

Executive Summary
Study of Collection of Documents of the National Campaign Committee for
Central Legislation on Construction Labour from 1985 to 1996

This Executive Summary on the study and collection of documents of the National Campaign Committee for Central Legislation on Construction Labour (NCC-CL) to provide Social Security and Labour Welfare to over thirty million workers (current estimated number of Construction Workers against twenty million at the beginning of the campaign) has covered the most crucial period from the inception **of the concept of a 'tripartite board system' to suit the needs and working conditions of the unorganised sector** (regulation of employment and provision of social security) to the enactment i.e. (1988 to 1996) of the following two Acts by the Parliament in 1996:

1. The Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996.
2. The Building and Other Construction Workers' Welfare Cess Act, 1996.

This period of eleven years covers the rule of six prime ministers and several more labour ministers of the Government of India.

THE INCEPTION OF THE CAMPAIGN

The campaign started at the end of 1985 during the prime ministership of Shri Rajiv Gandhi with the first national seminar on construction labour at the Gandhi Peace Foundation, Delhi from 1st to 3rd Nov 1985. Over 136 persons and organizations from Andhra, Delhi, Karnataka, Kerala Maharashtra, Punjab and Tamil Nadu representing the following organizations were present:

- Atamanveshan
- Bandhua Mukti Morcha
- Bhartia Bhatta Mazdoor Sangharsh Samiti
- Brick Kiln and Construction Workers Union

- Building Maintenance and General Services Workers Union
- Central PWD Workers Union
- Hydro Electronic Project Coordination Council
- Indian Federation of Building and Woodworkers Union
- Indian Social Institute
- Kamani Employees Union
- Khet Mazdoor Union
- Karnataka State Construction Workers Central Union
- Legal Aid and Advice Centre
- Mobile Creches
- National Labour Institute
- Participatory Research in Asia
- Rashtriya Bhatta Mazdoor Union
- Sankalp
- Tamil Manila Kattida Thozhilalar Sangam
- United Trade Union Congress (Lenin Sarani)
- Volunteers for Social Justice
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The three day national seminar on Construction Labour organised by the Tamil Nadu Construction Workers began on 1st November, 1985 with the inaugural address by Justice V.R.Krishna Iyer. The participants included representatives of the Tamil Nadu Construction Workers Union and a large number of construction workers from U.P, Haryana and Delhi, the A.I. T.U.C affiliated construction workers union from Punjab and Delhi and their representatives Shri Manga Ram and Shri Mohan Lal and Shri Jai Singh of the Indian Federation of Construction and Wood Workers, Shri Thankappan trade unionist from Bombay and Shri Swamy and Shri Firoze Ahmed from the Construction Workers Federation of Karnataka.

Following the inaugural address, the participants shared their experiences on the lack of security of employment, and provision for social welfare and social security for construction workers. Shri Guha Thakurta, representing M/s Gannon Dunkerley, a

construction company, also spoke on the need for legislation for construction labour. All the participants were unanimously in favour of a comprehensive central legislation for construction labour. They felt that the piecemeal extension or mere mechanical application of the various existing labour and welfare laws to the construction sector would be neither workable nor satisfactory. For instance, given the existing mobility and unstable nature of the employer-employee relationship in the construction industry, the application of the ESI schemes or Maternity Benefit Act or Provident Fund Schemes are of no utility at all. The only way to ensure security of employment and social security and welfare measures would be by the creation of a construction labour Board, vested with necessary powers to achieve these objectives.

On 2nd Nov, in the forenoon Shri P.S. Poti, retired Chief Justice of the Gujarat High Court, addressed the participants. He said that a legislation of this kind was urgently needed to take care of the most exploited and second largest unorganised labour force in the country. He stressed the need to eliminate the evils of the dual system of employer-employee relationship, viz principal employer and immediate employer.

THE PROPOSAL FOR TRIPARTITE BOARDS

The participants then went into group discussions on what would be the composition and functions of the proposed construction labour board, and its structure from the national level to the local area level. The group also discussed the following:-

- 1 Working conditions and security of employment;
- 2 Accidents, safety and compensation;
- 3 Social security -- ESI, PF and Pension;
- 4 Housing, children's education, and crèches;
- 5 Wages and minimum wages;
- 6 Special problems of women workers.

The group discussions continued on 3rd Nov, 1985. After the conclusion of the group discussion and discussion of the reports of the respective groups, a consensus was

reached in the form of proposals for a comprehensive legislation for construction labour. It was resolved unanimously to have a national campaign committee to follow up the tasks of drafting legislation and lobbying for its introduction in the Parliament. It was decided that the national campaign committee would function under the chairmanship of Justice V.R.Krishna Iyer and comprise of Justice P.S.Poti (retired) and Shri T.S.Sankaran (retired) additional labour secretary, Govt. of India and trade union representatives among others.

During the seminar it was decided that the objective of the proposed law should be primarily to regulate employment in the construction industry, ensure security of employment and guaranteed minimum wages and provide for various social security and social welfare measures for construction labour. After deliberations for three days, the participants felt that the law should create a construction board, at the national level and state level, with proportionate representation for construction workers, the government and the contractors. Further, it was stipulated that the proportionate representation should be in the nature of 50:30:20 for the three components and that no decision adversely affecting the interests of labour should be reached without the consent of the workers. It was felt that the creation of such a board would eliminate the dual employer system which is sanctioned by other Labour Laws, such as the Contract Labour (Abolition and Regulation) Act, 1970 and the Inter-state Migrant Workmen Act, 1975. ?????? The representation of the construction workers would be achieved through election by secret ballot of registered workers and with the right to recall.

It was envisaged that the board would be entrusted with functions which would include regulation of employment on the basis of registration of construction labour, providing also for inter-district, inter-state transfer of labour and fixing minimum and fair wages, taking measures to ensure minimum guaranteed wages for not less than 15 days ensure social security and social welfare measures which will be the obligation of both the contractors and the builders. No construction activities would be carried out by any contractors or agencies without prior permission of the construction labour

board and such construction activities would be carried out only in accordance with the provisions of the act and the rules and regulations to be framed by the Board. It was recommended that there should be a National Level Board with coordinating\ supervisory functions and state level boards which should be entrusted with executive functions and policy guidelines. Such a dual registration of construction workers and the builders or their agents was suggested to ensure that only registered workers get employment and that no construction activities be carried on outside the provisions of the proposed law.

It was stipulated that at the time of applying for permission for construction, the builder would be required to pay:

1. The wage which will include a component of E.S.I, Provident Fund etc. in proportion to the working days and;
2. A construction levy which will be a welfare fund to provide for housing, crèches, minimum guaranteed wages etc.

The builders and the contractors would be required to discharge their obligations in the prescribed manner without which construction work would not be permitted. The functions of the board would further include the power of immediate intervention and adjudication in regard to non-compliance with the obligations under the law. It was suggested that, as a transitory measure, there may be a transitory board to bring into effect the actual operation of the law.

