

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

***71<sup>st</sup> Meeting, Mumbai, 21<sup>st</sup> -22<sup>nd</sup> February, 2008.***

### **AGENDA**

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

The minutes of the 70<sup>th</sup> (Special) meeting held on 16/10/07 in New Delhi to discuss the issue of Trolley Retrieval Workers were issued after the approval of Chairman CACLB. No comments of members were received. These 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 furnishing 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 69<sup>th</sup> meeting held on 2-3 August, 2007, it was decided to place in the next meeting which was to be held exclusively to discuss FCI issues. Hence, this matter is again placed before the Board for approval.

#### **(5) 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. Also, in the 69<sup>th</sup> meeting held on 2-3 August, 2007, it was decided to place in the next meeting which was to be held exclusively to discuss FCI issues. Hence, this matter is again placed before the Board for approval.

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

This issue was discussed in various meetings of the CACLB. The Board studied in detail the report of the Committee. No consensus could be arrived at. The matter is again placed before the Board.

**(7) 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.**

The report of the committees formed by the board were placed in the 68<sup>th</sup> (Re-convened) meeting. Since no decision could be arrived at, it was deferred. The matter is again placed before the Board.

**(8) 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. No decision was arrived at and so it was deferred. The matter is again placed before the Board. (Based on the Board's recommendation, a notification has been 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).

**(9) 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 put as Member Convener for North Eastern States. The report of the Committee is awaited. The matter is again placed before the Board.

## **SUPPLEMENTARY AGENDA**

### **Item No. 1 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.**

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, who 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 are enclosed.

### **Item No.2 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> Meeting also. The report from Dy. CLC©, Mumbai under Rule 25(2) (v) (b) of C L(R&A) Central Rules, has been received (copy enclosed). The matter is placed before the Board.

### **Item No. 3 Consideration of the request of Bharat Petroleum Workers Union, Thoothakudi for abolition of contact 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-/37/2005-LW)(S-16014/330/2001-LW)**

It was placed in the 69<sup>th</sup> Meeting also. The report from Dy. CLC©, Chennai has been received. The matter is placed before the Board.

**Item No. 4 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)**

Dy. CLC©, Mumbai has forwarded a written submission dt. 27-09-2007 submitted by Anand Harishchandra Gaurv & Ors (copy enclosed). The matter is placed before the Board.

**Item No. 5 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 have been requested to arrive at a workable solution. The matter is placed before the Board.

**Item No. 6 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> meeting also. Neither the Management nor the workers attended. Hence it was deferred. The matter is placed before the Board.

**Item No. 7 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 also. No intimation has been received regarding the understanding reached between the management and the workers. The matter is placed before the Board.

**Item No. 8 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 the consideration of the Board.

**Item No. 9 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 the services of daily wages staff in customs, CE and ST Commissionerates Karnatka, Bangalore is enclosed. The matter may placed before the Board.

**Item No. 10 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.**

It was placed in the 69<sup>th</sup> meeting also. It was deferred. A letter was issued to commissioner Central Excise, Hyderabad , concerned Ministry and RLC, Hyderabad to furnish their submissions which is still awaited. The matter is placed before the Board.

**Item No. 11 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 such a confirmation has been received from them. The matter is placed before the Board.

**Item No. 12 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).U-23013/02/2003-LW)**

It was placed in 69<sup>th</sup> Meeting also. The Board of Trustees, JNPT have been requested to explore the possibility of employment of workmen under the new contract on the expiry/termination of the existing contract. No response has been received from the management.

**Item No. 13 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> meeting also. It was deferred. Again placed before the Board.

**Item No. 14 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.**

It was placed in the 67<sup>th</sup> meeting also. The matter was sub-judice. Hence no decision was taken.

**Item No. 15 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 contact 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. Again placed before the Board.

**Item No. 16 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.**

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. Again placed before the Board.

**Item No. 17 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-16014/40/2007-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.

**Item No. 18 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.**

Dy CLC (c ) Kolkatta have submitted the enquiry report that the contract workers have accepted employment & consequently their claim for abolition do not arise.

**Item No. 19 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.**

The RLC, Chandigarh and Director PGMER have been requested to submit a report on this request of the workers.

**Item No. 20 Expediting submission of reports of Committees furnished  
by the Board.**

It is seen that many committees have not submitted their reports. As a result, the decision/recommendation of the Board is pending. To expedite the submission of these reports, the Secretary CALCB and the Section Officer will attend the meetings of the Committees, and if required meet the member convener/members.

**Item No. 21 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 Managements 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.



## **SUPPLEMENTARY AGENDA - II**

**Item No. 22 Order dated 6.9.01 in Civil Appeal No. 6287/2007 filed by Board of Trustees of JNPT Vs Nhava Sheva Kamgar Sangathana (Antargat) & Others in the Supreme Court against the order passed by the Bombay High Court on 28/6/2000 and 26/7/2000 in Civil Appeal No. 4380/2000 arising from Writ Petition No. 1297/00 in the matter of Bhava Sheva Bandar Kamgar Sangathan Vs Board of Trustees, JNPT and others regarding review of notification dated 1/10/99 prohibiting employment of contract labour in certain jobs in JNPT.**

The matter was placed in the 69<sup>th</sup> Meeting. We have not received any confirmation of any settlement between the JNPT and the Workers. Matter is again placed before the Board.

**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.**

The matter was placed in the 69<sup>th</sup> Meeting. The management has sought time for furnishing its views/comments. Matter is again placed before the Board.

-