

**CENTRAL ADVISORY CONTRACT LABOUR BOARD (CACLB)**

***72<sup>nd</sup> Meeting, New Delhi, 15<sup>th</sup> - 16<sup>th</sup> May, 2008.***

**AGENDA**

**(1) Confirmation of Minutes of Previous Meeting**

The minutes of the 71<sup>st</sup> meeting held on 21-22 Feb.2008 in Mumbai are placed before the Board for approval.

**(2) Note on Working of Contract Labour**

The note on working of Contract Labour/Contract Labour (Regulation & Abolition) Act, 1970 prepared by CLC(C) is placed before the Board for approval.

**(3) Progress Report on working of various Committees formed by the Board for deciding on Abolition/otherwise of FCI Depots/Godowns.**

The Member Conveners have been requested to expedite the reports. Each Member of the CACLB is also requested to inform the Board about the status of their respective Committee.

**(4) Fixing of Uniform Criteria for recommending abolition/otherwise in FCI Depots / Godowns in the Country.**

This issue has been discussed in various meetings of the Board, but no consensus has been evolved. The FCI, M/o Food & Consumers Affairs, Workers Union have again been requested to offer comments/submissions ,if any, on it. Also, in the 71<sup>st</sup> Meeting held in Mumbai, it was decided to place the matter in the next meeting. Hence, this matter is again placed before the Board for approval.

**(5) \_\_\_\_\_**

**(6) Practical difficulties faced by Management of FCI in implementing the Notifications issued u/s 10 of the CL (R&A) Act, 1970 from time to time**

This issue has also been discussed in various meetings of the Board but no consensus has been evolved. The FCI, M/o Food & Consumers Affairs, Workers Union have again been requested to offer comments/submissions, if any, on it. In the 71<sup>st</sup> meeting, it was decided to defer the matter to the next meeting. Hence, this matter is again placed before the Board for approval.

**(7) Consideration of abolition/otherwise in the FCI depot at Gandhigram (Gujrat).**

In the 71<sup>st</sup> Meeting the following submissions were made by the management of the FCI (Head Office & Zonal Offices):

- a. The **management** representatives suggested that the criteria for the period recommended presently for **three** years should be taken and considered as **five** years.
- b. They further suggested that the Asnani Committee Report should be taken into consideration.
- c. The management representatives further submitted that they have the same views/criteria in relation to all States and there are no separate views in relation to different States.

The **Workers Union** made the following submissions:

- a.

- b. The Union representatives from above States submitted that Contract Labour System should be abolished and all the workers should be regularized in service.
- c. FCI Mazdoor Sangh ( FCI Khant Bharath sangh) from Uttar Pradesh further suggested that the criteria of 120 days be followed.
- d. FCI HANDLING WORKERS UNION from UP also suggested the same criteria as mentioned above. 120 days attendance in any financial year should be considered as criteria for abolition and regularization.

**The matter is placed before the Board for decision on the submissions of the Management and the Workers Union.**

**(8) Consideration of Question of abolition/otherwise of Contract Labour in FCI Depots/Godowns of FCI in the States of Uttar Pradesh, Uttaranchal, Himachal Pradesh, Punjab, Rajasthan and Haryana.**

In the 71<sup>st</sup> Meeting, the **management** of FCI made the following submissions:

- a. The management representatives suggested that the criteria for the period recommended presently for three years should be taken and considered as **five years**.
- b. They further suggested that the Asnani Committee Report should be taken into consideration.
- c. The management representatives further submitted that they have the same views/criteria in relation to all States and there is no separate views in relation to different States.

In addition to the submissions made by the Workers Union mentioned in Item No. 6, following are the additional submissions made by the Unions in respect of the States of Punjab & Haryana.

- i. All India Palledar (handling) Workers Federation (AITUC)/FCI WORKERS FEDERATION submitted that Contract Labour System should be abolished. 120 days should be considered as one criteria and should follow the criteria given by Iswari Prasad Committee Report. They further clarified that the direct payment system to the workers may be introduced in such FCI depots where actual work has taken place for not less than 200 days in each year during the last three consistently.
- ii. **LAL GHANDA FCI Workers (Palledar) Union affiliated To CITU** from Punjab had the same views.
- iii. **Shri Palvir Singh, FCI Workers Union**, representatives of Haryana also had the same views and criteria.

