

THE INAUGURAL ADDRESS ON TWO DAYS' SEMINAR CONDUCTED BY NATIONAL LABOUR LAW ASSOCIATION, NEW DELHI AND COLLEGE OF LAW, MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR, ON ISSUE OF "THE MANAGEMENT OF CONTRACT LABOUR – CUM - EMERGING SOCIAL LEGAL ISSUES".

A very good morning and my best wishes for coming winters and running festive season.

It is an honour for me to stand here today. Indeed, more than honoured, I am humbled.

This is an assembly of Academicians, Trade Union Activists, Social Reformists, Intelligentsia and Energetic students.

As a Judge and also as a student of law, I use to sharpen the edge of my skills by your ideas, guidance, suggestions and warmth. You, educators and activists, are shouldering a huge task of raising awareness about socio economic and legal needs of the time.

This day, this inaugural function, truly is an event of great significance. As a result of freedom struggle of Indian masses, we achieved freedom - the freedom from imperlists, the

freedom to have a society without exploitation, a freedom to extend every opportunity to every citizen for natural and sky-touching promotion, a freedom to have a society with prosperous human values.

The Constitution of India, a great political document, was adopted by us to have India as sovereign, socialist, secular and a democratic republic. We pledged to secure socio economic and political justice, to secure liberty of thought, expression, belief, faith and worship, to ensure equality of status and to have an integrated nation with single identity as Indian.

From last about seven decades, we are strangely fighting to embrace our cherished constitutional goals. Billion of rupees have been spent to convert our constitutional dreams in reality. Every new morning we are receiving a new plan, a new strategy for promotion of our society, but our sufferings are not reaching to end.

On roads, we are having big hoardings of success, on buses we are reading slogans of prosperity and in every form of media we are witnessing loud declaration of our so called progress, but our mind and soul are not ready to accept this propaganda.

The cardinal questions before us are – Are we satisfied with a country where religion, sect, community, caste, region etc. are the main identity of a person?

Are we satisfied with a country losing touch with the things – we value?

Are we satisfied with a country where the executing authorities are not executing thousands legislations framed to eradicate exploitation?

Are we satisfied with a country that shuts out the voice of millions of ordinary people, and listen only to powerful?

Are we satisfied with a country, where people are working for longer, for less, year after year?

Well, I am not satisfied.

We are yet struggling to have freedom from all those ills creating obstacles for equality of status, creating hurdles in path of reasonability and fairness, and putting our democratic system in crises. We are having challenge of the ills, restricting our democracy, to be a true peoples democracy.

Every new day, we are facing a new ailment without having vaccination for that. No doubt, that every progress and every progressive step brings little bacterias and viruses with it, and the system is required to check those viruses and bacterias constantly, however, in ours case fatal bacterias and viruses have acquired a volume larger than the original body established for progress and development of our nation.

In the course of progress and the struggle for progress, the concepts of 'liberalisation' and 'globalisation' were introduced. The Indian masses were full of hopes with these terms. The masses were expecting for great positive changes in their day to day life. Unfortunately, these new concepts, though would have changed business environment, would have increased competition among the industries, would have made available the class brands of products in our market, but failed to bring any substantial promotion in quality of life of a common man. A huge chunk of working force is still out of normal human privileges.

Irony of the time is that the people who are having monopoly over all the resources are indicating the Labour Laws as thorn in the way to becoming India a super power. The

Labour Laws, which are on target are not bounty, but achieved by working class in democratic set up, through enormous struggle. These laws are social - beneficial legislations, meant to strengthen weakest links of the social chain and to place them as equal partner in progress of democratic India. But, our system of governance failed to enrich, empower and strengthen these weak links of the social and economic hierarchy, though the foundation of struggle for democracy is wet with their blood and sweat.

In the glamour and glitz of limited commercial progress, with a hope of becoming world power, the working community is being targeted as a negative force. No one is coming forward to understand their pathetic conditions, and to raise their voice against that. All the more unfortunate are the efforts being made to suppress their voice by giving voice to castism, communalism, regionalism etc.

In this time of adversities, we, the people, little privileged, must try to understand real problems of working and toiling masses. We must light a candle in this dark. The Judges, the Academicians, the Public Representatives, Lawyers and all other awakened people must understand that the progress of nation means progress of its people, progress in their living

standard, progress in their day to day values etc. The poorest citizen of a country must have confidence in the system and must be having satisfaction to have best opportunities for his progress and the progress of his coming generations. If the working community including Farmers is not satisfied, if any gender discrimination exists on working stations, if a minor is coming to work for livelihood instead of going to school and if a single person of the country feels ignored on any basis other than the merit, then concept of welfare State and Rule of Law is still a coin far from reach.

