiatimes.com>
7. <http://businesstoday.intoday.in>
8. <http://www.mouvement-communiste.com>
9. <http://www.makeinindia.com>
10. <http://www.prindia.org>
11. http://ncib.in/pdf/ncib_pdf/
12. <https://www.dol.gov>
13. <https://www.fas.org>
14. www.law.cornell.edu
15. www.aauw.org
16. <https://www.osha.gov>
17. <http://www.legislation.gov.uk>

18. <http://www.personneltoday.com>

19. <https://www.cfe-eutax.org>

20. <http://www.ilo.org>

STATUTES

1. THE EMPLOYEES COMPENSATION ACT 1923
2. THE TRADE UNIONS ACT 1926
3. THE PAYMENT OF WAGES ACT 1936
4. THE INDUSTRIAL EMPLOYMENT STANDING ORDERS ACT 1946
5. THE INDUSTRIAL DISPUTES ACT 1947
6. THE MINIMUM WAGES ACT 1948
7. THE FACTORIES ACT 1948
8. THE EMPLOYEES STATE INSURANCE ACT 1948
9. THE EMPLOYEES PROVIDENT FUND AND MISCELLANEOUS PROVISIONS ACT
1952
10. THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS ACT, 1960
11. THE MATERNITY BENEFIT ACT 1961
12. THE PAYMENT OF BONUS ACT 1965
13. THE CONTRACT LABOUR (REGULATION AND ABOLITION) ACT, 1970
14. THE PAYMENT OF GRATUITY ACT 1972
15. THE KERALA HEADLOAD WORKERS ACT, 1978

LIST OF RESPONDENTS

I. Trade Union leaders

1. Sri C.P. John, State Vice President, HMS (Member, Planning Board, (Tvpm)
2. Sri Thomas Jose;h, State General Secretary, UTUC (Pathanamthitta)
3. Sri AnathalavattamAnandan, State President, CITU, Thiruvananthapuram
4. Sri D. Thankappan, National Advisor, New Trade Union Initiative (Mumbai)
5. Sri J. Udayabhanu, Working President, AITUC (Kollam)
6. Sri R. Chandrasekharan, State President, INTUC (Member, ILO)
7. Adv. Saji Narayanan, Former National President, BMS (Member, ILO)

II. Workers at grass root level interviewed

1. Sri Baluchandran R.C, HLL Lifecare Limited, Peroorkada, Tvpm
2. Ms. Subhadramma, HLL Lifecare Limited, Peroorkada, Tvpm
3. Sri S. Nandakumar, HLL Lifecare Limited, Peroorkada, Tvpm
4. Sri B. Sudarsanan, HLL Lifecare Limited, Peroorkada, Tvpm
5. Sri NoushadKaipadi, HLL Lifecare Limited, Peroorkada, Tvpm
6. Sri A. Jalajan, English India Clays Limited, Kochuveli, Tvpm
7. Sri K. Udayakumar, English India Clays Limited, Kochuveli, Tvpm
8. Sri GR Ajith Kumar, English India Clays Limited, Kochuveli, Tvpm
9. Sri B. Jayachandran Nair, KELTRON, Karakulam Unit
10. Sri Harindra Kumar B.R., KELTRON, Karakulam Unit

11. Sri K. Moni, KTDC, Thiruvananthapuram
12. Sri D. Surendran (I) TTPL, Thiruvananthapuram
13. Sri D.Surendran (II) TTPL, Thiruvananthapuram
14. Sri Martin P Pereira, TTPL, Thiruvananthapuram
15. Sri Satheesh Kumar, Cosmopolitan Hospital, Pattom, Tvpm
16. Sri M. Vijayachandran, Cosmopolitan Hospital, Pattom, Tvpm

III. Management representatives

1. Sri Babu Thomas, Director (Marketing), HLL Lifecare Limited, Poojappura
2. Sri P. Ganesh, Manager (HR), HLL Lifecare Limited, Peroorkada
3. Sri S. Venugopal, DGM, HLL Lifecare Limited, Peroorkada
4. Sri ShajanKuruvilla, DGM, English India Clays Ltd., Kochuveli
5. Sri J. Muralikrishnan, Dy. Mangr (HR) EICL, Kochuveli
6. Dr. K.S. Chandrasekar, Professor & Director, University of Kerala
7. Sri Antony Jacob M, Manager (HR), Cosmopolitan Hospital
8. Sri Ashok Sharma, Manager (HR &Admn), KELTRON, Karakulam Unit
9. Sri Sri V. Ratheesh, Senior Officer (HR) KELTRON, Karakulam
10. Sri M.K. Maheswari, Vice-President (Personnel) Bengal Paper Mills & Others,
Kolkata
11. Sri Vasudevan M., Chief Operating Officer, M-Squared, Technopark, Tvpm
12. Sri D.S. Abhilash, Manager (HR) Park Centre, Technopark, Tvpm

IV. Government Officials

1. Sri K. Biju, IAS, Labour Commissioner & Director, Employment & Training, Tvpm
2. Sri A. Alexander, Addl. Labour Commissioner, Thiruvananthapuram
3. Sri K.V.Mohandas, Former Additional Labour Commissioner (IR) Ernakulam

V. Judicial Officers / Advocates

1. Adv. S. Sasikumar, Thiruvananthapuram
2. Adv. V.G. Nair, Thiruvananthapuram

APPENDIX- I

Questionnaires

(Management Officials)

(Please record your views in separate sheet giving question numbers)

1. NameAge.....years, Sex M/F
2. Present Designation
3. Name of the Company
4. Public Sector / Private Sector
- Central / State.....
5. Staff strengthExecutives.....Non-Executives.....
6. Working since.....years.....months.....
7. Worked at single / multiple institutions? Specify
8. Number of trade unions presently in your establishment
9. Are Trade Unions affiliated to political parties? Yes/ No
If so, political influence affect working of trade unions and thereby the Industry?
Yes/No
10. Do all workers of the Unit members of trade unions? Yes /No
11. Do you notice any compulsion on workers to join TU? Yes/No
12. Did you come across complaints of coercion on employees by unions for not joining trade union? Yes/No
13. If so, how frequently? Regularly/occasionally
14. Your opinion on political affiliation of TU? good/bad/ does not affect me
15. Your views on TU of workers, by workers, for workers ?
with no leadership from outside? ideal/not ideal /not feasible

16. You said, there are number of TUs in your organization Yes / No
17. Means there is multiplicity of trade union? Yes/ No
18. Does multiplicity of trade unions affect work in the Orgn.? Yes/ No
19. Do you notice TUs deviate from basic objectives of formation? Yes/No
(like ensuring security of jobs to workers, more job opportunities,
improving service conditions, maintain industrial peace, improve
production / productivity and thereby ensuring industry to survive)
20. Do you find workers in general have faith, trust, acceptability on leaders?
Yes/No
21. Did you notice any sort of conflict on this account? Yes / No
22. In your opinion, the workers are satisfied with TU activities? Yes/ No
23. Any instance of inter-union or intra-union friction? Yes/ No
24. If so, how frequently does this occur in your organization; specify
.....
25. If so, does this affect organizational effectiveness ? Yes/ No
26. How do you settle such issues? At your level / Head of the organization
27. Do you agree that you spend lot of time in settling union matters?
Yes / No
28. Do you have a system of choosing recognition of trade unions in your
organization as per provisions of Kerala Recognition of Trade Union Act?
Yes/No
29. Do you participate in collective bargaining negotiations? Yes/No
30. Do you have a single bargaining agent in your organization or multiple
unions as bargaining agents?
Single union/ multiple unions
31. How do you rate their working in your organization?
Very good/good/ satisfactory

32. Your opinion on the approach of unions towards collective bargaining?
 Good / Not satisfactory/ Aggressive in nature.
33. How does the conciliation machinery helps solving labour issues? Please Specify:
34. Do they treat both management and workers as equal partners or adopt a one way approach. Please give a narration from your experience (use separate sheet).
35. Union's attitude towards management? Supportive / Not supportive
36. Union's relations with management? Cordial / Not cordial
32. Attitude of TU leaders towards workers? Cordial / Not cordial
33. Conflicting areas of TU leaders towards management? Elaborate.
37. How does the conflict, if any, end up? Elaborate.
38. Do you think the TU leaders are aware of the provisions of the Labour Laws including the Trade Union Act, 1926? Yes / No
39. Are you aware of the strike by All India Federation of trade unions on the 2nd Sept., 2015 wherein 11 All India Trade Unions have participated? Yes/No
40. The trade unions among other things have complained that ILO Conventions 87 and 98 are not being complied with. The above two conventions relate to freedom of association and collective bargaining. Do you think that these are being denied to the trade unions/working class in our State? Please give your detailed analysis using separate sheet, if necessary.
41. The trade unions raise complaints that the working class in India is in danger of losing whatever rights and privileges they have attained through century old struggles. What is your opinion on this?