**The matter is placed before the Board for decision on the submissions of the Management and the Workers Union.**

**(9) Consideration of Question of abolition/otherwise of Contract Labour in FCI Depots/Godowns of FCI in the States of Andhra Pradesh, Tamil Nadu, Pondicherry, Karnataka, Maharashtra & Orissa.**

The matter was placed in the 64<sup>th</sup> & 66<sup>th</sup> meetings of the Board. The report of the Committee was considered by the Board. Since, no decision was arrived at, it was deferred. The matter is again placed before the Board. (Based on the Board's recommendation, a Notification was issued on 3/7/07 u/s 10 of the CL (R&A) Act, 1970 prohibiting the employment of Contract Labour in the Depots of FCI at Kaktur, Nellore (AP) and Ratnagiri (Maharashtra). The matter was also discussed in the 71<sup>st</sup> Meeting and the view of the management and the Workers Union are the same as mentioned in the previous agenda items.

**The matter is placed before the Board for decision on the submissions of the Management and the Workers Union.**

**(10) Consideration of Question of abolition/otherwise of Contract Labour in FCI Depots/Godowns of FCI in the States of Bihar, Assam, Sikkim, West Bengal, North Eastern States.**

The Welfare Commissioner, Kolkata has been inducted as Member Convener for North Eastern States. The report of the Committee is awaited. The matter is again placed before the Board. This matter was also discussed

in the 71<sup>st</sup> Meeting and the views of the management and the Workers Union are the same as mentioned in the previous agenda items.

**The matter is placed before the Board for decision on the submissions of the Management and the Workers Union.**

#### **SUPPLEMENTARY AGENDA- I**

**Item No. 1. Consideration of request of Shri Om Parkash,G-3/65,Sector-15,New Delhi- 110085 for abolition of Contract Labour System in jobs of Receptionist,Telephone Operator and Sweeper in the Guest House –Cum-Canteen in the establishment of Nuclear Science Centre, Asaf Ali Marg, New Delhi-110067(S-16014/12/2005-LW)**

The report of RLC(C), New Delhi received. As per Rules 83(1)(2) of CL(R&A)Central Rules,1971, the Principal Employer is required to submit details of the records of the contractor from the period January-1993 to January, 2005 in Form-XII(as per Rule-74), details of person employed on contract basis for the period January-1993 to January, 2005 in Form-XIII(as per Rule-75) and details of employment card for the period January-1993 to January, 2005 in Form-XIV(as per Rule-76) , service certificate in Form XV(as per Rule-77)and details of record of register of wages cum muster roll as per Rule-73, reason of delay in wages as it should be given before the expiry of

2<sup>nd</sup> day of from the day on which his employment is terminated(as per Rule-66) Wages should be without any deduction(as per Rule-70)

The principal employer is required to furnish the notices showing the rates of wages, hours of work, wage period, dates of payment of wages etc. as per Rule- 81(1)(i)(ii) in Form-VI-B from the period January-1993 to March-2008

The salary of Pappu & Satveer has been paid but signature/thumb impression of Shisupal & Om Parkash in token of receiving the salary are not available (Annexure -39 )

This case is three years old, the matter is placed before the board for hearing the submissions of the workers and management and to make recommendation.

**Item No. 2. Consideration of the request of the Grindlays Bank Employees Union, Mumbai for abolition of Contract Labour System in the establishment of Standard Chartered Bank Limited in its Branches in Mumbai. (S-16014/51/04-LW)**

The matter was discussed in the 69<sup>th</sup> meeting of the Board. It was decided to seek the following clarifications from the CLC(C).

- (i) Whether outsourcing comes under the purview of the Contract Labour Act?
- (ii) Whether outsourcing to a party, which is operating within the premises, the proposal of employment comes within the purview of the Contract Labour Act?
- (iii) Whether permanent workers can espouse the cause of contract labour?
- (iv) Whether permanent workers of an establishment can be the contract workers in another establishment?

(v) What constitutes exploitation from the standpoint of the Contract Labour Act?

CLC(C)'s comments were enclosed with the Agenda of 71<sup>st</sup> Meeting. However, in the said meeting the matter was deferred to the next meeting. Hence the matter is again placed before the Board.

**Item No.3 Order dated 12<sup>th</sup> July, 2006 of the Hon'ble Supreme Court of India in Civil Appeal No.3741 of 2000 filed by M/s. Bharat Petroleum Corporation Vs. Union of India (S-16014/234/2000-LW)**

It was placed in the 69<sup>th</sup> and 71<sup>st</sup> Meeting also. The report from Dy. CLC(C), Mumbai under Rule 25(2) (v) (b) of C L(R&A) Central Rules, has been received (copy enclosed). This was discussed in the 71<sup>st</sup> Meeting and the matter was deferred to the next meeting.

