

Interventions by Indian delegation (on Report of the Chairperson of the Governing Body and of the Director General) in the 96th ILC, May-June 2007 at Geneva

Mr. FERNANDES (*Minister of State (IC) for Labour and Employment, India*)

While commending the ILO on its performance, I take this opportunity to highlight a very few important issues raised in the Report of the Director- General entitled: *Decent work for sustainable development* and indicate steps taken by India thereon.

The ILO in recent times has been emphasizing the social dimensions of globalization, sustainable development, productive and equitable markets, fair rules and greater accountability to people. India has a well-established democratic system of consulting stakeholders. The National Common Minimum Programme (NCMP) of the Government also mandates tripartism and consensus. The goal of India's 11th Five-Year Plan is faster and more inclusive growth, epitomizing the social dimensions. The environment for inclusive growth has been crafted by flagship schemes, such as the Bharat Nirman Plan aimed at providing infrastructure and basic amenities in villages; the National Rural Employment Guarantee Scheme, which seeks to provide 100 days of guaranteed unskilled wage employment in 330 districts; the National Rural Health Mission providing primary healthcare; the Sarva Shiksha Abhiyan providing free and compulsory education to all children in the age group of 6-14 years, along with the mid-day meal scheme which provides cooked food to 109 million young schoolchildren; and the Jawaharlal Nehru National Urban Renewal Mission, which provides basic services to the urban poor and to slum dwellers. Various other schemes relating to road connectivity,

housing, waged and self-employment, drinking water and the development of backward areas are in operation. These measures are carried out with the active involvement of rural, local governments called the Panchayati Raj, whose 3.4 million elected representatives, nearly 42 per cent of whom are women, make India the most intensely democratic country in the world.

Also, micro credit through immense self-help groups is leading to women's economic empowerment throughout the country. So far as social production is concerned, health insurance, pensions and provident fund benefits are available to workers in the formal sector. A scheme called Rajiv Gandhi Shramik Kalyan Yojana has been implemented as of 2005 as a social safety net for persons who lose their jobs. These persons are eligible for a monthly unemployment allowance for six months, along with medical coverage. Workers belonging to specific segments in the informal sector have access to social security through various welfare funds. We have also prescribed a minimum wage for each trade. A bill to provide social security in a comprehensive manner to the informal sector will be introduced next month when the Indian Parliament reconvenes.

We are seriously addressing the threat posed by HIV/AIDS in the world of work. We have had a fruitful session with the labour ministers and other dignitaries from South Asian Association for Regional Cooperation (SAARC) countries and have agreed to set up a working group to collectively find possible solutions.

The Government has commenced a major plan to upgrade 1,896 Industrial Training Institutes into centres of excellence, in order to produce a multi skilled, world class workforce. My Government has also undertaken a skill development initiative for school drop-outs and existing workers in the informal sector, in close consultation with

industry, micro- enterprises, state governments, experts and academia. It is proposed to set up a national mission for vocational training. The Government has undertaken various measures to address gender inequality and eliminate discrimination against women; we adopted a National Policy for the Empowerment of Women in 2001, and have adopted gender budgeting so as to create an enabling environment for gender justice and the empowerment of women.

India has always supported the ILO when it has taken up new challenges in the past. I take this opportunity to assure you that India will continue to support the ILO in its future endeavours to promote workers' interests.

Ms. PILLAI (*Government, India*)

I compliment the Report of the Director-General for advancing the Decent Work Agenda and tripartism. Especially relevant are the ILO's efforts towards achieving synergy for sustainable development. Promoting and protecting the interests of the workforce remain the cornerstone of the ILO's policies and principles. Hence, the ILO has garnered widespread support for highlighting the social dimensions of globalization.

Globalization has led to a process of increasing economic interdependence between all countries in the developed and developing world. Over a period of time, it has been observed that globalization has had a mixed impact. We therefore have to make a concerted effort to maximize the benefits of globalization and minimize its negative outcomes. This can be done if, as part of the global efforts to promote decent work, we forge closer links with the efforts of the

ILO to give an impetus to an inclusive growth strategy and adopt special measures for those persons who would normally be excluded.