42. Do you think the amendments to the labor laws since introduction of the New Economic Reforms (1991) has adversely affected the working class? Give your opinion in detail on each legislation.
43. What is your opinion on the proposed Labour Codes e.g., the Factories Act, Small Factories (Regulation & Conditions of Services) Bill 2014, the Labour Code of Industrial Relations Bill, 2015, Labour Code Wage Bill, 2015 which the unions claim to be anti-labour?
44. Please record your opinion on the proposed amendments to Bonus Act, 1956 revising the eligibility slab from 10000 to 21000 and Bonus calculation from 3500 to 7000 or minimum wages whichever is higher. Does this adversely affect the working class or beneficial to them?
45. Please state if the modifications proposed to the Trade Union Act is necessary? Please give reasons.
46. In order to increase investments in India and thereby job opportunities for Youth, schemes like “Make in India” and “Skill India” were introduced and the purpose of the government is to create investor friendly climate in the country and hence, the amendments as per government version. Do you agree?
47. What is your opinion on FDI, PPP concepts? Give reasons.
48. Do you engage contract labour in your organization? If yes, (a) the percentage of such engagement and (b) against vacancies of permanent nature of jobs? (c) disparity in wages, if any, between the permanent workers and contract labour (d) if yes, to what extend, please specify.
- Percentage.....(b) Yes/ No (c) Yes/No
(d).....
49. Is this engagement of contract labour aimed at cost reduction and

conforming to the provisions of the relevant Act? Yes/No

50. In your opinion, the present provisions of labour laws is investor friendly?

Or have they become obsolete in today's context? Yes/ No

51. Trade Union's complaint is that the amendments brought out by the Central Government is in the interest of inter-national corporate firms and introduced at their dictates. What is your opinion, please?

52. Can you suggest some changes/modifications to labour laws to help running the industrial establishments and satisfy the working class?

53. Your suggestion for creating a better industrial relation climate (labour management relations, better living conditions of workers) in industrial setting based on your experience.

54. A well organized trade union can exert very good influence on both management and workers and contribute to industrial growth.

Do you agree? Give reasons

55. What is your opinion on the relevance of class struggle doctrine in the Changed industrial scenario? In your opinion, will it help a transformation from class struggle to class cooperation?

56. Trade unions demand a minimum wage of Rs.15,000 per month and 500 per day. Will it be feasible taking into consideration the capacity to pay?

57. Do you agree that the working of the present Central Government led by BJP is anti-labour and working at the dictates of the Corporates as alleged by the TUs ?

58. No inspections, no trade unions in Special Economic Zones/CESS areas. How do you propose to ensure protection of rights of working class?

59. Do you think the present labour enactments are enough but ensuring strict

Implementation is the key factor?

60. Do you agree to have a similar enactment like the Gujarat Control of Terrorism & Organized Crime (GCTOC) Bill 2015 in our state?
61. Please state if you have any other views/opinions in the matter.

Questionnaire (Judicial Officers/Adjudicating authorities/Advocates)

1. NameAge.....years, Sex M/F
2. Designation
3. Worked at single/ multiple institutions
4. Acted as.....(Positions)..... etc
5. Settled industrial disputes? Yes / No
6. Opinion on Labour legislations in India...Good /bad
7. Is it comprehensive enough to ensure the rights of workers? Yes/ No
8. If not satisfactory,the reasons?
9. In your experience, are the workers aware of their rights? Yes / No
10. Role of trade unions in industrial harmony? Significant / not
11. Are unions functioning according to laws? Yes/ No
12. Any occasion to deal with cases against trade unions? Yes /no
13. If yes, pls share the experience.....
14. Dealt with cases of illegal strikes? Yes/ no
15. What kind of jurisprudence being applied in industrial disputes? Employer friendly/
labour friendly
16. Experience with trade union in conciliation process? Satisfactory/not
17. If not, the reasons.....
18. Are unions interested in welfare of workers/ their own selfish interests?
19. Are workers in India satisfied with the present living conditions? Yes/ no
20. What according to you are the reasons for their discontent?
21. How to balance the rights of employers to make profit and the rights of workers to have a decent life? What strategy is to be adopted?
22. Opinion on amendments to labour laws since 1999 economic reforms.....is it against workers? Yes/no
23. Perspective on new Labour Code and Wage Code 2015? Good /bad
24. Is it against workers as apprehended by them? Yes/no
25. Suggestions for better living conditions/ industrial relations?
26. What is your opinion on one union for one Industry? Good/Not feasible
Do you agree that multiplicity of trade unions badly affect industrialization?
Yes/No

27. Your opinion on whether the Recognition of Trade Unions Act,2010 helped in collective bargaining process in Industry? Yes/No
28. Your opinion on political affiliation of trade union Good/ bad''
29. You participated in tripartite collective bargaining? Yes/No
If so, your opinion on attitude of TUs in collective bargaining?
Dominating/ Aggressive / adamant/ satisfactory.
30. Have you come across areas where TUs actually deviate from the basic principles of process of collective bargaining?
Yes/ No
31. Have you come across any occasion of conflict with unions end up in litigations?
Yes/ No
If yes, please share the experience and how it was resolved?
32. In your opinion, are the workers at grass-root level aware of their rights and privileges as workers and as member of Trade Union?
Yes/No
33. Your opinion on whether the Trade Union Act, 1926 and Kerala Recognition of Trade Union Act, 2010 need changes modification? Yes/No
If so, elaborate provisions where you suggest changes.
34. Have you come across instances of inter-union or intra union rivalry resulted in law and order problem and consequent litigations?
Yes/ No
If so, how did you interfere and resolve such issues?
35. Do you find the establishments abide by the provisions of Trade Union Act, 1926 and Kerala Recognition of Trade Union Act? Yes/No
36. How far the non-adherence to provisions of various Acts /Rules by the Industrial establishments stand in the way of enforcement authorities?
Please elaborate.
37. Conflict in interest normally affect relations between workers and

management. How far this conflict affect your working? Please offer your suggestions on improving this situation.

38. Do you think class consciousness among both the classes and change in attitude can go a long way in resolving class struggles. Yes/No

Please elaborate

39. Trade Unions complain among others that ILO conventions no.87 and 98 are not being complied with or implemented. Does this mean that freedom of association and collective bargaining are denied to workers in our State?

Please give your views in detail.