Therefore, the matter is again placed before the Board.

**Item No. 4 Consideration of the request of Bharat Petroleum Workers Union, Thoothakudi for abolition of contract labour system the jobs/works of maintenance of loading & unloading operation cylinder handling, house keeping & cleaning, cylinder stay plate bend in the establishments of Bharat Petroleum Corporation Ltd, LPG Bottling Plant, Madurai Bye-Pass Road, Tuticurin, Tamil Nadu (S-16014/01/2006-LW)**

It was placed in the 69<sup>th</sup> Meeting also. The report received from Dy. CLC(C), Chennai was placed before the Board. No one from the management and the Workers Union attended the 71<sup>st</sup> Meeting. The matter was deferred.

The matter is again placed before the Board.

**Item No. 5 Order dated 6.8.2001 of High Court of Mumbai in W.P. No.309/2000 – Anand Harishchandra Gaurv & Ors. Vs. IOC & Ors for abolition of Contract Labour System in OIC Mumbai.(S-16014/330/2001-LW)**

The written submission dt. 27-09-2007 received from the Dy. CLC© , Mumbai was placed before the Board. No one from the management and the Workers Union attended the 71<sup>st</sup> meeting. The matter was deferred.

The matter is again placed before the Board.

**Item No. 6 Consideration of the request of Mr. Manoujia Bharatiya Janata Maha Sangh, Maharashtra for abolition of contract labour in the job of Security Guard, Cylinder handling and House keeping in HPCL, Wardha Road, Nagpur. (S-16014/44/2004-LW)**

It was placed in the 69<sup>th</sup> meeting also. The management, workers and Ministry of P & N G had been requested to arrive at a workable solution. No confirmation in this regard was received. The matter was deferred in the 71<sup>st</sup> Meeting.

The matter is again placed before the Board.

**Item No. 7 Consideration of the request of Shri Muniraj Singh Chauhan, Vill: Rangpuri, Mahipalpur, New Delhi for abolition of contract labour in the jobs of watch and guard in the establishment of Indian Oil Corporation Limited, World Trade Centre, Babar Road, New Delhi.(S-16014/25/2006-LW)**

It was placed in the 69<sup>th</sup> and 71<sup>st</sup> meeting also. Neither the Management nor the workers attended. Hence it was deferred. The matter is again placed before the Board.

**Item No. 8 Consideration of the request of Prasanna Kumar for abolition of Contract Labour System in the jobs of maintenance of Mazdoor in the OIL India Limited, Duliajan, Assam. (S-16014/59/2004-LW)**

It was placed in the 69<sup>th</sup> meeting and 71<sup>st</sup> meeting also. No intimation has been received regarding the understanding reached between the management and the workers. The matter is again placed before the Board.

**Item No. 9 Consideration of request of Ms. Godawari, Nangal Diary, Tyre Sole Company, Gurgaon Road, New Delhi and 9 others for abolition of contract labour in the jobs of maintenance of cleaning and sweeping in the establishment of Punjab National Bank, New Customs House, New Delhi(S-16014/27/2004-LW)**

It was placed in the 69<sup>th</sup> meeting also. A copy of the report received from the Punjab National Bank whether or not they were registered under the Shops and Establishments Act is enclosed for consideration of the Board. No one from the management and the Workers Union attended the meeting. The matter was deferred.

Matter is again placed before the Board.

**Item No. 10 Consideration of request of Shri C. Palani, General Secretary, Customs & Central Excise Commissionerate Service Tax Daily Wages Workers Association, Bangalore for stopping of contract system in the establishment of Commissioner of Central Excise, Bangalore. (S-16014/37/2007-LW)**

It was placed in the 69<sup>th</sup> meeting also. Since the management was not clear about certain aspects, the matter was deferred. A copy of the grievances of the Workers association for consideration for regularization of the services of daily wages staff in customs, CE and ST Commissionerates Karnatka, Bangalore is enclosed. In the 71<sup>st</sup> meeting, no one from the management and the Workers Union was present. The matter was deferred. The matter is again placed before the Board.