At the same time, without growth we cannot generate the resources needed for investment in the social and physical infrastructure, which is why India's current growth strategy and its development plan promote faster and more inclusive growth.

India has a well-established tradition of tripartism and of consulting stakeholders on all important policy matters. India also abides by its decision to work with the international community in the common effort to promote economic and social development and to achieve the goal of generating full and productive employment and decent work for all.

Here, I would just like to raise a couple of issues. The objective of promoting social transition to "green jobs" requires careful thought. While the objective itself is laudable, because it aims at promoting intergenerational equity by protecting the environment, in practice it may be used as a means of erecting non-trade barriers against developing countries. The creation of green jobs is an essential adjunct to sustainable development. The interpretation of the term "green job" is itself varied. While, in the organized sector, it is easy to identify pro-environment measures, the same may not hold true for the unorganized sector. Further, developing countries cannot be expected to leapfrog to green technologies without adequate technical and financial support. We thus have to guard against the tendency to use carbon credits as a tool. Protection of the environment is a significant reference point nonetheless for all development programmes as there are major economic, social and human costs involved. From this perspective, we support the priority issues outlined in the Director-General's Report on green jobs, and the transition initiative, with its

focus on social protection, skill training and other measures to facilitate a fair transition.

The issue of wage inequalities is relevant to the goal of profit maximization. While income equity remains an important policy objective in India, some degree of inequality in the present developmental context is inevitable. To redress this issue in India, the Minimum Wages Act 1948, updates the floor level of wages for a large segment of our workforce.

Simultaneously, efforts are being made to increase significantly skill training for the workforce to enhance their bargaining capability. Coupled with the protection given by the State, we expect that wage disparities can be absorbed by greater employment intensity. India's strength lies in labour-intensive modes of production and we have already adopted the ILO core labour standards and have ratified Conventions which are of relevance to us. However, we do not agree with the use of labour standards and carbon accreditation as non-tariff barriers against countries.

On the issue of social justice, we need to consider that priorities will always encounter resource constraints; thus distributing opportunities for access to jobs and decent work would therefore be a better goal. A better labour market assessment across the country presupposes common definitions of crucial concepts such as unemployment and wages. Different definitions often lead to different end results for the same processes, thus making the assimilation of varying labour standards into a single benchmark so much more difficult. A major initiative on the subject across nations would be opportune. It is also necessary to integrate rural and urban development based on the population dynamics in each country.

The sustainability of the reform process across nations presupposes that these have to become home grown, intrinsic and self-propelled. In the endeavour to realize sustainable development, it is crucial that international agencies cooperate with each other in their specialized areas. We therefore warmly compliment the ILO's initiative to create an enabling environment for this kind of strategy.

Mr. SRIVASTAVA (*Government, India*)

At the outset, I would like to extend my congratulations to the ILO and especially the Director-General for bringing out this comprehensive second Global Report on the theme of equality at work, which has suitably touched upon various forms, facets, emerging issues and policy research on discrimination at workplaces and outlined the efforts of the ILO and the member States in their fight against all forms of discrimination around the world.

We all know that discrimination in one form or another exists all over the world and our collective efforts have been to address all forms of discrimination, in its traditional and contemporary connotations.

We really appreciate the efforts, approach and the ILO's experience outlined in the Report regarding achieving equality in the workplace, one of the most important entry points to eliminate all forms of discrimination.

India has ratified the ILO Equal Remuneration Convention, 1951 (No. 100), and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and has also ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

We would now briefly like to elaborate on the position of our country on some of the specific references which have been made in the Global Report.

India's Constitution provides for equality before the law and the prohibition of discrimination on grounds of religion, caste, race, sex and place of birth as basic fundamental rights. It also provides for equal remuneration for men and women.