TRANSITION
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THE TRIPARTITE WORKING GROUP

It needs to be mentioned here that it was the formation of a Tripartite Working Group (TWG) by the Ministry of Labour in February 1985 which triggered the calling of the above said National Seminar of Construction Workers. It was this which resulted in the formation in 1985 of the National Campaign Committee of Construction Workers for a Comprehensive Central Legislation (NCC-CL) under the Chairmanship of Justice V.R. Krishna Iyer. The TWG was constituted on the demand of builders, as is clear from the first para of the resolution of the Notification dated 7th Feb 1985.

“For some time the Ministry of Labour has been receiving representations from the building and construction industry about the difficulties being faced by them in complying with the provisions of the Employees’ Provident Fund and Miscellaneous Provisions Act, 1952 and the three schemes framed thereunder. The Government, after due consideration of these representations, have now decided to constitute a Tripartite Working Group consisting of the officials of the Central and State Governments, Employers representatives in the industry and of the Central Trade Union Organizations.

The terms of reference of the tripartite committee would be as under:-

1. To identify the specific difficulties being faced by the building and construction Industry in complying with the social security legislation namely Employees’ Provident Fund and Miscellaneous Provisions Act and the schemes framed there under, the Employees’ State Insurance Act and Schemes, the Payment of Gratuity Act etc, and
2. To work out what type of special social security cover should be formulated for the workers in the Industry keeping in view the difficulties as in above point.”

A list of the members constituting the Working Group is attached as Appendix II of the draft report. Later Miss Geetha of Tamil Nadu State Construction Workers Union,

Madras, Dr. (Miss) Anandalakshmi of Mobile Creches for Working Mothers' Children, New Delhi and Professor K.N. Vaid of the National Institute of Construction Management and Research were co-opted as members of the working group. The working group also had Shri T.S Sankaran of National Labour Institute and Shri R.L. Kusalkar of National Federation of Labour Cooperatives as special invitees.

At the second meeting of the Working Group, three sub-groups were constituted with the following agenda.

Firstly, what is the alternative to existing social security laws and what should be the form of the alternative social security schemes. The group may also consider the establishment of a welfare fund for Building and Construction workers.

Secondly, how the existing social security laws can be improved upon for higher effectiveness.

Thirdly, the Boards for Building and Construction Workers.

What are the strong points and the weak points, why the Mathadi Labour Act was not extended to Building and Construction industry in Maharashtra, and what are the reasons for the failure of the similar Act in Gujrat.

The recommendations made by three sub groups such as Appendix III ???????

At one stage when the report prepared by the drafting committee was being discussed in May 1987 ???? the Builders Association of India and Shri K.A Khan of HMS joined hands to sabotage the unity achieved by the NCC-CL efforts among the representatives of construction workers. Here the active intervention of the NCC-CL supported by the publications of Lawyers Collective and other side by Shri George Fernandes M.P played a crucial supportive role.

NCC-CL circulated the following letter to expose the unholy alliance of the two supported by the 17th June 87 letter of the Dy. Secretary.

The letter drew attention towards the developments in the Tripartite Working Group on Building and Construction Industry formed by the Government in 1985. The TWG was divided into three different sub groups to discuss:

1. The amendments in the existing social security and welfare acts;
2. The welfare fund Scheme;
3. The proposal for a Board for construction industry. After the three sub groups had completed their discussions and finalized the three sub group reports, the entire group had started discussion to finalise the recommendations of the TWG.

To expedite the work a “Drafting Committee” was formed to prepare a draft on the basis of material before it, including the three sub group reports. Shri KA Khan of the HMS was on this “Drafting Committee” from among the representatives of workers in the TWG. The Draft Report prepared by the “Drafting Committee” was a very biased document. It largely neglected the three sub-committee ??? reports and other material available to it. It mainly relied upon the material prepared by the Builders Association of India. However a discussion is in continuation on the Draft Report by the entire TWG and the last meeting was held on 21-5-87.

A highly unjustified and damaging development has taken place since then. Builders Association of India had called a bipartite meeting on 27th May 87 in which besides its representatives Shri K.A. Khan of HMS and Shri S.L. Sharma of INTUC were present. No Government representatives were present in this meeting.

The Executive Secretary of Builders Association of India has addressed a letter dated 1st June 1987 to the Chairman of TWG enclosing a draft of this so called Bipartite meeting stating that “enclosed draft shall substitute the earlier one (referring the draft

prepared by the Drafting Committee appointed by the TWG) considered by the group on 21st May 87. No such decision was taken in the 21-5-87.

This self acquired role of the Builders Association of India in over-riding the Drafting Committee is highly deplorable and against all norms of decency.

Now strangely Deputy Secretary has issued a letter dated 17th June 87 to all members of the TWG accepting the Report prepared by the Builders Association of India as the final report. This proves beyond any doubt that some officials of the Government of India are in connivance with the Builders Association of India and their sole aim is to sabotage the functioning of the Tripartite Working Group.

The Government has assured in the Parliament and in another meeting, the Labour Minister also assured that he is awaiting the report of the T.W.G. for implementation.

NCC-CL PROTESTS BUILDERS' MOVES

On the initiative of NCC-CL, the following protest letter was sent ??? (TO WHOM???) by several important personalities, including Shri George Fernandes. M.P.:

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“The Draft Report prepared by the ‘Drafting Committee’ of Tripartite Working Group on Building and Construction Industry is under discussions.

As per the minutes circulated by the Under Secretary vide his letter dated 3rd June 87, workers representatives were given time upto 7th June 87, to submit their views to the Director General (Labour Welfare). Instead of this, the Builders Association of India has concocted a story that the workers representatives after consulting among themselves met the Employers representatives and both decided to have a meeting at Bombay on 27th June 87. The meeting at Bombay was attended by Sarva Shri R.M. Chokshi, R.G. Gandhi & N.D. Patel of Builders Association of India and Sarva Shri K.A. Khan and S.L. Sharma of HMS and INTUC respectively. Three other members

of the Drafting Committee Shri A.K. Srivastava, Director General (Labour Welfare), Prof. K.N. Vaid and Shri T.S. Shankaran were not present at this meeting.

Subsequently the Executive Secretary of the Builders Association of India vide his letter dated 1st June 87 addressed to you has stated that “the enclosed draft report shall substitute earlier one considered by the group 21st May 1987.

The Builders Association of India has set aside all norms of decency in overriding the Official Drafting Committee in this manner.

More than that now one of the Deputy Secretary of your Ministry vide his letter dated 17th June 87 has accepted the so called bipartite report of the Builders Association of India as final report, totally discarding the official draft report.

This proves beyond doubt that some officials of your Ministry are in connivance with the Builders Association of India to sabotage the working of the Tripartite Working Group on Building and Construction Industry.