**Item No. 11 Consideration of request of Shri M.D. Akbar Ali, General Secretary, Custom and Central Excise Contingents Welfare Association –**

**A.P, 9-3-104, Harijanbasti, Hasmathpet, Secunderabad for abolition of contract system in the jobs of sweeping and cleaning in the establishment of Commissioner of Central Excise, Hyderabad. (M-15030/2/2007-LW)**

- It was placed in the 69<sup>th</sup> meeting also. It was deferred. A letter was issued to Commissioner Central Excise, Hyderabad, the concerned Ministry and RLC, Hyderabad to furnish their submissions which is still awaited. No one from the management and the Workers Union attended the meeting. The matter was deferred. The matter is again placed before the Board.

**Item No. 12 Order dated 6.9.2001 in Civil Appeal No, 6287/2001 filed by Board of Trustees of JNPT Vs. Nhava Seva Kamgar Sangathana (Antargat) & Others in the Supreme Court against the orders passed by the Bombay High Court on 28.06.2000 and 26.07.2000 in Civil Appeal No.4380/2000 arising from Writ Petition No.1297/2000 on the matter of Nhava Sheva Bandar Kamgar Sangathan Vs., Board of Trustees, JNPT and Others regarding review of Notification dated 1.10.1999 prohibiting employment of contract labour in certain jobs in JNPT.(S-16014/319/2000-LW)**

It was placed in the 69<sup>th</sup> meeting also. The matter was under discussion between the Workers Union and the Management. No intimation in this regard was received from them. No one from the management and the Workers Union attended the 71<sup>st</sup> meeting. The matter was deferred. The matter is again placed before the Board.

**Item No. 13 Consideration of abolition of Contract Labour System in the jobs of bus operations in the establishment of Jawaharlal Nehru Port Trust, Nhava Sheva District Raigad, Maharashtra.(U-23013/02/2003-LW)**

It was placed in 69<sup>th</sup> Meeting also. The Board of Trustees, JNPT had been requested to explore the possibility of employment of workmen under the new contract on the expiry/termination of the existing contract. The management informed the Board that a clause was

incorporated in the tender document to give preference to the existing workers. No one from the Workers Union attended the meeting. The matter was deferred.

The matter is again placed before the Board.

**Item No. 14 Order dated 16.09.2005 in Writ Petition No.3971 of 1995 filed by Koyla Shramic Sangh, Distt. Korea, Chhattisgarh, Bilaspur Vs., UOI and Others regarding prohibition of employment of contract labour, Payment of correct wages and other consequential benefits and social security like Mines Provident Fund, Gratuity, etc. in the establishment of South Eastern Coalfields Chirimari Area, District Korea (Chhattisgarh). (S-16014/12/2006-LW)**

It was placed in the 69<sup>th</sup> and 71<sup>st</sup> meetings also and the matter was deferred. The matter is again placed before the Board.

**Item No. 15 Consideration of the request of Shri Laxman Kumar Jena and 53 Ors for abolition of Contract Labour System in the jobs of sweeping and cleaning in the establishment of Coal India Limited, Kolkata. (S-16014/39/2004-LW)**

It was placed in the 67<sup>th</sup> meeting also. The matter was sub-judice. Hence no decision was taken in the 71<sup>st</sup> meeting. The matter is again placed before the Court.

**Item No. 16 Consideration of the request of Bokajan Cement Corporation Employees Union under section 10 of the Contract Labour (Regulation and Abolition ) Act, 1970 for abolition of contract labour system in various jobs/works in the establishments of Bokajan Cement Factory, Cement Corporation of India Ltd, Bokajan, Distt. Karbi Anglong, Assam. (S-16014/28/2004-LW)**

It was placed in the 69<sup>th</sup> meeting also. The workers have not provided their details regarding the work force and work done by them. The matter was deferred in the 71<sup>st</sup> Meeting. Again placed before the Board.

**Item No. 17 Consideration of the request of Shri Promod Kumar and 16 others, Shri Shiv Kumar and 2 others and Shri Avdesh Kumar and 12 others for abolition of contract labour in the jobs/works of electrical maintenance in the establishment of Airport Authority of India. (S-16014/55/2004-LW)**

It was placed in the 69<sup>th</sup> meeting also. A committee was to be formed to look into the matter. This is in process. The matter was deferred in the 71<sup>st</sup> Meeting. Again placed before the Board.