40. Trade Unions also complains that the workers in India are in danger of losing whatever rights and privileges they have been enjoying as a result of centuries of struggles. Do you agree? Please state your views in detail.
41. Please state your views on the “Make in India” and “Skill India” Schemes? Do you think the proposed amendments to labour laws would help more investors coming over to India?
42. Your views on the FDI and PPP concepts giving reasons please.
43. The present legislations are enough, but strict enforcement of the Provisions of various rules would suffice the requirement. Do you Agree? State reasons.
44. Trade Union’s complaint is that the amendments to the labour Laws is brought at the dictates of the Corporate firms in their interests. Your opinion, please.
45. What is your opinion on the class struggle doctrine in the changed Industrial scenario? Will it help a transformation from ‘class struggle’ to ‘class cooperation’?
46. Trade Unions demand a minimum wage of Rs.15,000 per month and Rs.500 per day. Will it be feasible taking into consideration the ‘capacity to pay’ factor?
47. No trade union and no inspection in Special Economic Zone (SEZ) /CESS areas. In this scenario, protection of rights of

working class in the SEZ/CESS areas, specially the Information Technology sector becomes a question mark (?) How do you think enforcement would become a reality in such areas?

48. Are you aware of the Gujarat Control of Terrorism & Organized Crime (GCTOC) Bill 2015. Will you welcome similar enactment in our state?
49. Please pen down if you have any other views to offer.

Questionnaire (Government Officials)

(Please record your views in separate sheet wherever necessary giving question number)

1. NameAge.....years, Sex F/M
2. Present designation
3. DepartmentDate from.....
4. Any previous experience? Give details.....
5. Acted as(positions).....etc
6. State your opinion on trade unions in industry :
Necessary / not necessary/ necessary with change in attitude/style of functioning.
7. You are dealing with trade unions? Yes/ No
8. In your opinion, are the trade unions functioning according to law or are they fulfilling the objectives of their formation as set forth in the Trade Unions Act, 1926?
Yes/ No
9. If so, please specify deviations if any?
10. Have you come across cases where the workers were compelled to join Trade Union?
Yes/No
11. What is your opinion on one union for one Industry? Good/Not feasible
12. Views on multiplicity of unions? Good /bad
13. Your opinion on political affiliation of trade union Good/ bad
14. You participate in tripartite collective bargaining? Yes/No
15. Your opinion on attitude of TUs in collective bargaining?
Dominating/ Aggressive / adamant/ satisfactory.
16. Have you come across areas where TUs actually deviate from the basic principles of process of collective bargaining?
Yes/ No
17. Have you come across any occasion of conflict with unions? Yes/ No

18. If yes, please share the experience and how it was resolved?
19. In your opinion, are the workers at grass-root level aware of their rights and privileges as workers and as member of Trade Union?
Yes/No
20. Your opinion on whether the Trade Union Act, 1926 need changes/ modification? Yes/No
If so, elaborate provisions where you suggest changes.
Have you come across instances of inter-union or intra union rivalry?
Yes/ No
If so, how did you interfere and resolve such issues?
21. Do you find the establishments abide by the provisions of Trade Union Act, 1926 and Kerala Recognition of Trade Union Act? Yes/No
22. How far the non-adherence to provisions of various Acts /Rules by the Industrial establishments stand in the way of enforcement authorities?
Please elaborate.
23. Conflict in interest normally affect relations between workers and management. How far this conflict affect your working? Please offer your suggestions on improving this situation.
24. Do you think class consciousness among both the classes and change in attitude can go a long way in resolving class struggles. Yes/No
Please elaborate
25. Trade Unions complain among others that ILO conventions no.87 and 98 are not being complied with or implemented. You are aware, the above conventions relate to freedom of association and collective bargaining. Do you think that these are being denied to workers in our country/ state? Yes/No
Please give your views in detail.
26. Trade Unions also complains that the workers in India are in danger of losing whatever rights and privileges they have been enjoying as a result of centuries of struggles. Do you agree? Please state your views in detail.
27. Do you think the amendments to the labour laws since introduction of new Economic Reforms (1991) have adversely affected the working class? Your views please.
28. What is your opinion on the proposed Labour Codes Bill, 2014, the Labour Codes of Industrial Relations Bill, 2015 and Labour Code Wage Bill, 2015 which the trade unions claim to ne anti-labour?
29. Please record your views on the proposed amendments to the Bonus Act, 1956. Does this affect the working class or are beneficial to them?

30. Please state your views on the “Make in India” and “Skill India” Schemes?
31. Your views on the FDI and PPP concepts giving reasons please.
32. Workers should have decent wages and better working conditions, the employers to make profits improving production and productivity and industrial peace. Your views on balancing this conflicting interests, please.
33. The present legislations are enough, but strict enforcement of the provisions of various rules would suffice the requirement. Do you Agree?
34. If your opinion is to have some modifications to the labour laws based on your experience, can you please offer your suggestions in a separate sheet.
35. Trade Union’s complaint is that the amendments to the labour Laws is brought at the dictates of the Corporate firms in their interests. Your opinion, please.
36. Please offer your views on maintaining a better industrial relation climate in our state.
37. What is your opinion on the class struggle doctrine in the changed Industrial scenario? Will it help a transformation from ‘class struggle’ to ‘class cooperation’?
38. Trade Unions demand a minimum wage of Rs.15,000 per month and Rs.500 per day. Will it be feasible taking into consideration the ‘Capacity to pay’?
39. No trade union and no inspection in Special Economic Zone (SEZ) /CESS areas. How do you propose to ensure protection of rights of Working class?
40. Are you aware of the Gujarat Control of Terrorism & Organized Crime (GCTOC) Bill 2015. Will you welcome similar enactment in our state?
Please pen down if you have any other suggestions

Trade Unions in Discord with the Neo-liberal Labour Policies of the Central and State Governments: An inquiry

ട്രേഡ്യൂണിയൻ നേതാക്കൾക്കുള്ളചോദ്യാവലി

(താങ്കളുടെ ഉത്തരങ്ങളും അഭിപ്രായങ്ങളും പ്രത്യേകമായി എഴിതിത്തരുക.
ചോദ്യങ്ങളുടെ നമ്പരുകൾ കുറിക്കുക.)

ഇതിൽ വിവരിക്കുന്ന കാര്യങ്ങൾ പഠനത്തിനുവേണ്ടി മാത്രമേ ഉപയോഗപ്പെടുത്തുകയുള്ളൂ. ദുരുപയോഗപ്പെടുത്തുകയില്ലെന്ന് ഉറപ്പുതരുന്നു.

1. താങ്കളുടെ പേര്
2. അങ്ങു പ്രതിനിധാനം ചെയ്യുന്ന തൊഴിലാളിസംഘടന
3. എത്ര വർഷമായി ഈസംഘടനയിൽ പ്രവർത്തിക്കുന്നു?
4. ഇപ്പോൾ അങ്ങുവഹിക്കുന്ന പദവി?
5. പ്രസ്തുത സംഘടനയിൽ അംഗമാകാനും പ്രവർത്തിക്കുവാനുമുള്ള തീരുമാനം പ്രത്യയശാസ്ത്രപരമായി അടുപ്പമോ, രാഷ്ട്രീയമായ കാഴ്ചപ്പാടുകളോ, മറ്റെന്തെങ്കിലുമോ? വെളിപ്പെടുത്താമോ?
6. അങ്ങു പ്രതിനിധാനം ചെയ്യുന്ന തൊഴിലാളി പ്രസ്ഥാനത്തിന്റെ മൊത്തം അംഗബലം?
7. തൊഴിലാളികളുടെ ജോലിസ്ഥിരത ഉറപ്പുവരുത്തുക, കൂടുതൽ തൊഴിലവസരങ്ങൾ സൃഷ്ടിക്കപ്പെടുക, തൊഴിലിടങ്ങളിലെ അടിസ്ഥാനസൗകര്യങ്ങൾ മെച്ചപ്പെടുത്തുക, തൊഴിൽ വ്യവസായസമാധാനം ഉറപ്പുവരുത്തുക, ഉൽപ്പാദനവും ഉൽപ്പാദനക്ഷമതയും വർദ്ധിപ്പിച്ചുകൊണ്ട് വ്യവസായ സ്ഥാപനം നിലനിർത്തുക എന്ന പരമമായ ഉദ്ദേശലക്ഷ്യം ആണ് തൊഴിലാളിസംഘടനകൾക്കുള്ളതെന്ന് ശരിയാണോ? ശരിയെങ്കിൽ താങ്കൾ പ്രതിനിധാനം ചെയ്യുന്ന തൊഴിലാളി പ്രസ്ഥാനത്തിന് ഈ വിധത്തിൽ പ്രവർത്തിക്കാൻ കഴിയുന്നുണ്ടോ? പ്രതിബന്ധങ്ങളുണ്ടെങ്കിൽഎന്തൊക്കെയാണ്വിശദീകരിക്കുമോ?
8. ന്യൂഡൽഹിയിൽ 26-05-2015-ൽ ചേർന്ന പതിനൊന്ന് കേന്ദ്രതൊഴിലാളി/സർവ്വീസ് സംഘടനകളുടെയോഗതീരുമാനപ്രകാരം 02-09-2015-ൽ കേന്ദ്രസർക്കാരിന്റെ തൊഴിലാളിവിരുദ്ധനയങ്ങൾക്കെതിരെപ്രക്ഷോഭം സംഘടിപ്പിക്കുവാൻ തീരുമാനിക്കുകയുണ്ടായി. പ്രസ്തുതപരിപാടിയിൽ താങ്കളുടെ നേതൃത്വത്തിലുള്ള തൊഴിലാളി സംഘടനയും പങ്കെടുത്തിരുന്നുവല്ലോ? ഇല്ല എങ്കിൽ ഈ തീരുമാനത്തിൽനിന്ന് പിന്മാറാനുണ്ടായ സാഹചര്യം എന്തെന്ന് വ്യക്തമാക്കാമോ?