We have also learnt that the draft report prepared by the ‘Drafting Committee’ has neglected the reports of the three sub groups constituted by it and has largely depended on the submission of the Builders Association of India. Therefore the Draft Committee has wrongly concluded that the Tripartite Working Group could not bring out the reasons for the non implementation of the current statutory provisions and that no workable solution was brought out.

We are fully aware that at the discussions held at the sub groups of the Tripartite Working group it was successfully identified that the fundamental difficulty in the implementation of the existing social security regulations is the absence of a constant employer relationship which is the most contrasting peculiarity of the building and construction industry.

Therefore it could be recommended that the only method by which social security measures suitable to the building and construction industry can be worked out would be substituting this absence of constant employer-employee relationship by a Tripartite Board for the construction industry.

Last year the Minister of Labour has assured in a meeting of this industry that the Ministry is awaiting the report of this Tripartite Working Group for implementation. A similar assurance was given by the Government in Parliament. Therefore we all are keenly interested in the Report of this Committee headed by you. We request you to take special care in the above mentioned circumstances for finalizing workable and fruitful report.”

LETTER TO TWG MEMBERS

Geetha, the representative of CW for Tamil Nadu wrote the following letter to all the members of the TWG.

In this letter the Deputy Secretary has very innocently accepted the suggestion of the Executive Secretary - Builders Association of India(BAI) to accept the so called Bi-partite Bombay report as the final report of the drafting committee. It is surprising that he has failed to see the absence of the Director General (Labour Welfare) and other members and invitees from the said “Bi-partite Bombay Meeting”.

The meeting of the Tripartite Working Group (TWG) called on 7th August was cancelled, but is likely to be held soon. It is imperative that we members should be clear on the issues pending discussion in the next meeting since various circulars/reports during the last few months have tended to confuse these issues. I am sure that the following note will bring clarity on the existing situation.

1. BAI’s attempt to override the Tripartite Working Group:

The letter dated 1st June, 1987 issued by the Executive Secretary of the BAI says “the enclosed draft report shall substitute the earlier one considered by the group on 21st May, 1987”. This is neither in accordance with the earlier proceedings of the Tripartite Working Group, nor were the five signatories to the so-called bi-partite meeting authorized in any manner to re-draft the report to be discussed by the TWG. So this can only be taken as an attempt to override the TWG and to create further confusion.

The five signatories to the so-called bi-partite meeting had no right to assume the role of the drafting committee. The trade union representatives on the TWG had also not authorized Shri K.A. Khan and Shri Sharma to sign any bipartite agreement on their behalf with the BAI. Therefore, the so-called Bombay Bi-partite Committee Report can only be taken as the opinion of BAI, Shri Khan and Shri Sharma. The main thrust of this report is to suggest that “the industry should be exempted from the (Provident Fund) Scheme” and pending enactment of new comprehensive legislation “suitable notification may be issued by the Ministry of Labour....so that.... The industry is denotified with regard to the application of Provident Fund Act and Gratuity Act”.

I am sure that the trade union representatives will be alert to the fact that the TWG can under no circumstances become a party to recommend the exemption of even the few units who derive just perfunctory benefits from the applicability of existing laws of social security.

I further request the members of the TWG to notify their protest to the Secretary of TWG against this ‘self acquired’ subversive role of BAI to override the TWG and create confusion.

2. Has the Tripartite Working Group failed?

The introduction of the draft report prepared by the drafting committee baldly states on page 2: “show that the (current statutory) provisions were not effectively

implemented though the reasons for the same were not workable but what was workable did not come out at the meeting.

These two sentences, and the entire draft report gives an impression that the Tripartite working Group has totally failed in (1) its attempt to identify the difficulties in the implementation of the existing social security legislations in the Building and construction industry and (2) in working out social security measures suitable to the industry. However, this impression is absolutely false. If one goes through the proceedings of the TWG and its three sub-groups, the difficulties in the implementation of the existing social security legislations due to the peculiarities of the building and construction industry come out very clearly. The social security measures suitable to the peculiarities of the industry also come out very clearly in the proceedings of the TWG and its three sub-groups.

In a nut-shell, the TWG has successfully identified that the fundamental difficulty in the implementation of the existing social security legislation is the absence of a constant employer-employee relationship which is the most contrasting peculiarity of the building and construction industry. Therefore it could be recommended that the only method by which social security measures suitable to the building and construction industry can be worked out would be substituting this absence of a constant employer-employee relationship by a Tripartite Board, for the construction industry. This was inevitable, because one of the crucial assumptions underlying existing social security legislations/measures is the existence of a stable employer-employee relationship.

These two aspects which come out very clearly in the proceedings of TWG and its three sub-groups have been totally ignored in the draft report prepared by the drafting committee, thereby creating the impression that the TWG has totally failed in the task entrusted to it. Since this is contrary to the facts, one can only conclude that in fact it is the drafting committee which has failed in its task of presenting a comprehensive

report on the basis of the proceedings of the TWG and its three sub-groups, and not the TWG.

Has the Drafting Committee really done its task?

The main task of the drafting committee was to prepare a comprehensive report on the basis of the past proceedings of the TWG and its three sub-groups so that the draft report is adopted by the main group for re-amendments. But the drafting committee has presented only a one-sided picture and the proceedings of the main group and the reports/papers of the three sub-groups have been totally neglected. Therefore, instead of reducing the burden of the main group, the drafting committee has only increased it. In the light of this fact, if justice is to be done to the interests which each member of the TWG represents, alertness is required to ensure avoidance of any hasty completion of the meeting on the basis of such a seriously flawed report. Failure to do so will result in the emergence of a totally distorted and lopsided version.

There are several examples of the one-sided picture presented by the drafting committee and neglect of the proceedings of the subgroup report etc. Given below are the few:

(1) Para 2.0 to 3.1 of the report on the scope and features of the building and construction (B&C) industry has been straightaway lifted from the first three paragraphs of the notes on B&C prepared and submitted by the BAI. Therefore, contrary to the reality, the draft report has concluded that construction works is treated as casual and hence employment relations are contractual". ?????

To work out feasible social security measures it is necessary to understand the peculiar features of this industry seriously. A one-sided view of the peculiar features of this industry is bound to make the recommendations of the Tripartite Working Group lopsided. Therefore, it is necessary that the entire main group should now examine the peculiar features of the B&C industry to work out feasible social security measures.

(II) The introduction of part 4 on employees Provident Fund and family pension schemes is directly lifted from page 3, column 1&2 of the paper on “Labour and the Building and Construction Industry” presented by Shri P.J.Ovid at the XII All India Builders Convention held at Bangalore between 23rd and 25th January, 1987.

The entire section (from para 4.1.1 to para 4.1.3 and 4.2)gives only the stand of BAI. It is absolutely clear that it has totally neglected the report of the second sub-group which was to examine how the existing social security laws can be improved upon for higher effectiveness.

In the report of the second sub-group the recommendation in para 3 is absolutely clear viz. “It was unanimously agreed that the casual labour which is not having any kind of benefits from any social security laws i.e. ESIC, EPF Act and Payment of Gratuity Act should be given benefits there under” (circulated vide letter No. R 11011/ S/85-RW dated 11th July, 1986).