To ensure equality in the workplace, the Government has enacted various laws and statutes. There have been concerted efforts to impose the relevant statutes throughout the country. We have a very active and impartial judiciary, a free and independent press and a vibrant civil society that ensure proper and effective implementation of these acts and statutes.

We note with interest and appreciation paragraph 131 of the Report, where mention has been made of the constitutional and legal measures in India to tackle the issue of discrimination. In this connection, we would also like to stress that discrimination based on gender, social origin and other factors, which is deeply entrenched in social psyche and social traditions, takes time to change and our sincere and appropriate efforts are continuously directed to address these issues.

It must be appreciated that this is an evolutionary process and we are confident that, with the measures initiated and the laws in position, we will be able to eradicate discrimination totally in due course of time.

Our ultimate goal is the creation of a harmonious and equitable society for all sections and all communities. From this perspective, we would like to request the ILO to avoid making generalized statements

of the kind seen in paragraph 118 of the Report, as they appear to be based on isolated and individual instances.

The Government of India operates various schemes to enable the socially backward and marginal sections of our society to gain entry into the job market by providing them with special training and scholarships, enabling them to enhance their employability.

As regards the observations expressed in paragraphs 275 and 276 of the Report, regarding the gender dimension in respect of the implementation of our National Rural Employment Guarantee Act, 2005, a specific provision has been made in the Act to give priority to women in such a way that at least one-third of the beneficiaries shall be women. During 2006–07, out of the total employment generation of nearly 5 million, the share of women was 40 per cent. Hence this guarantee scheme is going a long way in improving the conditions of women in the rural sector.

The Government of India has undertaken various measures to address gender inequality and to eliminate discrimination against women. The Government adopted a national policy for the empowerment of women in 2001 and is totally committed to the plan of action that is being adopted to give effect to this policy. We have also adopted and strengthened gender budgeting, the main objective of which is to mainstream a gender perspective in all sectoral policies and programmes, with a view to eliminate discrimination and create an enabling environment for gender justice and empowerment of women.

It is also significant that, by constitutional amendment, not less than one-third of elective seats in the local self-government have been reserved for women.

Development and empowerment of socially disadvantaged groups and bringing them to par with the rest of our society is our constitutional commitment. Various schemes for the educational improvement of the scheduled castes and tribes have borne encouraging results.

Here I would like to draw your attention to paragraph 132 of the Report and would say that a new scheme of self employment for the rehabilitation of scavengers has been approved during the current year to assist these groups, who are not yet rehabilitated in a time-bound manner. The reapplication process is expected to be completed by March 2009.

As regards the welfare measures for our people with disabilities, section 41 of the Persons with Disabilities Act, 1995, stipulates that the appropriate government and local authorities shall, within the limits of their economic capacity and development, provide incentives to employers, both in public and private sectors, to ensure that at least 5 per cent of their workforce is composed of persons with disabilities. Further, the National Policy for Persons with Disabilities, which was adopted in 2006, provides for various incentives to encourage employment of persons with disabilities in the private sector.

The second phase of the National AIDS Control Programme formulated by the Government in 1999 seeks to contain the spread of HIV infection in India and to strengthen our capacity to respond to HIV/AIDS on a long-term basis. We are against discrimination in any form and we are concerned about the persons who are suffering from AIDS.

We have also taken the initiative in this regard of organizing a meeting on HIV/AIDS for labour ministers of countries of the South Asian Association for Regional Cooperation (SAARC) during the current 96th Session of the International Labour Conference in Geneva. This is to facilitate further experience sharing and to promote development of non-discriminatory practices, policies and programmes in the SAARC countries.

To sum up, Mr. Chairperson, our Government has taken various legal and policy initiatives to ensure social justice and empowerment of the vulnerable, disadvantaged and marginalized section of society, with the objective of bringing these groups into the mainstream of national life, through their educational, economic and social development, with the active involvement of our social partners.