9. മേൽവിവരിച്ച 02-09-2015 -ലെ പ്രക്ഷോഭപരിപാടിയിൽ ഭരണപ്രതിപക്ഷ ഭേദമന്യേ എല്ലാതൊഴിലാളിസംഘടനകളും ഒരു ഫെഡറേഷനായി നിന്നുകൊണ്ട് കേന്ദ്രസർക്കാരിനെതിരെ ഒരു 11- point charter of demands - ന് രൂപം നൽകുകയുണ്ടായി. ഇതു ശരിയല്ലേ?
10. ഡിമാന്റുപട്ടികയിൽ 10-ാം നമ്പരായി കൊടുത്തിട്ടുള്ളത് ഇപ്രകാരമാണ്. “ട്രേഡ് യൂണിയൻ രജിസ്ട്രേഷൻ 45 ദിവസത്തിനകം നൽകുകയും ILO കൺവെൻഷൻ 87-ഉം 98-ഉം നടപ്പിലാക്കുകയും ചെയ്യുക”. ഇതു ശരിയല്ലേ?
11. ഒത്തുചേരുന്നതിനുള്ള അവകാശം ഭരണഘടനാപരമായി നൽകിയിട്ടുള്ളതാകയാൽ ILO കൺവെൻഷൻ 87-നും 98- നും ഭീഷണി ഉണ്ടായിരിക്കുന്നതായിട്ടല്ലേ മനസ്സിലാക്കേണ്ടത്? ഭരണഘടനാധിഷ്ഠിതമായ അവകാശങ്ങൾ ഏതെല്ലാം തരത്തിലാണ് നിഷേധിക്കപ്പെട്ടിരിക്കുന്നതെന്ന് ഒന്നു വിശദീകരിക്കുമോ?
12. തൊഴിൽ നിയമങ്ങളുടെ ഭേദഗതികൾ തൊഴിലാളി സംഘടനകളുമായി ആലോചിച്ചും അവരുടെ അംഗീകാരത്താടും കൂടി മാത്രം നടപ്പിലാക്കണമെന്നും ഫെഡറേഷൻ ആവശ്യപ്പെട്ടിരുന്നു. ഇത്തരത്തിലുള്ള ഒരു കൺസൾട്ടേഷൻ ഭേദഗതികൾ നടപ്പാക്കുന്നതിനുമുമ്പ് എപ്പോഴെങ്കിലും ഉണ്ടായിട്ടുണ്ടോ? എങ്ങനെ? ഉണ്ടായിരുന്നെങ്കിൽ ചർച്ചയ്ക്ക് പരാജയമുണ്ടായതെങ്ങനെയാണ് ഒന്നു വിശദീകരിക്കാമോ?
13. മുതൽമുടക്കുന്ന തൊഴിൽ ഉടമകൾക്കും ഇക്കാര്യത്തിൽ എന്തെങ്കിലും പറയാനുണ്ടെങ്കിൽ അതും കൂടി കേൾക്കുകയെന്ന ലക്ഷ്യത്തോടെയായിരിക്കാം നടപടിക്രമത്തിൽ “Tripartite consultation” എന്നു വച്ചിട്ടുള്ളത്. ഇതിൽ എന്തെങ്കിലും അഭിപ്രായവ്യത്യാസമുണ്ടോ? ഉണ്ടെങ്കിൽ എന്താണ്?
14. 02-09-2015-ലെ സമരം ഭാഗികമായി മാത്രം വിജയിച്ചുവെന്നായിരുന്നു റിപ്പോർട്ടുകൾ. ഇതു ശരിയാണോ? ശരിയെങ്കിൽ ഇതിന്റെ കാരണം വിശദമായി പ്രതിപാദിക്കുമോ?
15. കേന്ദ്രസർക്കാർ കൊണ്ടുവന്നിരിക്കുന്ന തൊഴിൽ നിയമഭേദഗതികൾ ദേശീയ-അന്തർദേശീയ കോർപ്പറേറ്റുകളുടെ താല്പര്യങ്ങൾക്ക് അനുസൃതമായും അവരുടെ നിർദ്ദേശാനുസരണം നടപ്പാക്കുന്നവയാണെന്നും അഭിപ്രായമുണ്ട്. അങ്ങയുടെ അഭിപ്രായം എന്താണ്?
16. Factories Act, Small Factories (Regulation & Conditions of Services) Bill 2014 എന്നിവ തൊഴിലാളിവിരുദ്ധമാണെന്ന അഭിപ്രായം പ്രബലമാണ്. ഈ നിയമഭേദഗതിയിൽ എവിടെയൊക്കെയാണ് അഭിപ്രായവ്യത്യാസം ഉള്ളതെന്ന് വ്യക്തമാക്കുമോ?
17. 1926 -ലെ ട്രേഡ് യൂണിയൻ നിയമവും 1946-ലെ ഇൻഡസ്ട്രിയൽ എംപ്ലോയ്മെന്റ് സ്റ്റാൻഡിംഗ് ഓർഡിനൻസ് നിയമവും 1947-ലെ തൊഴിൽ തർക്കനിയമവും യോജിപ്പിച്ച് “Labour Code of Industrial Relations Bill, 2015 ” എന്ന പേരിൽ നിർദ്ദേശിച്ചിട്ടുള്ള നിയമഭേദഗതിയും തൊഴിലാളിവിരുദ്ധമാണെന്ന അഭിപ്രായം ഉണ്ടോ? നിയമങ്ങൾ ക്രോഡീകരിച്ച് എണ്ണം കുറയ്ക്കുന്നതിലാണോ അതിലെ ഉള്ളടക്കം ഭേദഗതിചെയ്യുന്നതിലാണോ എതിർപ്പുള്ളത്? വിശദമായ അഭിപ്രായം പ്രതീക്ഷിക്കുന്നു.