Further, the draft report prepared by the drafting committee says in para 4.13. “contractors have frequently reported that workers do not want any deduction of their Provident Fund contributions from their wages”. There is absolutely no reference to any other opinion on this point.

However, para 2 of the note regarding report of the first sub-group prepared by the late Shri J.N. Bhardwaj (on INTUC representatives) states that (workers) sometimes cause resistance to the deductions in case of EPF Act and that this is due to their bitter experience about the bad working and half-hearted implementation of this Act.

This vital observation of Shri J.N. Bhardwaj as to the real reasons for such occasional resistance by the workers when contrasted with what appears in the draft report illustrates clearly the serious flaws that characterize the entire draft report.

(II) Chapter III of the draft report prepared by the drafting committee purportedly deals with the question of a “Tripartite Construction Labour Board”. It glaringly omits to mention the fact that both the employers and the trade unions are unanimous on the need and necessity for such a Tripartite construction labour board. The report instead indulges in a hotch-potch exercise of merely perfunctorily stating the views of the employers and the trade unions in this regard, thereby projecting a very incomplete picture on this vital aspect.

This chapter is concluded with the administrative and legal difficulties explained by a government representative despite those having been clarified in subsequent meetings. Please see the comments of T.S. Sankaran in para VII. Surprisingly enough, the provisions of health and safety, welfare, crèches, housing facilities etc, are also declared beyond the terms of reference of the working group by this lone government representative. Now it is for the main group to examine whether its sub-group or it has really gone beyond its terms of reference as made out by the drafting committee.

(III) Chapter IV, para 1.1.4.c states that there was no unanimity on this point. Contrary to this, para 4 on the recommendations of the report of the third sub-group clearly states that “the following are agreed to by both the workers’ and employers’ representatives. There should be a central legislation providing for a scheme and an agency to implement the scheme broadly based on the framework of the Dock workers and Mathadi workers model but avoiding its unimplementable provisions in the context of construction labour....”

Since the report has failed in this task of comprehensively reflecting on various other aspects, it has led to the ironical and paradoxical situation where the secretary of TWG has himself been compelled to feel the need of giving his comments separately.

What is to be done by the TWG?

In view of the above short-comings of the drafting committee it is essential that each and every member should once again examine the three sub-group reports so that a comprehensive report can be presented, highlighting the unanimity of views on different aspects which emerged on the peculiarities of the B&C industry which contrast with other industries. This understanding alone can guide us in balancing and crystallising the respective merits of the three alternate but parallel approaches considered by the three sub-groups.

Recently, in response to a private member's Bill on the construction industry, the government had assured that it is awaiting the report of this Tripartite Working Group. This assurance, coupled with the pending petition on the Bill before the Petitions Committee of the Lok Sabha, makes its incumbent on us to present our comprehensive views through a proper report instead of allowing things to be decided on the basis of the seriously flawed, tepid and half-hearted report, as presented by the drafting committee.

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The alertness of construction workers' representatives like Geetha and the National Seminar of construction workers turned the direction of the wind completely. The TWG which was formed to get rid of the difficulties faced by the building and construction industry from the ??????

REVISION OF BILL & SCHEME

In June at a workshop in Bangalore the Bill and Scheme (Act and Rules) proposed by NCC-CL were discussed for making a final revision. During June, July, besides signature campaign, the new team ????? visited various organisations of Construction Workers in Delhi, Himachal Pradesh, Punjab, Rajasthan, Maharashtra, Uttar Pradesh and Bihar. During August 1986, Justice V.R. Krishna Iyer wrote to the Chief Ministers of all State governments to pass a resolution under Article 252 of the Constitution of India to facilitate a comprehensive central Act for construction workers.

The various workshops all over the country, following the National Seminar developed the NCC-CL proposal of the Building and Other construction Workers (Regulation of Employment and Conditions of Services) Acts 1986 with the active participation of construction workers themselves.

During 1987-88 the campaign concentrated on consolidating consensus, particularly rectifying the attempt of the Builders in sabotaging the unity achieved at the Tripartite Working Group, and forming state level campaign teams.

By the middle of 1986 the Bill prepared by NCC-CL was finalized by a Committee constituted at Delhi and a Southern Regional committee was formed with Geetha as the Convenor to coordinate the signature campaign on the Petition and a Rally to Parliament. A campaign team had gone around different states in North India including Delhi, Uttar Pradesh, Punjab, Himachal Pradesh and Rajasthan to garner the support of local organizations.

The submission of the Petition to Parliament in 1986 was preceded by a few weeks of hectic preparation and lobbying in Delhi.

On November 12, 1986 a meeting to discuss the model Bill and Scheme was called at Kerala House between Justice V. R. Krishna Iyer and Members of Parliament. Among those who attended were B. Satyanarayana Reddi, Balwant Singh Ramoowalia, Chaturanan Mishra, Datta Samant, Ela Bhatt, Indrajit Gupta, K.P. Unnikrishnan, Muiram Saikia, Narayan Chaube, P. Radhakrishna, S.P. Malaviya and Thampan Thomas representing political parties such as the Akali Dal (S), Assam Ganatantrik Parishad, Congress (Socialist), CPI, Janata, Lok Dal and Telugu Desam.

On the same day Justice Krishna Iyer and NCC-CL members met Labour Minister P. A. Sangma, gave him a copy of the Model Bill and Scheme and requested him to take action. The Minister assured them that after the passing of the child labour Bill he

would next concentrate his energies on unorganized labour and would spare no efforts to enact a law for construction labour.

Between 12-14 November a delegation of NCC-CL attended a seminar on Women Construction Labour organized by the National Institute of Public Cooperation and Child Development. The Seminar, in its recommendations, endorsed the Model Bill and Scheme proposed by us and urged the Government to implement these speedily.

Justice Krishna Iyer had written to all the Chief Ministers to pass resolutions under Article 252 of the Constitution. We received acknowledgments from various Chief Ministers appreciating the Bill and Scheme and stating that the concerned Ministers or departments of the State Government are examining the issues. The replies received were from the States of Haryana, Himachal Pradesh, Karnataka, Kerala, Manipur, Mizoram, Orissa, Pondicherry, Punjab, Rajasthan, Sikkim and Tripura.

On November 27, NCC-CL Chairman Justice Krishna Iyer and a delegation comprising of Smt. Ela Bhatt of the Rajya Sabha, Shri Indrajit Gupta of the Lok Sabha, Justice P.S. Potti, Smt. Geetha, Shri T.S. Sankaran, Shri M. Subbu, Shri Venkataramani and Smt. Vijayalaxmi of NCC-CL met the Speaker of the Lok Sabha, Shri Balram Jakhar and presented him with an advance copy of the Memorandum along with the Model Bill and Scheme. The Speaker assured all cooperation in this matter.