**Item No. 18 Consideration of the request for abolition of Contract Labour System in the jobs of operation and maintenance of AC Plants in the establishment of the Chief Engineer Military Engineering Service, Bhatinda Zone, Bhatinda Cantt. and Garrison Engineer (Utility) Bhatinda Military Station, Punjab.(S-16014/04/2005-LW)**

It was placed in the 69<sup>th</sup> meeting also. The management has again been requested to ensure the payment of wages by cheque. The

management submissions dt. 20-10-07, 29-11-07 and workers submission dated 12-10-07 received .

The matter is placed before the Board.

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**Item No. 19 Order dt 13-11-2000 of Hon`ble Calcutta H.C in Writ petition No. 17732/2000 filed by NBCC W Union(Tikadar) and ors Vs. NBCC Ltd.,& Ors. (U-23013/10/2001-LW)**

Dy CLC (C) Kolkatta has submitted the Enquiry Report that the contract workers have accepted employment and consequently their claim for abolition does not arise. The matter is placed before the Board for approval to remove this item since no further action is pending.

**Item No. 20 Consideration of the request of President, P.G.I. Employees Union, Chandigarh (Group B, C & D Employees) Chandigarh for abolition of contract labour in various jobs in the establishment of P.G.I. Chandigarh. (S-16014/29/2006-LW)**

No one from the management and the Workers Union attended the 71<sup>st</sup> meeting. The matter was deferred.

**Item No. 21 Expediting submission of reports of Committees furnished by the Board.**

It was seen that many Committees had not submitted their reports. As a result, the decision/recommendation of the Board was pending. With a view to expediting the submission of these reports, the Secretary CALCB and

the Section Officer would attend the meetings of the Committees and if required they would meet the member convener/members. The matter was deferred.

**Item No. 22 Fixing date & venue of next meeting.**

Practical problems have been experienced in fixing meetings at a short notice. Elaborate agenda items have to be prepared and the Members of the Board including Management Workers Union, Administrative Ministry have to be invited. Since everyone has also to make travel arrangements, it is proposed that in every meeting the date and venue of the next meeting be also fixed. However, in emergent situations, such as on directions of Hon'ble LEM, Secretary, AS (L&E), the meeting may be held at a short notice.

**Item No. 23 Consideration of request of Shri J. George & 92 Others J.K. Niwas, Road No. 3, Chandrama Sadan Compound, Kandivli (East) Singh Estate, Mumbai-400101 for abolition of Contract Labour System in the jobs/works of commutation/transportation of passengers in the establishment of Airport Authority of India, Mumbai. (S-16014/37/2005-LW)**

The matter was placed in the 69<sup>th</sup> & 71<sup>st</sup> Meeting. However, its submissions were received much after the adjournment of the 71<sup>st</sup> meeting. This will be placed before the Board in the next meeting. The Board also decided to issue specific instructions to Mumbai International Airport Private Limited (MIAL), to appear before the Board. The Workers Unions requested to **give job or give compensation** to the employees who lost their job due to contracting out the job to private agencies during the year 1998. They had been working since 1974 to 1998, who were ex-service men. The matter was deferred.

The matter is again placed before the Board.

**Item No. 24. The committee to go into the question of abolishing contract labour in the establishment of Indian Oil Corporation, Balasore, Orissa (U-23013/10/2004-LW )**

RLC (C), Bhubaneswar has submitted the report dt. 13-2-08 under letter No. 46(3)/2005-LS-III dt. 14-2-08 vide Resolution No. U-23013/10/2004-LW dt. 3-3-2005 .

The matter is placed before the Board.

**Item No. 25. Consideration of the request of Ministry of Rlys (Rly. Board) regarding Gazette Notification No. U-23013/24/2000-LW dated 26.02.2002 and Notification No. S-16014/324/2001-LW dated 08.03.2004 for prohibition of employment of contract labour in the works of "Checking Assistants and Safaiwala" in Metro Railway Kolkatta.**

**(S-16012/05/2006-LW)**

This matter was placed in 68<sup>th</sup> meeting under item no. 30 & 31. The matter was not found feasible. Hence the applications for exemption has been rejected .

The matter is again placed before the Board for its consideration and making suitable recommendations to the Government.