18. 1936-ലെ പേയ്മെന്റ് ഓഫ് വേജസ് ആക്ടും 1948-ലെ മിനിമം വേജസ് ആക്ടും 1965-ലെ ബോണസ് ആക്ടും 1976-ലെ ഇൗകൽ റെഗ്യൂണേഷൻ ആക്ടും ഉൾപ്പെടുന്ന നാലുനിയമങ്ങൾ ചേർത്തുകൊണ്ടാണ് നിർദ്ദിഷ്ട “ലേബർ കോഡ് വേജ് ബിൽ - 2015” കൊണ്ടു വന്നിരിക്കുന്നത്. ഇതിൽ ഉൾപ്പെടുത്തിയിട്ടുള്ള നിയമഭേദഗതിയോട് അങ്ങയുടെ സംഘടനയ്ക്കുള്ള എതിർപ്പ് എവിടെ, എങ്ങനെയാണ് വിശദമായി പ്രതിപാദിക്കുമോ?
19. ബോണസ് ആക്ട് 1965-ലെ ഭേദഗതികൾ അതായത് എലിജിബിലിറ്റി സ്റ്റാമ്പ് 10000-ത്തിൽ നിന്ന് 21000 ആയി വർദ്ധിപ്പിച്ചതും, ബോണസ് calculation 3500-ൽ നിന്നും 7000 ആയി വർദ്ധിപ്പിച്ചതും തികച്ചും തൊഴിലാളികൾക്കനുകൂലമായ നിയമനിർമ്മാണം (pro-labour) ആണെന്നിരിക്കെ, അങ്ങ് അതിനെ സ്വാഗതം ചെയ്യുമെന്ന് വിശ്വസിക്കാമോ?
20. CITU നാഷണൽ പ്രസിഡന്റ് സ: എ.കെ. പത്മനാഭൻ റാഞ്ചിയിൽ നടന്ന ജനറൽ കൗൺസിൽ യോഗത്തിൽ നടത്തിയ പ്രഖ്യാപനം ശ്രദ്ധേയമാണ്. 2016 വർഗ്ഗ സമരത്തിന്റെ വർഷമായിരിക്കുമെന്ന് അണികൾ അതിനായി സജ്ജരായിരിക്കാനും അദ്ദേഹം ഉദ്ബോധിപ്പിക്കുകയുണ്ടായി. താങ്കളുടെ സംഘടനയ്ക്ക് അതിനോട് യോജിപ്പുണ്ടോ? ഉണ്ടെങ്കിൽ ഏതു തരത്തിലുള്ള സമരമുറയാണ് സംസ്ഥാനഘടകം സ്വീകരിക്കുക?
21. വർഗ്ഗ സമര സിദ്ധാന്തം(Class Struggle Doctrine) എന്ന സമരതന്ത്രം അതേരീതിയിൽ തുടർന്നു പോവുകയെന്നത് മാറിയ സാഹചര്യത്തിൽ അങ്ങയുടെ നേതൃത്വത്തിലുള്ള തൊഴിലാളി സംഘടനയുടെ ലക്ഷ്യമാണോ? അതല്ല, ഇതിൽ കാലോചിതമായ മാറ്റം വരുത്തി സമരതന്ത്രങ്ങൾ ആവിഷ്കരിക്കേണ്ടതുണ്ടോ?
22. വർഗ്ഗ സമരത്തിൽ നിന്ന് വർഗ്ഗ സഹകരണത്തിലേയ്ക്ക് ഉള്ള ഒരു മാറ്റം വളർച്ചയ്ക്ക് ആവശ്യമാണെന്ന് തോന്നുന്നുണ്ടോ?
23. അങ്ങയുടെ അഭിപ്രായത്തിൽ വർഗ്ഗ സമര സിദ്ധാന്തം മുറുകെപ്പിടിക്കുന്ന തൊഴിലാളി സംഘടനകൾ എല്ലാ തൊഴിൽ ദാതാക്കളെയും വർഗ്ഗ ശത്രു ആയാണോ കണക്കാക്കുന്നത്? ഇതിൽ ഏതെങ്കിലും തരത്തിൽ വേർതിരിവിന് ഉതകുന്ന ഘടകങ്ങളെപ്പറ്റി ചിന്തിച്ചിട്ടുണ്ടോ?
24. ഗാന്ധിയൻ തീയറിയലധിഷ്ഠിതമായ അക്രമരഹിത സമര പരിപാടി താങ്കൾക്ക് സ്വീകാര്യമാണോ? താങ്കളുടെ നേതൃത്വത്തിലുള്ള തൊഴിലാളിപ്രസ്ഥാനം ഈ വഴി തെരഞ്ഞെടുക്കുമോ?
25. ഇൻഡ്യയിൽ ദേശീയ മിനിമം കൂലി പ്രതിമാസം 15000 രൂപയും പ്രതിദിനം 500 രൂപയും ആയി വർദ്ധിപ്പിച്ചുകൊണ്ട് നിയമ നിർമ്മാണം നടത്തണമെന്ന ആശയം പല ഭാഗത്തുനിന്നും ഉയർന്നു വരുന്നുണ്ട്. ഇതിനോടുള്ള അങ്ങയുടെ യൂണിയന്റെ സമീപനം എന്താണ്? ഇത് പ്രായോഗികമാണോ? ഈ കാര്യത്തിലും ഒരു സംഘടിതസമരം സംഘടിപ്പിക്കുവാൻ എല്ലാവരും മുന്പോട്ടു വരുമോ?
26. കേന്ദ്രത്തിൽ നരേന്ദ്രമോദിയുടെ നേതൃത്വത്തിൽ ഉള്ള BJP ഗവൺമെന്റിന്റെ നാളതുവരെയുള്ള പ്രവർത്തനങ്ങൾ വിലയിരുത്തുമ്പോൾ തൊഴിലാളി പ്രസ്ഥാനങ്ങളേയും തൊഴിലാളികളേയും പൂർണ്ണമായും അവഗണിക്കുകയും ഇല്ലായ്മചെയ്യുകയും ചെയ്യുന്ന നയം ആണ് സ്വീകരിച്ചിട്ടുള്ളതെന്നും തൊഴിൽ ദാതാക്കളുടെ നിർദ്ദേശാനുസരണം അവരുടെ ആജ്ഞാനുവർത്തികളായാണ് സർക്കാർ പ്രവർത്തിക്കുന്നതെന്നും ആക്ഷേപമുണ്ട്. ഇതേപ്പറ്റി അങ്ങയുടെ അഭിപ്രായം എന്താണ്?