The march to Parliament to submit the Petition was organized on 5th Dec 1986 at Delhi. More than 2000 construction workers marched from Ferozeshah Kotla Grounds to Boat Club in New Delhi. The memorandum signed by four lakh workers from all over the country was submitted by a delegation to Begum Abida Ahmed, Chair of the Petitions Committee of the Lok Sabha.

Representatives of various construction workers organizations from Bihar including the All India NPCC Employees Federation, Bhagalpur District Construction Workers

Union, Bridge & Roof Workers Union and the NBCC Workers Union, organizations from Delhi and Haryana such as Bandhua Mukti Morcha and CPWD Mazdoor Union, besides the Karnataka State Construction Workers Union, the Kerala Construction Workers Federation, Maharashtra – All India Confederation of Construction Workers, Orissa???? Rajasthan – Shramjeevi Sangathan, Tamilnadu State Construction Workers Union and the Kanpur based Construction Labour Union joined the march. Workers from various construction sites and market places in Delhi also participated.

The March culminated in a public meeting at the Boat Club which was addressed by members of Parliament and representatives of construction workers. Among the **Members of Parliament** who addressed the workers were Shri B. Satyanarayana Reddy of Telugu Desam, Shri Narayan Chaubey of CPI, Shri Balwant Singh Ramoowalia of Akali Dal (S) and Smt. Ela Bhatt, President of the Self Employed Women's Association. Others who addressed the Rally included former **Members of Parliament** Smt. Promila Dandavate, President of the Mahila Dakshata Samiti and Shri Kishan Patnaik, Socialist leader of Orissa, and **representatives of construction workers including** Swami Agnivesh of Bandhua Mukti Morcha, Shri M.M. Deshkar, President and Shri K.N. Pandit General Secretary of All India Confederation of Construction Workers, Shri Sujan Prian General Secretary of the Kerala Construction Workers Federation, Shri Feroz Ahmed General Secretary of Karnataka State Construction Workers Union, Shri Pitchaimutthu President of Tamilnadu State Construction Workers Union and Shri Ramesh Nandwana of Shramjeevi Sangathan. They exhorted the workers to continue the struggle and assured their personal and organizational support to bring the model Bill to fruition.

THE PETITION

The Petition summarizing the contents of the proposed Bill was as follows:

Memorandum of Petition submitted to the Petitions Committee

“Respected Sir,

1. We the construction workers of this country, the young, the old, and women, whose limbs are contributing ceaselessly for development growth, who are selling ourselves out in conditions of insecurity and uncertainties, who as a class have no single legal godfather to protect and promote our rights, interests and welfare and removal of our uncared for plight ????? ought to be everybody's human concern, are Petitioning through this Memorandum to the representative conscience of the country and to the ballot weight-bearers ??? of the people, to construction law for our upliftment.
2. We say that Construction activity is synonymous with civilization, a human collective activity which makes all other social and economic activities possible. It has contributed and is contributing to starting from the shelter of the low and the tiny, the high and the bangalowed????, to the running of giant wheels of industry, the making of power, the laying of roads, and so on. Our spectrum of work has no bounds. Yes today's spent energies of our toiled limbs have made today's movement of everybody possible including the cloistered places for study of subatomic particles and the music of the spheres, and law making rostrums of Assemblies and Parliament which determine the lives and affairs of the people. Hence the need for concerned action and urgent conscious deliberations to construct a law for us the constructions. ??????
3. It is an established fact that construction activity is the second largest economic activity in our country. It is estimated by authentic studies that about 2 crores of persons, (for whom also the Constitution was enacted and in particular the Directive Principles of State Policy) are regularly engaged in construction activity. More are expected to join our bandwagon, with the increase in construction activity. But jaw ????? there is none to govern this industrial activity; legal protection none for regulating our employment, to impose obligations on the utilisers of our labour; no social security and no social welfare measures.

4. We one of the miserable section of the work force of the country making all growth and development possible, have been agitating for Govt. intervention, to make our life and livelihood secure, if not meaningful. The existing labour legislations could in no way be rendered applicable to the construction labour and Industry. Piecemeal extension or application of these laws would be missing the wood for the trees. Hence the undisputable case for a comprehensive Central Legislation for Construction Labour.
5. we submit that the existing labour welfare statutes are inapplicable and inadequate for the following reasons:
 - a) Construction activity is different from other labour utilization activities. The place of work and the nature of work, and the employer are mobile factors, they are not constant and fixed. There is no fixity of employer-employee relationship and defined places of work. Existing labour legislations are founded on this discernible and fixed employer- employee relationship.
 - b) Construction activity as such an industry is not regulated or governed by and law.????
 - c) There is no intermediate agency or authority which can regulate our conditions of service and which could ensure regularity of employment, secure welfare measures and benefits for us the construction workers on the one hand and also ensure timely availability of labour, quality of work etc. for the employer.
 - d) The existing welfare Legislation such as Maternity Benefit Act, Workmen's Compensation Act, intended to apply to fixed employer-employee situations, apart form being inapplicable, are unworkable even if extended to us as our experience from different parts of the country demonstrates. It would thus be meaningless to talk of existing legislations. We have understood our case well and

those who talk of existing legislations do not and have not understood the subject.

6. It therefore, as an inexorable logic follows that **unless the construction industry itself is regulated by an Agency/Institution/Body**, we, the construction workers will have to continue to mourn the lawless situation everyday. With ill or non-compensated deaths and disablements, no permanent housing, no education for our children, no health facilities and in short no living environment. This will amount to negation and deprivation of all Constitutional guarantees, when part IV of the Constitution mandates the State to ceaselessly strive for creation and promotion of better human life for the poor and the backward.
7. Having grasped the reality that we need a separate law, with a self regulated agency, we took the next step: What should be the contents of the law? We the construction workers had our own ideas. We shared it with our representatives. Our deliberations have yielded fruits in the shape of the enclosed draft bill.
8. The salient features of the Bill are:
 - a) Constitution of Construction Labour Boards, representing the Govt. the Construction Workers and the employers which will regulate all construction activities and employment of construction labour by the principle of registration of employers and contractors and construction labour. There shall be no construction activity outside the purview of the act.
 - b) Those who construct either by themselves or through contractors, as “ utilisers of labour” shall be individually and jointly liable to meet, the various obligations such as construction levy, and welfare levies including maternity benefits, Provident Fund, Accident Compensation etc. The Construction Labour Board will secure these obligations and to whom we can go to get our dues.