**Item No. 26. Consideration of Shri Harshadbhai D. Thakkar, Jilla President, Bhartiya Karmachari Sangh, Vadodra for abolition of contract labour in the job/works of maintenance of Electricians and AC Plant Operator in the establishment of Airport Authority of India Civil Aerodrome, Vadodara. (Item No. 20) S-16014/56/2004-LW**

It may be recalled that this matter was placed before the Board in its 69<sup>th</sup> Meeting held on 2nd -3rd August, 2007 at New Delhi wherein it was requested to send the details of pmt. Contractors (Name& address, Phone No. etc.) and workers deployed in the establishment which has been submitted by them.

The matter is placed before the Board for its consideration and making suitable recommendations to the Government.

**Item No. 27. Consideration of request of the Addl. General Secretary, National Coal Workers Congress, Ranchi for prohibition of employment of contract labour in jobs/works of permanent and perennial nature such as security guard and sweeping and cleaning in the establishment of M/s. Central Mine Planning & Design Institute Limited, (CMPDIL), Gondwana /Place, Kanke Road, Ranchi. (S-16014/38/07-LW)**

This matter was placed before the Board in its 69<sup>th</sup> Meeting held on 2<sup>nd</sup> &3<sup>rd</sup>August, 2007 at New Delhi wherein the representative of the management appeared before the Board and made their submissions. The undertaking given by the management with regard to wages to be offered

to the workers was not found satisfactory. The Board deferred the decision to its next meeting.

The matter is placed before the Board again for its consideration and making suitable recommendations to the Government.

**Item No. 28 Consideration of the request of Kishore Shet General Secretary Maharashtra Audyogic Mathadi for 26 employees for abolition of Contract Labour System in the job of maintenance of Canteen in the establishment of Central Bank of India, Main office- Mumbai-23 (S-16014/26/04-LW).**

This matter was placed before the Board in its 68th Meeting held on 13-14 Feb,2007 at Goa as item No. 11. The management was requested to submit a report vide letter dated 02.01.07 and the same is awaited. The matter is placed before the Board for consideration and suitable recommendations.

**Item No. 29 Request of HPCL Mumbai to revoke the prohibition imposed on the jobs mentioned in the Notification dated 30-01-1996. (U-23013/01/2008-LW)**

The comments of Union and RLC, Mumbai received . The matter is placed before the Board for consideration and suitable recommendations.

**Item No. 30 Order dated 12.1.2005 of High Court of Gujarat in W.P. No. 3026 of 1997 filed by Petroleum Employees Union Vs. Union of India and Ors. Regarding employment of contract labour in the establishment of BPC Ltd., Kandla Installation, Gandhidham. S-16014/35/2005-LW**

This matter was placed before the Board in its 67<sup>th</sup> Meeting held on 30<sup>th</sup> -31<sup>st</sup> October, 2006 at New Delhi wherein the representatives of the workers and management were present and heard.

The representative of the workers sought time to file additional affidavit to the rejoinder of the management. The Board, accordingly, directed the workers' representative to file the same **within four weeks** with a copy to the management and the management in turn was directed to send their

response, if any, within the next 10 days. The management has filed its additional submissions vide dated 14<sup>th</sup> December, 2006 (**Annexure-II**) which is self - explanatory and submitted that no case is made out by the Union for invoking the provision of section 10 of the Contract Labour (Regulation and Abolition )Act, 1970.

The matter is placed before the Board again for its consideration and making suitable recommendations to the Government.

**Item No. 31. Consideration of the request of Sh Raju for abolition of contract labour in the jobs/works of Bird Scarers in the establishment of Airport Authority of India at Trivandrum Airport. (S-16014/49/2004-LW)**

This matter was placed before the 64<sup>th</sup> Meeting of the Board held on 27<sup>th</sup> -28<sup>th</sup> December, 2005 at New Delhi wherein the representatives of the workers and management were present and heard. After discussions, the Board authorized the Chairman to conduct an inquiry and submit his recommendations for consideration.

The then Chairman, CACLB has submitted his report in the matter which is annexed as **Annexure II**. The then Chairman is of the opinion that it is not a fit case for prohibiting contract labour. He has, however, recommended that the management should be advised to increase the wages reasonably and at least fix a sum of Rs.4000/- as wages with incremental facilities especially considering the fact that these workers have been working regularly for several years. Further, even though the contractor may be changed, the workers should not be changed and be

allowed to continue. As the then Chairman's recommendation is reasonable and logical and has been made keeping in view the provisions of Section 10 of the Act, the Board decided to accept the same and recommend to the Government accordingly.

The matter is again placed before the Board for its reconsideration and making suitable recommendations to the Government.