27. ഉദാരവൽക്കരണ കാലഘട്ടം (1991) തുടങ്ങിയതുമുതൽ തന്നെ തൊഴിലാളികളുടെ മേലുള്ള ചെലവുകുറയ്ക്കൽ(cost-cutting)ലക്ഷ്യമാക്കിക്കൊണ്ട് down sizing or right sizing നയമാണ് തൊഴിൽ ദാതാക്കൾ സ്വീകരിച്ചുവന്നിട്ടുള്ളത്. ഇതിന്റെ ഒരു തുടർച്ചയായിത്തന്നെ ഈ തൊഴിൽ നിയമ ഭേദഗതിയേയും കാണാൻ കഴിയുമോ? ഈ രണ്ടുനയങ്ങളും തമ്മിൽ ഉള്ള വ്യത്യാസം അങ്ങയുടെ കാഴ്ചപ്പാടിൽ എന്താണ്?
28. തൊഴിലാളി സംഘടനകളുടെ പ്രവർത്തനങ്ങൾക്ക് ഉദാരവൽക്കരണ കാലഘട്ടത്തിനുമുമ്പും അതിനുശേഷമുള്ളതുമായി തട്ടിച്ചുനോക്കുമ്പോൾ ഉണ്ടായിട്ടുള്ള മാറ്റങ്ങൾ കേരളത്തിലെ സാഹചര്യങ്ങളെ വിലയിരുത്തി വിശദീകരിക്കുമോ?
29. വ്യവസായസ്ഥാപനങ്ങൾ നിലനിൽക്കുകയും തന്മൂലം തൊഴിൽ ഉറവിടങ്ങൾ സൃഷ്ടിക്കുകയും ചെയ്യാതെ തൊഴിലാളികൾക്ക് തൊഴിൽ ഉറപ്പാക്കാൻ കഴിയില്ലെന്നിരിക്കെ പുതിയ ഗവൺമെന്റിന്റെ “Make in India” പദ്ധതിയെ എതിർക്കുന്ന നയം ആണ് സ്വീകരിക്കുന്നതെങ്കിൽ അതു ശരിയാണോ?
30. തൊഴിൽ നിയമങ്ങളാണ് വ്യവസായ വളർച്ചയ്ക്ക് വിലങ്ങുതടിയായി നിൽക്കുന്നതെന്ന അഭിപ്രായം പ്രബലമാണ്. ഇതേപ്പറ്റി തൊഴിലാളി നേതാവെന്ന നിലയിൽ താങ്കളുടെ അഭിപ്രായം എന്താണ്?
31. നിലവിലുള്ള തൊഴിൽ നിയമങ്ങൾ അതേരീതിയിൽ നിലനിർത്തി അതിന്റെ implementation ശക്തിപ്പെടുത്തിയാൽ പ്രശ്നങ്ങൾക്ക് ഒരു പരിധിവരെ പരിഹാരമാകുമെന്ന അഭിപ്രായത്തോട് യോജിക്കുന്നുണ്ടോ?
32. തൊഴിൽ ഉടമകളും തൊഴിലാളികളും വ്യവസായസംരംഭത്തിൽ തുല്യപങ്കാളികളാണെന്ന സാഹചര്യം നിലനിൽക്കുമ്പോൾ തൊഴിൽ ഉടമകളെ വർഗ്ഗശത്രുക്കളായിക്കാണുന്ന നയം അഭികാമ്യമാണോ?
33. തൊഴിൽ നിയമഭേദഗതികൾ നിർദ്ദേശിക്കുന്നതിനുള്ള സാധാരണ നടപടിക്രമങ്ങൾ ഇപ്പോഴത്തെ സർക്കാർ സ്വീകരിക്കുന്നുണ്ടോ? ഉണ്ടെങ്കിൽ, തൊഴിലാളി പ്രസ്ഥാനങ്ങളുമായും തൊഴിലുടമകളുമായും draft proposal ചർച്ച ചെയ്ത് സമവാക്യം ഉണ്ടാക്കിയാൽ എങ്ങനെ ഇവ തൊഴിലാളിവിരുദ്ധമായി വ്യാഖ്യാനിക്കപ്പെടും?
34. പണംമുടക്കുന്ന സംരംഭകരെന്ന നിലയിൽ തൊഴിലുടമകളുടെ അഭിപ്രായങ്ങൾക്ക് സ്ഥാനമുണ്ടെന്ന് കരുതുന്നുണ്ടോ?
35. Special Economic Zones/ CESS പദവിയിലുള്ള സ്ഥലങ്ങളിലുള്ള സംരംഭങ്ങളെ (ഉദാഹരണമായി Information Technology) Trade Union free / Inspection free സ്ഥലങ്ങളായി നിലനിർത്തുന്നത് ഈ മേഖലകളിലെ തൊഴിലാളികളുടെ തൊഴിൽസംരക്ഷണത്തിനും മെച്ചമായ തൊഴിൽ സൗകര്യങ്ങൾ ഉറപ്പുവരുത്തുന്നതിനും സാധിക്കാതെ വരുന്നതായി താങ്കൾക്കുതോന്നുന്നുണ്ടോ? ഉണ്ടെങ്കിൽ എന്തുപോംവഴിയാണ് ഇതിനായി നിർദ്ദേശിക്കാനുള്ളത്?
36. Trade Union Act, Kerala Trade Union Recognition Act, Industrial Disputes Act എന്നിവയിലെ തൊഴിലാളി പ്രസ്ഥാനങ്ങൾക്ക് അനുവദിച്ചിട്ടുള്ള പ്രവർത്തനസ്വാതന്ത്ര്യം കേരളത്തിൽ നിഷേധിക്കപ്പെട്ടിട്ടുണ്ടോ? ഉണ്ടെങ്കിൽ എങ്ങനെ? എവിടെയൊക്കെ?

37. നിക്ഷേപക സൗഹൃദം ഉറപ്പിച്ചുറപ്പിക്കുന്നതിന്റെ ഭാഗമായി കേന്ദ്ര ഗവൺമെന്റ് start - up സംരംഭകരെ ആദായനികുതിയിൽനിന്നും തൊഴിൽനിയമങ്ങളുടെ ഇൻസ്പെക്ഷനിൽ നിന്നും 3 വർഷത്തേക്ക് ഒഴിവാക്കാൻ തീരുമാനിച്ചിരിക്കുന്നതായി റിപ്പോർട്ട് കണ്ടുവോ? ഇതേപ്പറ്റിയുള്ള അങ്ങയുടെ അഭിപ്രായം വസ്തുനിഷ്ടമായി രേഖപ്പെടുത്തുമോ?
38. മൂന്നാറിലെ തോട്ടം മേഖലയിലെ സ്ത്രീത്തൊഴിലാളികൾ 17 ദിവസം നീണ്ടുനിന്ന സമരത്തിൽ നിന്നും തൊഴിലാളി സംഘടനകളെ പൂർണ്ണമായും ഒഴിവാക്കിയിരുന്നു. ഭാഗികമായെങ്കിലും ഈ സമരം വിജയിക്കുകയുമുണ്ടായി. ഈ സാഹചര്യത്തിൽ തൊഴിലാളിസംഘടനകളുടെ പ്രവർത്തനശൈലിയിൽ സമൂലമായ ഒരു അഴിച്ചുപണി ആവശ്യമായിരിക്കുന്നുവെന്ന തോന്നൽ അങ്ങയ്ക്കുണ്ടോ?
39. ഗുജറാത്തിൽ ഈ കഴിഞ്ഞ മാസം പ്രഖ്യാപിച്ച “Gujarat Control of Terrorism & Organized Crime (GCTOC) Bill 2015” എന്ന നിയമം പബ്ലിക് യൂട്ടിലിറ്റി സർവ്വീസ് സ്ഥാപനങ്ങളിൽ ഒരു വർഷംവരെ സമരങ്ങൾ നിരോധിക്കാനും അതിനുശേഷം രണ്ടുവർഷം കൂടി ദീർഘിപ്പിക്കുവാനും ഗവൺമെന്റിന് അധികാരം നൽകുന്നു. കൂടാതെ തൊഴിലുടമയ്ക്ക് ഒരു ജോലിയിൽ നിന്നും തൊഴിലാളികളെ മറ്റൊരു ജോലിയിലേക്ക് നോട്ടീസില്ലാതെ മാറ്റിനിയമിക്കാനും, നിർദ്ദിഷ്ട ഫീസ് സർക്കാരിന് നൽകിക്കൊണ്ട് തൊഴിലുടമയ്ക്കും തൊഴിലാളികൾക്കും കോടതിക്കുവെളിയിൽ കേസ്സുകൾ ഒത്തുതീർക്കാനും അവസരം ലഭ്യമാക്കുന്നു. ഇതു മറ്റു സംസ്ഥാനങ്ങളിലും നടപ്പാക്കാനുള്ള നിർദ്ദേശവുമുണ്ടെന്നറിയുന്നു. ഈ നിയമത്തോടുള്ള അങ്ങയുടെ പ്രതികരണമെന്താണ്?
40. സ്ഥിരജോലിയുള്ള ഇടങ്ങളിൽ കരാർ തൊഴിലാളികളെ നിയമിക്കുന്ന പ്രവണത സർക്കാർ സ്ഥാപനങ്ങളിലും സർക്കാരിതരസ്ഥാപനങ്ങളിലും ഒരുപോലെ നിലനിൽക്കുന്നതായി പരാതിയുണ്ട്. അങ്ങയുടെ അഭിപ്രായം എന്താണ്?
41. കരാർതൊഴിലാളി നിയമനത്തിനും അവ റെഗുലേറ്റ് ചെയ്യുന്നതിനും വ്യവസ്ഥ ചെയ്യുന്ന നിയമം നിലവിലുള്ളപ്പോൾ ഇവ ശരിയായ വിധത്തിൽ പ്രാവർത്തികമാക്കാതിരിക്കുന്നതിനുള്ള കാരണങ്ങൾ എന്താണെന്നാണ് അങ്ങയ്ക്ക് തോന്നുന്നത്?
42. സ്ഥിരം തൊഴിൽ ഇടങ്ങളിൽ സ്ഥിരം തൊഴിലാളികൾക്കും കരാർതൊഴിലാളികൾക്കും പകരം താൽക്കാലികജീവനക്കാരെ നിയമിക്കുകയും നിശ്ചിത സമയം കഴിഞ്ഞ് അവരെ വിടുതൽ ചെയ്ത് വേറെ ആൾക്കാരെ നിയമിക്കുകയും ചെയ്യുന്നത് അങ്ങയുടെ ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടോ? ഇതേപ്പറ്റിയുള്ള അങ്ങയുടെ അഭിപ്രായം എന്താണ്?
43. സർക്കാർതലത്തിലുള്ള Inspection Authority-യുടെ പ്രവർത്തനങ്ങളെ അങ്ങ് എങ്ങനെവിലയിരുത്തുന്നു?
44. Foreign Direct Investment (FDI), Public Private Participation (PPP)മോഡൽ വികസന പദ്ധതികൾ എന്നിവ ഇന്ന് സർവ്വസാധാരണമായി കേൾക്കുന്ന ആശയങ്ങൾ ആണ്. ഇവയെപ്പറ്റി അങ്ങയുടെ അഭിപ്രായം രേഖപ്പെടുത്തുമോ?
45. ഇതോടൊപ്പം ബന്ധപ്പെട്ട മറ്റു വിവരങ്ങളും അഭിപ്രായങ്ങളും ഉണ്ടെങ്കിൽ രേഖപ്പെടുത്തുക.