- c) The Construction Labour Board will be empowered to determine wage structure, management of security and welfare fund.
 - d) The Construction Labour Board will also create bodies for immediate resolution of disputes and will also ensure as a consequence greater improvement in the quality of work.
9. The Central and State Governments are the biggest construction employers. Their obligations in this regard are undoubted. The proposed law will cover their cases also.
 10. Having regard to the urgent need for Central Government initiative and action in the matter and in view of the constitution of the National Committee on Construction Industry, it was felt desirable to consolidate the views and ideas on the subject, to be presented to the Government in the form of a draft bill, for its consideration and introduction in the Parliament.
 11. There can be no two views on the duty and responsibility of the Govt. to act in all its haste in an area where misery is manifest, and wiping the tears from every subject eye will be socialistic performance.
 12. We repeat: The enclosed draft bill has been drawn up after long deliberations by us the Construction Workers, and our representatives from different parts of the country and men of law who have concern for our cause. It echoes the needs and aspirations of a neglected mass of citizens, which are founded on undisputable logic and unquestionable human need.
 13. We do not desire, any more tinkering with existing Labour Legislations. They cannot come to our rescue. If rule of law has any meaning and relevance the Parliament ought to consider our case seriously. The proposed law is ideal, insofar as it would satisfy both the employers and the construction workers.
 14. The enclosed draft bill has many special features based on the peculiar nature of construction Industry. It has provided for a self-contained dispute resolution machinery to enable speedy resolution of disputes.

15. If rational non-exploitative arrangement of human relationship is the function of law making, and if Articles 39, 42 and 43 of the Constitution are more than mere empty words and beyond electoral ephemeral ties then, the suggested Law for Construction Labour will be doubtless an item in the immediate business agenda of the Parliament.

We appeal accordingly.”

CONSOLIDATING THE CAMPAIGN

After submitting the petition the NCC-CL once again started campaign activities to start an awareness campaign about the new system of labour legislation proposed by it for construction workers which was based on the Dock Workers Act and Maharashtra Mathadi Workers Act. Wall writings and leaflets to educate workers and others on the concept of Board demanded by NCC-CL were planned.

In the beginning of 1987 the Migrant Construction Workers Project of Nirmala Niketan, College of Social Work, Bombay organised a seminar on Construction Workers which helped in consolidating support in Bombay around the National Campaign of construction workers.

The first meeting after submitting the Petition was held in Delhi on 8th Feb 1987 at which it was decided to observe 2nd March as “Demands Day”. To create awareness about the Construction Workers Board system it was proposed to organise ‘Wall-Writing’ and publish leaflets in local languages. All the constituents of NCC- CL were asked to write letters to the Central Labour Minister Shri P. A. Sangma.

In a subsequent meeting of the NCC-CL at Delhi on 3rd March 87 it was decided to observe a “Legislation Day” on 30th May 87 and to organise state level conventions of construction workers. Since there were no active unions of construction workers till then it was decided to make a beginning by organising a workshop for activists from different support groups.

On April 18-19, 1987 a two-day workshop was organised in Delhi to consolidate a support group for the Campaign at the national capital. A few Members of Parliament were also called to this meeting.

Tamil Nadu and Kerala organised state conferences in July, and the Punjab AITUC organised a state level meet at Talwara. All these programmes assured their support for the Campaign.

On 8th April 87 the NCC-CL met in Delhi. At this meeting an organizing committee was formed and a decision to observe **30th May 87 as Demands Day** was taken.

Around June-July there was an attempt to sabotage the working of the TWG as referred to above which was rectified by the alertness of NCC-CL.

THE GOVERNMENT BILL

1988 was a crucial year for the Campaign. Although the process of the Tripartite Working Group was over, its report had not been submitted. The government, in spite of its earlier assurances in Parliament that it would wait for the TWG report, introduced in Parliament “The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Bill 1988” on 5th Dec 1988. The Bill had not a single clause on regulation of employment and was confined to safety aspects.

A few days after this NCC-CL finally got the opportunity to give evidence before the Petitions Committee of the Lok Sabha.

Through the year 1988 the NCC-CL had been preparing itself for the above occasions. During this year first a two-day meeting was organized on 5th- 6th April at Kerala House. Over 43 persons representing six states participated. By April, the deliberations of the TWG were included ?????? with two points – (a) there should be a

law for construction labour (b) there should be a Board. But there were differences of opinion on the tasks and functions of the Board.

Circulated minutes of the 5-6th April meeting:

It was felt that the states should be persuaded to introduce legislation to forestall the builders taking the upper hand. All our effort need not be put into the Central basket straightway. The representative of the Tamil Nadu State Construction Workers Union reported that their union was now demanding the implementation of the Manual Workers Act in their state besides demanding the Central Legislation.

It was reiterated that there was a need for a strong union of construction workers in Delhi and in the northern States. This required full time personnel and office facilities. The Nirman Mazdoor Union formed with the help of Swami Agnivesh at Delhi with 300 members was at this time struggling without a full-time worker to handle union matters.

WHEN WAS IT FORMED? WHO WAS IN IT???

Apart from Delhi unionizing work, there is a need for national ????? of the NCC-CL. This can be done more effectively only if there is a formal structure for the NCC-CL, with a constitution, by-laws etc. Only then would there be accountability.????

The NCC-CL needs to take a public stand on some of the ongoing struggles of construction labour, for example that of the NBCC and NPCC workers struggles in which over 1000 workers have been victimized. There have been terminations and massive retrenchments. Union workers are being transferred or harassed in other ways. Workers have also been attacked by police. The Central government is not ready to hear any appeal. Several ministers and even the Prime Minister has been approached but to no avail.

The question of funds: this is a very serious issue requiring urgent attention. The main handicap of the NCC-CL is precisely this at the movement. It was noted that the commitments made by different trade union representatives to contribute to the NCC-CL have not been kept (Except by the Tamil Nadu State Construction Workers Union which has given its contribution of Rs. 500/-). Unless the respective unions keep to their commitment, there is no point talking about the different possibilities of NCC-CL work. The Convenors repeated the request that state level trade unions should contribute at least Rs. 500/- each and other unions Rs. 100/- each as decided in the previous NCC-CL meetings. Responding to the request Swami Agnivesh gave Rs. 100/- as the contribution of the Nirman Mazdoor Union. Contributions from individuals were also welcome.

Various strategies to keep the pressure on the government were discussed including a signature campaign, postcard campaign, a dharna at Delhi during the Parliament Session of April 23rd ??? and a National Rally. About this it was felt that a signature campaign had already been done and there was not enough time to organize the dharna in Delhi. It was felt that a Nation Rally is necessary but would have to be held at a later date since a lot more ground work would have to be done for it. A postcard campaign was agreed upon since it could have the effect of “waking up” people at higher levels. It was hoped that a mass of such letters would be taken note of by the national press.

This meeting decided to launch the postcard campaign to Prime Minister Rajiv Gandhi with the following message:

“Dear Prime Minister,

In December 1986, we sent you a memorandum asking for a petition ????? addressed to the Petition Committees of Parliament. Tripartite Working Groups of the Labour Ministry have examined our Model Bill and Scheme. But no progress has been made so far even though it concerns the lives and livelihood of crores of construction workers.

We request immediate action.