**Item No. 32 Sh. Parmar Ashok. M., Secretary, The All India Federation of Scheduled Castes, Tribes, Backwards and Minorities Employees Welfare Associations, Mulhansh So. Near Telkuwa, Kalol (E) Dist. Gandhinagar-382721 (Gujarat) for abolition of contract labour in jobs/works of maintenance of Peon, Khalasi, Sweepers and Clerks in the establishments of O.N.G.C., W.S.S., Ahmedabad. (S-16014/24/2005-LW)**

It was placed in the 62nd meeting wherein the representatives of the workers and management of Oil & Natural Gas Corporation (ONGC) were present and heard. In view of the agreement reached with the management that, the problem of contract labour, if any, will be looked into by ONGC, and thereupon petitioner-Association will withdraw their request. The Board decided that no action is called for and recommended to the Government to treat the matter as closed. The petitioner Sh. Parmar Ashok. M and others

vide letters dated 26.7.2005, 27.7.2005, 3.10.2005, 23,11,2005 and 3/1/2006 have stated that the officers of ONGC have not fulfilled their demands and have not heard them. The said agreement made on 13.4.05 was illegal and betrayed all the workers benefit and their lives. They have also requested that Contract Labour System which exists in ONGC should be abolished. The representations dated 26.7.2005 & 27.7.2005 have also been forwarded by the Ministry of Social Justice and Empowerment with the request that the details of action taken/proposed to be taken to redress the grievances of the Scheduled Caste and Scheduled Tribes workers of ONGC be sent.

The Regional Labour Commissioner (Central) Ahmedabad's comments/ report is awaited. The matter is placed before the Board their consideration and suitable recommendation.

**Item No. 33. Consideration of the report of the Committee to go into the question of abolition of Contract Labour System in various jobs in the establishment of Airport Authority of India and Indian Airlines at IGI Airport, New Delhi(U-23013/12/05-LW)**

It was placed in the 69<sup>th</sup> meeting . DAIL and AAI are to sort out their differences regarding the responsibility of the contract workers working for them and submit a report by 16<sup>th</sup> August 2007 which is still awaited sofar.

The matter is placed before the Board.

**Item No. 34 Consideration of request of Shri Ranjeet Singh, Senior Working General Secretary, Airport Employees Union, New Delhi for abolition of Contract Labour System in jobs / works of civil maintenance (plumber, carpenter, mason, sewer man, helper & supervisor) in the establishments of Cargo complex (export/import), IGI, Airport, Terminal II, Airport Authority of India, New Delhi. (S-16014/5/2006-LW)**

It was placed in the 69<sup>th</sup> meeting . DAIL and AAI are to sort out their differences regarding the responsibility of the contract workers working for them and submit a report by 16<sup>th</sup> August 2007 which is still awaited . The matter is placed before the Board.

**Item No. 35 Consideration of the request of Sr. Working General Secretary, Airport Employees Union, Mahipalpur, New Delhi for abolition of contract labour in the jobs/works of electrician, Mechanic, lift Operator, Khalasi, Supervisor in various establishment of Airport Authority of India at Terminal II, IGI Airport, New Delhi. (S-16014/58/2004-LW)**

It was placed in the 69<sup>th</sup> meeting . DAIL and AAI are to sort out their differences regarding the responsibility of the contract workers working for them and submit a report by 16<sup>th</sup> August 2007 which is still awaited.

The matter is placed before the Board.

**Item No. 36. Consideration of the request of Shri Ranjeet Singh, General Secretary, Airport Employees Union for abolition of contract labour in the job of Civil maintenance i.e. Wireman, Mechanic, Fire Fighting Pump Operator and helper in the establishment of Airport Authority of India (S-16014/ 40/2004-LW)**

It was placed in the 69<sup>th</sup> meeting . DAIL and AAI are to sort out their differences regarding the responsibility of the contract workers working for them and submit a report by 16<sup>th</sup> August 2007 which is still awaited .

The matter is placed before the Board.

**Item No. 37. Writ Petition No. 472/00 filed by Jay Krishna Vs Airport Authority of India for abolition of contract labour in the job of sewage water treatment plant at IGI Airport Terminal-II NewDelhi (S-16014/64/00-LW)**

It was placed in the 69<sup>th</sup> meeting . DAIL and AAI are to sort out their differences regarding the responsibility of the contract workers working for them and submit a report by 16<sup>th</sup> August 2007 which is still awaited .

The matter is placed before the Board.