About four and half decades earlier the parliament enacted the Contract Labour (Regulation and Abolition) Act, 1970, with object to regulate the employment of Contract Labour in certain establishments, and further its abolition in certain eventualities. At that time the Contract Labour system was in prevalence in industrial establishments, but, in last 43 years this system has penetrated its tentacles in several working fields, including government departments and agencies.

In changed economic scenario, now a days you will find doctors, engineers, even teachers working on contract basis in various establishments having work of perennial nature. Now, an individual, who himself is selling his labour is termed as

contractor. Such persons are neither getting adequate wages nor are having reasonable service conditions.

The Contract Labour (Regulation and Abolition) Act, 1970, in itself was considered as a complete code in relation to hiring of contract labour and to regulate working conditions, including the wages. The act extends certain amenities to the Contract Labour through contractor, such as establishment of canteens, rest rooms, supply of drinking water, washing facilities, first aid, etc. To ensure disbursement of wages, contractor is required to pay the same in presence of authorised representatives of the principal employer. Certain duties have also been casted upon the principal employer, but as I stated earlier, the senario now is quite different to that of seventies. The Indian economy and system has undergone a great change. The system of Contract Labour, though may be offering new opportunities of employment, but the Act of 1970 is not sufficient enough now to secure fair and reasonable service conditions for such employees.

The hard reality in this relation is expressed by Mr. Colin Gonsalves, a Jurist and Social Activist. As per Mr. Gonsalves, - *"Although the Contract Labour Act was passed by the parliament several years ago, the condition of contract*

workers is steadily worsened, the government has often spoken of abolishing Contract Labour, but the truth of matter, is that the use of Contract Labour has steadily and dramatically increased. Paradoxically, it is not the small-scale sector that is most guilty of the misuse of the system, but the public sector and large-scale industries. The bigger and richer an organisation is, the more it makes use of contract workers in the place of permanent workers.

The performance of a government, the Contract Labour Board and the officers of the Commissioner of labour has been uniformly pathetic. Those, appointed to protect contract workers have perhaps been instrumental in the deterioration of their lot, perhaps due to their hyper-technical and uncaring approach.

Parliament itself set the ball rolling by introducing the Contract Labour Board as the saviour of the workers. But the history of functioning of administrative non-Judicial bodies in India has shown that they operate outside the pale of the law and are answerable to no one”.

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"All said and done, contract workers must see this period as reminiscent of the dark edges. The whole world talks about improving their condition and adequate systematically sets about destroying them".

On objective examination of the minute details, I find myself in agreement with Mr. Colin Gonsalves.

The existing circumstances demands for a more comprehensive legislation relating to contract labourers, with a very effective adjudicating forum for redressal of their grievances. Very often persons are employed on contract basis individually or through contractor for a work of perennial and regular nature, consequently, they fail to have status of permanent employee. A very sensitive effort, thus, is desirable on the part of judiciary to recognise true nature of the work, employing labourers on contract basis. The judicial and quasi judicial forums shall fail in discharging their duties, if they don't bring out the persons facing discrimination by calling themselves as Contract Labour, though discharging work of perennial nature.

The Trade Unions, known Champions and Vanguard of Labour cause, must also understand that they cannot adopt an attitude of "wait and see". The unions have to come forward

with legal means to ensure betterment of working people and for that purpose they have to enter into the ring of collective bargaining.

The employers should also understand that only a satisfied workman can provide desired results. It should also be understood that a positive trade union movement is always helpful in flourishing an industry. Its unnecessary curb may cause huge loss. An effort should always be made to have an industry friendly trade union movement, instead of searching negativity in it.

Friends, the subject chosen for the seminar is very vital one. The participants in next two coming days are going to deliberate on different aspects of the subject. The issues, specially the issues relating to "Emerging Socio-economic issues competitiveness – need for leaner organisation"; "Sham contract – its effect on employer and employee relationship and judicial response"; "Contract Labour – its present position in Government Departments, Public Sector, Units and Private Sector Organisations; "Application of security legislation to Contract Labour" and "evolving practical approaches – strategies, keeping the total prospective in view", are of great significance, wherein the concept of Contract Labour deserve

consideration in present socio-economic scenario. Its positive as well as negative aspects deserves to be highlighted with diagnosis of the ills, if exists. Ultimately the entire concept deserves consideration in lucid with an endeavour to identify its positive utility in development of the Indian socio-economic status, without causing any harm to the working community.

The other issues pertain to efficacy of the Contract Labour (Regulation & Abolition) Act, 1970 and further execution of its provisions as per will of the legislature. I trust, the seminar shall give a definite vision to deal with all the issues on table.

I wish all success and formally inaugurate the seminar.

Thank you very much.

(GOVIND MATHUR)