Yours sincerely,

Construction Workers”

The meeting further decided that a sub-committee comprising Shri T.A. Francis, Shri T. M. Nagarajan and Ms. Sujata Madhok would work out a draft constitution for the NCC-CL. After comments of Justice V. R. Krishna Iyer this would be sent to all members of NCC-CL before the next meeting in early July.

All NCC-CL members and supporters were requested to send financial contributions to the NCC-CL Bank Account with state level unions expected to contribute Rs. 500/- and individuals Rs. 100/-.

Efforts to contact members of the Petitions Committee of the Lok Sabha must be started. A meeting with the Labour Minister is also necessary at the earliest.

LOBBYING IN KARNATAKA

The next meeting was organized on 20th - 21st September 1988 in Bangalore, preceded by a large meeting at the Town Hall. Justice V. R. Krishna Iyer at this meeting urged the State Govt. of Karnataka to enact a law for construction workers. A draft of the Karnataka State Construction Workers (Regulation of Employment & Conditions of Service) Act prepared by NCC-CL and KASCWCU was released at this meeting. Only a few months earlier, the Labour Minister of Karnataka had stated the willingness of the Janata Dal Govt. to enact such a law at a public meeting on 22nd Sept 1988. Justice V. R. Krishna Iyer met the new Chief Minister of Karnataka Shri S. R. Bommai and requested him to enact the legislation.

At the NCC-CL meeting the following issues were discussed:

1. The draft constitution of the NCC-CL was discussed. Since many constituents had not been able to send their comments/ representatives, the adoption of the

constitution was deferred until such time as these constituents send in their comments. One opinion which emerged was that the draft was more suited to a federation, where as national, state and local level/ unions/ organizations ????.

2. Ms. Geetha, a member of the Tripartite Working Group on Building and Construction Industry, reported that due to the connivance between bureaucrats and vested interests in the Building Industry the final report does not truthfully represent the proceedings of the Group. The report is so distorted that it will not further the Government's understanding of the peculiar features of suitable legislation.

It was decided that the NCC-CL should present to the Union Labour Minister a critique of the Tripartite Working Group report.

3. The Lok Sabha Petitions Committee had sought evidence in support of the petition presented in December, 1986.

All were requested to immediately send documentary evidence to the Coordinator's address so that it could be compiled and submitted to the Petitions Committee. It was suggested that the Material should include reports/articles/photographs/press cuttings etc. on the condition of construction workers and details of pending court cases on accident compensation and all other matters. Material which shows that the existing laws are not implementable and that many which seem applicable are not in fact applicable, is of vital importance.

4. A decision was taken to start publishing a News Letter of NCC-CL from Delhi to voice the demands of construction workers.

All constituents were requested to send in news and information about their activities for the first newsletter.

5. It was felt that instead of focusing attention solely on a Central Legislation, effort should be made to demand State level legislations for providing social security and

labour welfare for construction workers. Since Maharashtra, Andhra Pradesh and Tamil Nadu already have manual labour welfare Acts, efforts should be made to ensure their implementation for construction labour.

A beginning had been made in Karnataka. It was decided that efforts would be made in all other States and Union Territories to draft State/ UT level Acts and to persuade the State Governments to pass legislation providing social security and welfare.

6. It was decided that all political parties should be approached with the demand to make provision in their programme and in their next election manifesto for legislation for construction workers.
7. NCC-CL expressed its concern at the lackadaisical approach of the Prime Minister's Secretariat in simply redirecting the letters written by construction workers in a regional language to the State Government.
8. NCC-CL reiterated its demand for Central legislation and condemned the Government's delay in setting up Construction Labour Boards as detailed in our Bill and Scheme presented to the Prime Minister and the Parliament.
9. The meeting ended with a pledge to continue the efforts to ensure a life of human dignity for all construction workers.

LOBBYING THE PARLIAMENTARIANS

The year 1989 was more crucial for the campaign than the previous year. The Construction Workers Bill introduced by the Labour Minister of the Rajiv Gandhi Government which had not waited for the TWG Report and which was confined to the 'safety aspect' without any provision of regulation of employment was pending before Parliament. During the first half of this year the NCC-CL concentrated on following up the development with the members of Petitions Committee of the Lok Sabha. In the previous year the Petitions Committee met on 28th December 1988. The NCC-CL delegation gave culmination ??????? on 30th Dec. 1988. The next meeting of the

Petitions Committee was held on 9th February and the Petitions Committee considered its draft report on 31st May 1989.

As a culmination of these attempts NCC-CL organized a national seminar for comparison of the Government Bill and the NCC-CL proposal on 29th – 30th July 1989. Besides highlighting the need to mobilize support for a nationwide movement of construction workers to demand social justice, NCC-CL had a clear understanding that this will also show a path to the workers of other unorganized sectors of the country.

Just few days before this seminar, on 25th July NCC-CL organized a joint letter with the Central Trade Unions to the Labour Minister requesting him to withdraw the Bill and introduce a fresh comprehensive Bill in consultation with the Central Trade Unions.

On the same day, 25th July 1989, the Petitions Committee of the Lok Sabha submitted its report when the Rajya Sabha was scheduled to discuss the Govt Bill of 1988. The Petitions Committee gave very favourable recommendations. To quote from the report “The Committee are indeed glad to note that government are also of the view that the setting up of Tripartite Construction Labour Boards as suggested by the Campaign Committee will be ‘highly useful steps’. The Committee, therefore, need hardly emphasize that it is for the Government to ensure that the legislation which is finally enacted encompasses all the above features to the extent practicable. The Committee, therefore, recommends that the Bill pending in the Rajya Sabha be withdrawn and a fresh comprehensive Bill be introduced so as to cater to the long felt demands of a hitherto neglected segment of the working class. (2.29, Committee on Petitions, (Twelfth Report, Eighth Lok Sabha, New Delhi 1989)”

We would like to remind you that the National Seminar was called to mobilize support against the Bill introduced by the government in the Rajya Sabha in December 1988, since the Government had not cared to wait for the Lok Sabha Petitions Committee Report before introducing its illusory Bill. The government Bill was slated for discussion early during this session, before the Petitions Committee Report was

presented to the Lok Sabha. However, this discussion was suspended temporarily due to the efforts made by the NCC-CL and ultimately postponed for consideration in the entire monsoon session.

The Petition Committee report was submitted on 25th July, 1989 recommending the withdrawal of govt. bill of 1988 and redrafting a new bill in consultation with NCC-CL.

This report became the first agenda item for the 29-30th July 1989 NCC-CL seminar. On 30th July a meeting with Members of Parliament was organized in which the following members participated:

Shri Charuraran Mishra (CPI), Shri J.S. Raju (DMK), Shri Vioduthalai Virumbhi (DMK), Shri Sukhomal Sen (CPI) and Shri V. Narayananswamy (Cong. I) from the Rajya Sabha; Shri Hannan Mollah (CPM) and Dinesh Goswami (AGP) both ex Members of Parliament of the Lok Sabha. Shri Surendra Mohan of the Janata Dal and a former Member of the Rajya Sabha attended the Seminar of 29th July. The M.P.s appreciated the work done by the NCC-CL during the last few years and assured their full support and cooperation in its activities.