**Item No. 38 Consideration of Abolition of Contract Labour System in various jobs in Indian Airlines and Airport Authority of India. (U-23013/01/2002-LW)**

It was placed in the 69<sup>th</sup> meeting. Zonal committees are to be formed. The matter is placed before the Board.

**Item No. 39. LPA No. 60/2003 filed by Shri Hari Singh, Air India for abolition of Contract Labour System in the job of Sub Station attendant (Electrician, AC Operator and helper in the establishment of Air India, New Delhi (S-16014/32/03-LW).**

It was placed in the 69<sup>th</sup> meeting. Workers requested for nothing less than abolition. It was seen that the managements is very co-operative and was not lacking in its efforts. Keeping in view the merger of Air India and Airliness the management was not sure about the modus operandi they are going to adopt and wanted some more time till the merger is completed. The matter was postponed for the next meeting.

The matter is placed again before the Board.

**Item No. 34 (Revised) Consideration of request of Shri Ranjeet Singh, Senior Working General Secretary, Airport Employees Union, New Delhi for abolition of Contract Labour System in jobs / works of civil maintenance (plumber, carpenter, mason, sewer man, helper & supervisor) in the establishments of Cargo complex (export/import), IGI, Airport, Terminal II, Airport Authority of India, New Delhi. (S-16014/5/2006-LW)**

The Delhi International Airport Ltd. had approached the Delhi High Court by a WP(C) No. 139/2008. The High Court in its order dt. 12.2.2008 directed that “file the till the next date of hearing,(23/5/08) any action taken by the Central Government shall be subject to the outcome of this writ petition).

A copy of the High Court order is enclosed.

Placed for the information/consideration of the Board.

**SUPPLEMENTARY AGENDA- I**

**Item No. 29 Request of HPCL Mumbai to revoke the prohibition imposed on the jobs mentioned in the Notification dated 30-01-1996. (U-23013/01/2008-LW)**

This request of M/s HPCL could not be acceded to as per the provisions of the CL (R&A) Act, 1970. The Management, the Workers Union and the Administrative Ministry have been informed.

**Item No. 29 (Revised): Request of HPCL Mumbai for exemption under section 31 of the CL (R&A) Act, 1970 (U-23013/01/2008-LW)**

Now the management (M/s HPCL) has applied for an exemption U/s 31 of the CL(R&A) Act, 1970 (copy enclosed).

The views of the Workers Union (especially their NOC) and the Administrative Ministry viz. M/o Petroleum & Natural Gas have been sought for.

The matter is accordingly placed before the Board for consideration.



## **SUPPLEMENTARY AGENDA- //**

### **Item no. 1 Abolition of Contract Labour in the Jobs of Safai Karamcharis.**

A meeting was convened by the Chairperson, National Commission for Safai Karamcharis with Secretary (Labour & Employment). Among other issues, the issue of Abolition of Contract Labour in the Jobs of Safia Karamcharis was discussed.

In this regard, the views/comments of the Workers Union & the National Commission for Safai Karamcharis have been sought.

At present, put up for the information of the Board.

### **Item No. 2 MAT No. 743/1997 filed by Sh. Ardhendu Singh and Ors. and CAN No. 8117/07 filed by Kashi Nath Das in the High Court of Kolkatta.**

In this Court Case, the High Court of Kolkatta in its order dt.19/12/2007 (copy enclosed) the Appropriate Government in consultation with the Appropriate Board to take a decision regarding the Abolition of Contract Labour in the Central Mechanical Engineering Research Institute, **(CMERI)** ; Durgapur, Burdwan West Bengal.

The views / submissions of the Workers, the Management **(CMERI)** and the D/o Science & Technology (Administrative Ministry) have also been requested.

At present, put up for the information of the Board.

**SUPPLEMENTARY AGENDA- III**

**Item no.1: W.P. No. 11337/98 in the High Court at Hyderabad between Sh. M.V. N. Rao Vs HPCL & Ors. And representation of Sh. V. Parkash.**

The High Court of Judicature, Andhra Pradesh at Hyderabad while dismissing this WP. on 30/1/2008 directed that the petitioners are at liberty to approach the Advisory Board under the Act for appropriate remedies.

The petitioner workman viz. Sh. V. Prakash has moved an application before the Board on which the views/submissions of the management viz. M/s HPCC have been sought.

A copy of the High Court's order and Sh. Prakash's application is enclosed.

Placed at present for the information of the Board.