Trade Unions in Discord with the Neo-liberal Labour Policies of the Central and State Governments: An inquiry

തൊഴിലാളികൾക്കായുള്ള ചോദ്യാവലി

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1. പേര് വയസ്സ്.....M/F.....
2. നിങ്ങൾ ജോലിചെയ്യുന്ന സ്ഥാപനം :
3. എത്രവർഷമായി ഇവിടെ ജോലിചെയ്യുന്നു? :
4. ഇപ്പോഴത്തെ ജോലി ചെയ്യുന്ന തസ്തിക
5. സ്ഥിരജോലിയാണോ? :
6. ഇപ്പോഴത്തെ സ്ഥാപനത്തിൽ ജോലിയിൽ കയറുന്നതിനുമുമ്പായി മറ്റെവിടെയെങ്കിലും ജോലി ചെയ്തിരുന്നുവോ? ഉണ്ടെങ്കിൽ എവിടെ? എത്ര വർഷം?
7. വിദ്യാഭ്യാസയോഗ്യത :
8. നിങ്ങൾ ജോലി ചെയ്യുന്ന സ്ഥാപനത്തിൽ തൊഴിലാളിസംഘടനകൾ ഉണ്ടോ? ഉണ്ടെങ്കിൽ നിങ്ങളുടെ അറിവിൽ എത്ര യൂണിയനുകൾ?
9. താങ്കൾ എന്തെങ്കിലും Trade Union-ൽ അംഗമാണോ? ഉണ്ടെങ്കിൽ ഏതു യൂണിയൻ എന്നു : മുതൽ?
10. അംഗമാണെങ്കിൽ അത് താങ്കളുടെ വ്യക്തിഗത : മായതീരുമാനപ്രകാരമാണോ? അതോ ബാഹ്യസമ്മർദ്ദത്തിനു വഴങ്ങിയാണോ?
11. അംഗമായിട്ടില്ലെങ്കിൽ എന്തുകൊണ്ട്? : താല്പര്യമില്ല/എനിക്കറിയില്ല/ആരിലും വിശ്വാസമില്ല/മറ്റെന്തെങ്കിലും
12. അംഗമാകാത്തതിന്റെ പേരിൽ എന്തെങ്കിലും വിഷമതകൾ നേരിട്ടിട്ടുണ്ടോ?

- 13. താങ്കൾ എന്തിനാണ് യൂണിയനിൽ അംഗമായത്? എന്തെങ്കിലും കാരണം പറയാനുണ്ടോ? പ്രത്യയശാസ്ത്രപരമായ അറിവ്/ രാഷ്ട്രീയ കാഴ്ചപ്പാട്/ കൂടുതൽ തൊഴിലാളികളുടെ അംഗത്വം/ആ യൂണിയനിലുള്ള വിശ്വാസം/ മറ്റെന്തെങ്കിലും

- 14. താങ്കൾ അംഗത്വമെടുത്തിരിക്കുന്ന യൂണിയൻ രജിസ്റ്റേർഡ് ആണോ? അതേ/ അല്ല/ അറിയില്ല

- 15. താങ്കൾക്ക് യൂണിയനിൽ ഭാരവാഹിത്വം ഉണ്ടോ? ഉണ്ടെങ്കിൽ എന്താണ്? :

- 16. താങ്കൾ തൊഴിലാളികളുടെ പൊതുവായ ആവശ്യങ്ങൾ അംഗീകരിച്ചു കിട്ടുന്നതിലേക്കായി യൂണിയൻ ആഹ്വാനം ചെയ്യുന്ന സമര പരിപാടികളിൽ പങ്കെടുക്കാറുണ്ടോ? ഉണ്ടെങ്കിൽ എങ്ങനെ യുള്ള സമരങ്ങളിൽ? പ്രാദേശികമായ സമരങ്ങൾ/ ദേശീയതലത്തിലുള്ളവ

- 17. 2015 സെപ്തംബർ 2-ാം തീയതി അഖിലേന്ത്യാ തലത്തിൽ പതിനൊന്നു സംഘടനകൾ ഒരു ഫെഡറേഷനായി നിന്നുകൊണ്ട് കേന്ദ്ര ഗവൺമെന്റിന്റെ തൊഴിലാളി വിരുദ്ധ നയങ്ങൾക്കെതിരെ നടത്തിയ സമരത്തിൽ നിങ്ങൾ പങ്കെടുത്തിരുന്നോ? പങ്കെടുത്തിരുന്നു/ ഇല്ല

- 18. പങ്കെടുത്തിരുന്നെങ്കിൽ ഈ സമരം എന്തെല്ലാം ആവശ്യങ്ങൾ ഉന്നയിച്ചായിരുന്നുവെന്ന് താങ്കൾക്ക് വ്യക്തമാക്കാമോ? :

- 19. നേതാക്കൾ ആഹ്വാനം ചെയ്യുന്നതുകൊണ്ടു മാത്രം എന്തിനുവേണ്ടി എന്നു ചിന്തിക്കാതെ സമരം ചെയ്യുന്ന പ്രവണത ജീവനക്കാർക്കുണ്ടോ? :