The NCC-CL meeting held after the Seminar decided upon the following action programme in view of the current developments:

- 1) Signature Campaign amongst the construction workers to the President of India urging follow up action of the Lok Sabha Petitions Committee Report. (2nd October 1989 till 9th Nov. 1989)
- 2) Demand Week (programme to decided by Participatory organizations) (2nd November 1989 till 9th Nov. 1989)

The meeting also decided to write a letter to the Labour Minister Shri Bindeshwar Dube asking him to withdraw the Bill presented by him in the Rajya Sabha on 5. 12. 1988 and to present the proposal submitted by us, as draft to be considered by Parliament for providing social security and labour welfare to construction workers. The meeting further decided to approach all the political parties for accepting our proposal as a

model bill and to assure their position on this matter in their election manifesto for next General Election.

The Tamil Nadu State Construction Workers Union extended an invitation to all the constituents of NCC-CL to attend its State Convention to be held at **Madurai** on 2nd September 1989. An NCC-CL meeting was also scheduled at Madurai.

By the end of 1989 the next general election was declared, so the NCC-CL started a campaign to include the cause of construction workers in the election manifesto of all political parties and wrote letters to over five hundred candidates of all political parties to give assurance to the construction workers in their election campaign.

In the last month of 1989 the National Front Government was formed at the center which had given assurance for the construction workers demands in its election manifesto.

Justice V.R. Krishna Iyer wrote to Sh. V.P. Singh, Prime Minister to direct the Labour Minister Shri Ram Vilas Paswan to expedite the fulfillment of the promise in the election manifesto for the construction workers. A National Meeting was organised at Vigyan Bhawan by Minister of Labour on 12th February 1989, which helped in reaching a consensus on the main aspect of a comprehensive Bill. A mass rally of construction workers was organised to the Parliament on 30th March 1990 at which Shri George Fernandez and Sh. Ram Vilas Paswan received the petition from over the lakhs construction workers. The year 1990 was full of campaign activities, AITUC gave its suggestions on improving the Bill, Sh. R.K. Hedge, by the Chairman Planning Commission organised a meeting on the 8th Five Year Plan and Construction Industry ignoring the construction workers, By the time NCC-CL organised a nation wide dharna programme on 12th November 1990. Sh. V.P. Singh government was replaced by Sh. Chandrashekhar as Prime Minister which lasted till June 1991.

Once again we approached political parties to include the cause of construction workers in the Election Manifesto and candidates' contesting the Lok Sabha election to assure their support for a comprehensive central legislation to construction workers.

From mid 1991 again a stable govt. of Prime Minister Narasimha Rao came at centre, once again the campaign led to start the process with the new Labour Minister Sh. K. Ramamurthy. NCC-CL considered the possibility of revising its organizational structure, National Federation of Construction Labour was lunched.

During 1992 not much progress was made although the campaign continued. During this year All India Confederation of Building and Construction Workers and Construction Workers Federation of India organised their conferences. Tamilnadu Scheme on Construction Workers under the Tamilnadu Manual Workers Act of 1982 was notified.

During 1993 NCC-CL organised its first Round Table Conference in May with the support Fredric Ebert Foundation at which representatives of the Builder Federation of India and Builders Association of India also participated along with few govt. officials. During the next tripartite meeting in December 1994 an informal understanding with builder's organisation was reached which resulted in a joint meeting to oppose the two Ordinances issued in November 1995 during the Narasimha Rao Government. During this period a **National Center for Labour** was formed at Bangalore in January 1995 which was expected to consolidate the strength of different organisations of unorganised sector workers. During April 1995 a National Workshop on Legislation for construction workers was organised by the West Bengal chapter of National Safety Council. Both the Labour Minister of Central Govt. Sh. P.A. Sangma and Labour Minister of West Bengal Sh. Shanti Ghatak attended this meeting. An alternate Bill was suggested at this meeting. It was mainly because of the strength of National Campaign and participation of AITUC General Secretary Com A.B. Bardhan that this meeting decided to continue the support for NCC-CL proposal.

The two presidential Ordinances of 1995, were closer to the Government Bill of 1988, than to the NCC-CL proposal. Several constituents of the coalition government of Sh. H.D. Devegowda had assured support for a comprehensive central legislation proposed by the NCC-CL but the structure suggest in these ordinances could not be changed much even after the formation of the government of this new government at the center in May 1996. However the impact of eleven year's campaign could be seen after the govt. bills were introduced in the Parliament (Lok Sabha) July 1996. Several Members of Parliament, even from those parties who had not participated directly in the National Campaign of construction workers spoke in favour of the amendments proposed by the National Campaign Committee of the Construction Labours during a **very very short campaign of two weeks** before the two bills were passed by the Parliament on 2nd August 1996.

We would like to highlight that a campaign gets hardly two weeks to seek support for amendments after a Bill is introduced by the government in Parliament. Therefore to make an impact a campaign needs earlier a much longer period to build the opinion of Parliamentarians, Political Parties Members of Parliament and Trade Unions, much before a government Bill is really introduced in the Parliament. The amendments moved by the NCC-CL, the amendment actually incorporated in the Lok Sabha Debate are covered in the documents enclosed with this report.

Although so far these Acts have been implemented only in six states of Kerala, Tamilnadu, Delhi, Pondicherry, Gujarat and Madhya Pradesh but the sustained campaign till now to ensure the implementation of these **Acts in other parts of the country** and the influence of this campaign on the 2nd National Labour Commission which recommended an umbrella legislation for 370 millions Unorganised Sector Workers **through the similar model of 'tripartite board system'** and the current campaign of the Unorganised Sector Workers, the debate on the bills drafted by the (1) Ministry of Labour, (2) The National Advisory Council and (3) Two Bills drafted, by the National Commission on Enterprise in the Unorganised Sector in comparison to

(4) The bill proposed by NCC-USW and submitted to the Petition Committee of Lok Sabha makes this study a **very crucial study**.

This study and collection of documents helped us in revising our understanding the role of Tripartite Working Group for the Building and Construction Industry constituted by the Ministry of Labour in February 1985 on the National Campaign of Construction Workers. Although we could trace only the final report of the Tripartite Working Group (TWG), and we are yet to trace the papers related to the actual proceedings of the TWG from Tamilnadu office of the Construction Labour Union or from the other offices of participating Central Trade Unions, The non availability of these papers at the ministry of labour has **highlighted the importance of this study as a crucial historical document of labour history**.

The second phase of documentation will cover the details for this period which are not available at the Delhi office and which need to be collected from Chennai or from interviews of the former govt. officials and others who have already given their consent. The second phase will also cover the period from 1996 to 2005 **on the implementation** period of the two Act passed by the Parliament for construction workers **and learning from these two phases for the Unorganised Sector Workers Campaign**.