20. തൊഴിലാളികളുടെ സംഘടന രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള നിബന്ധനകളെപ്പറ്റിയും മാനേജ്മെന്റുകളുമായി വിലപേശൽ നടത്തുന്നതിനുമായി കേന്ദ്ര സംസ്ഥാന സർക്കാരുകൾ പുറപ്പെടുവിച്ചിട്ടുള്ള നിയമ വ്യവസ്ഥകളെപ്പറ്റിയും അറിയാമോ? :
21. ഒരു തൊഴിലാളി എന്ന നിലയിലും ഒരു യൂണിയൻ മെമ്പർ എന്ന നിലയിലും താങ്കൾക്കുള്ള അവകാശങ്ങളെപ്പറ്റി വ്യക്തമായ ധാരണയുണ്ടോ? :
22. താങ്കൾ ഉൾപ്പെട്ട തൊഴിലാളികൾക്കു വേണ്ടി യൂണിയൻ മാനേജ്മെന്റുമായി വിലപേശൽ നടത്താനുള്ളതായി അറിയാമോ? താങ്കൾ അതിൽ പങ്കെടുക്കാനുണ്ടോ? :
23. താങ്കളുടെ സ്ഥാപനത്തിലെ സംഘടനയുടെ നേതാവ് ആരാണ്? നിങ്ങൾ തൊഴിലാളികൾ തെരഞ്ഞെടുക്കപ്പെട്ട ആളാണോ? അതോ പാർട്ടിയുടെ തീരുമാനപ്രകാരം അവരോധിക്കപ്പെട്ടയാൾ ആണോ? :
24. തൊഴിലാളി യൂണിയൻ നേതാക്കളുമായി നിങ്ങൾക്കുള്ള ബന്ധം എങ്ങനെ? നിങ്ങൾ അദ്ദേഹത്തിന്റെ ആഹ്വാനമനുസരിച്ച് എന്തും ചെയ്യാൻ തയ്യാറുള്ള വ്യക്തിയാണോ? :
25. നിങ്ങളുടെ അഭിപ്രായത്തിൽ തൊഴിലാളികളുടെ പൂർണ്ണ പിന്തുണയുള്ള നേതാവാണോ നിങ്ങൾക്കുള്ളത്? :
26. യൂണിയനിൽ പ്രവർത്തിക്കുന്നതിന്റെ പേരിൽ സ്ഥാപനത്തിൽ നിന്ന് ഏതെങ്കിലും വിധത്തിലുള്ള ബുദ്ധിമുട്ടുകൾ ഉണ്ടായിട്ടുണ്ടോ? :
27. തൊഴിലുടമകൾ വർഗ്ഗ ശത്രുക്കളാണെന്ന ധാരണ താങ്കൾക്കുണ്ടോ? പൊതുവേ അങ്ങനെയൊരു അഭിപ്രായമുള്ളതായി താങ്കൾക്കറിയാമോ? :

അറിയാം/ അറിയില്ല

28. താങ്കൾ ജോലി ചെയ്യുന്ന സ്ഥാപനത്തിന്റെ ഉടമകൾ, അതിന്റെ മാനേജ്മെന്റ് തൊഴിലാളികളെ പീഡിപ്പിക്കുന്ന തരത്തിലുള്ള മനോഭാവം പ്രകടിപ്പിക്കാറുണ്ടോ? :

29. തൊഴിലാളി സംഘടനകൾ കേന്ദ്ര-സംസ്ഥാന സർക്കാരുകൾക്കെതിരെ തുടരെത്തുടരെ തൊഴിലാളി വിരുദ്ധ സർക്കാരാണെന്നു പറഞ്ഞ് പ്രക്ഷോഭ പരിപാടികൾ നടത്തുന്നത് എന്തിനാണെന്ന് താങ്കൾക്കറിയാമോ? :

30. തൊഴിലാളികൾ നേടിയെടുത്ത അവകാശങ്ങൾ അവരിൽനിന്നും ഏതെങ്കിലും അവസരത്തിൽ സർക്കാരോ, തൊഴിലുടമകളോ മറ്റുള്ള ഏതെങ്കിലും ഏജൻസികൾ മുഖേനയോ ചീന്തി എടുക്കുവാൻ ശ്രമിക്കുന്നതായി താങ്കൾക്കു തോന്നിയിട്ടുണ്ടോ? ഉണ്ടെങ്കിൽ എങ്ങനെ? :

31. തൊഴിൽ നിയമങ്ങൾ ഏതൊക്കെയാണെന്നും അവ ഏതെല്ലാം തരത്തിലുള്ള സംരംക്ഷണമാണ് തൊഴിലാളികൾക്ക് നൽകിയിട്ടുള്ളതെന്നും അറിയാമോ? :

32. തൊഴിലുടമകൾക്ക് ലാഭം കൂടുതൽ കിട്ടുകയെന്ന ലക്ഷ്യം വച്ചുകൊണ്ട് തൊഴിലാളികളെ ചൂഷണം ചെയ്യുന്ന നിലപാടാണ് സ്വീകരിക്കുന്നതെന്ന് താങ്കൾക്ക് അഭിപ്രായമുണ്ടോ? :

33. വ്യവസായസംരംഭകരെ ഇന്ത്യയിലേക്ക് കൂടുതൽ ആകർഷിക്കുകയും കൂടുതൽ സംരംഭങ്ങൾ തുടങ്ങുന്നതുവഴി തൊഴിലവസരങ്ങൾ അധികമായി സൃഷ്ടിക്കുകയും ചെയ്യുമെന്ന ലക്ഷ്യം വച്ചുകൊണ്ടു തുടങ്ങുന്ന “Make in India” എന്ന പദ്ധതിയോട് താങ്കൾക്ക് യോജിപ്പുണ്ടോ? :

34. ഉണ്ടെങ്കിൽ ആ പദ്ധതിയുടെ ഭാഗമായി കേന്ദ്ര സർക്കാർ നടപ്പാക്കാനുദ്ദേശിക്കുന്ന തൊഴിൽ നിയമ ഭേദഗതികളെപ്പറ്റി എന്തുപറയുന്നു? :

35. നിർദ്ദിഷ്ട ഭേദഗതികൾ താങ്കളടങ്ങുന്ന തൊഴിലാളി വർഗ്ഗത്തെ എങ്ങനെ ബാധിക്കുമെന്ന് ഒന്നു വിശദീകരിക്കാമോ? :

36. ഈയിടെവന്ന ബോണസ്സ് ആക്ടിൽ വരുത്തുന്ന ഭേദഗതിയെപ്പറ്റി അറിഞ്ഞു കാണുമല്ലോ? പ്രസ്തുത ഭേദഗതിയനുസരിച്ച്, കൂടുതൽ തൊഴിലാളികളെ ബോണസ്സ് പരിധിക്കകത്ത് കൊണ്ടുവരുകയും അവർക്ക് കൂടുതൽ തുക ബോണസ്സ് ആയി ലഭിക്കാൻ ഇടനൽകുകയും ചെയ്യുന്നു. ഈ വിവരങ്ങൾ പത്രമാദ്ധ്യമങ്ങളിൽ കൂടിയും അല്ലാതെയും അറിഞ്ഞു കാണുമല്ലോ? :

37. തൊഴിൽ നിയമ ഭേദഗതി നടപ്പാക്കിയാൽ തൊഴിലാളികൾ വർഷങ്ങളായി സമരങ്ങളിലൂടെ നേടിയെടുത്ത അവകാശങ്ങൾ എല്ലാം നഷ്ടപ്പെടുമെന്ന ഭയം താങ്കൾക്കുണ്ടോ? :

38. ഒരു തൊഴിലാളി എന്ന നിലയിൽ തൊഴിൽ/വ്യവസായ സമാധാനം നിലനിർത്തുവാൻ എന്തെങ്കിലും നിർദ്ദേശം മുന്നോട്ടുവയ്ക്കാനുണ്ടോ? :

39. 1991-ന് മുമ്പും പിമ്പുമുള്ള പ്രവർത്തന ശൈലി യെക്കുറിച്ചും സമരമുറകളെപ്പറ്റിയും ഒരു താരതമ്യ വിശദീകരണം നൽകാൻ പറ്റുമോ? :

40. ഈ വിഷയത്തെപ്പറ്റി കൂടുതൽ എന്തെങ്കിലും താങ്കൾക്ക് പറയാനുണ്ടോ? പറയാനുണ്ടെങ്കിൽ വ്യക്തമാക്കുക