

CEC Working Paper

CONSTRUCTION WORKERS IN TAMILNADU

Sujata Mody

1996



Centre for Education and Communication

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Construction Workers and the Industry

Introduction

This is an attempt in writing the history of construction workers and their struggles in Tamil Nadu, spanning two decades, for greater dignity, better working conditions, greater economic security and legal safeguards. It is also an account of the *Tamil Maanila Kattida Thozhilalar Sangam* (TMKTS), a union which has been at the forefront of organising construction workers and their struggles in Tamil Nadu since 1983.

At present, TMKTS is a large trade union with a registered membership of over 40,000 workers and an ability to mobilise over one lakh construction workers. Their struggles have ensured a certain degree of recognition to construction workers in the state. Tamil Nadu and Kerala are the only two states in the country to have a legislation for the welfare of construction workers. Although the legislation is not adequate, it shows how relentless struggles can push the governments to grant concessions. Even at the national level Tamil Nadu construction workers and TMKTS are at the forefront of all struggles and building solidarity of construction workers. However, this did not happen overnight. It is a result of continuous struggles waged by the Union and a large number of its activists, who sacrificed the best years of their lives building a strong organisation and developing a working class consciousness amongst them. It is the result of fortitude and strength shown by thousands of construction workers in Tamil Nadu, who suffered total indifference and active repression by successive governments in the State.

The study shows the difficulties faced in organising workers in the informal sector on a sustained basis. It highlights the nexus between the government, big business houses and other vested interests, and the ways by which they try to suppress movements of workers. It indicates the ways in which workers can struggle to wrest concessions from the government and industry. And finally, it reminds us that the only way in which workers can uphold the dignity and demand their rights is through constant struggle.

Construction is an important component of the developmental work in our country. Nearly half of the government expenditure in its Five Year Plans has been devoted to construction activities - be it in the area of irrigation, power, roads, surface transport, communications, health, housing or urban development. This sector attracts huge investment from individual house owners as well as from big contractors/companies, having a very high rate of return.

In recent years, this has been one of the fastest growing sectors of the economy. After agriculture, it is the largest provider of employment for people, with one out of every seven workers in the country employed in construction-related activities.

However, construction is among the most unregulated sectors in the country. The large number of workers employed in construction work are not provided even with minimum safeguards. They continue to work under extremely hazardous and exploitative conditions. With nobody to support them during their needs, they have very little opportunity to improve their lot. Such condition prevail not only in Tamil Nadu where the present study is located, but all over the country. Some of the workers have thrown light on their plight:

- “They say the construction industry is booming, work is plentiful and wages are rising. But, much of our time and energy is lost in searching for a job. We spend almost as much time looking for work as doing it. At the most, we work for 3 or 4 days a week. Ours is hard manual work and we do not get paid even for a weekly holiday. In the monsoons we go without work for days on end. There is nothing to fall back on, so we starve and get indebted. When we go back to work, we merely pay back the loans that we have borrowed earlier. I do not know any other work and thus have to work for the wages and the conditions set by the contractors. Those who have more regularity of work, like workers on large construction sites have to settle for much lower wages. So what is the alternative?”
- “Construction work is extremely hazardous. We have to work at tremendous height, climb scaffolding, work with electricity, unprotected lifts and use all kinds of materials such as asbestos, which are harmful for our health. We have never seen safety gears such as helmets, boots, safety belts and the like. Every summer, it is very common to hear of a few cases of painters falling from height. Every now and then a mosaic man or an electrician gets electrocuted, and a *chittal* or *periyal* dies while concreting just because rotting planks or casuarina poles cave in. Whenever such things occur, the contractor blames God for such mishaps. The contractor blames these things on our ill fate and also blames us for the bad luck it has brought on him. He forgets that the casuarina poles were rotting and he did not want to replace them because he was trying to save money, or that the lift was very rickety and should not have been overloaded.”
- “In our profession, no employer is responsible for our health. When we are sick and out of work, not only do we not have income to feed our families, but there is no one to bear the additional expenses of the treatment. Even for injuries in the course of work, there is no means of compensation for loss of wages or cost of treatment. Though I am ever so careful while working, recently a nail pierced my foot. It became swollen and septic. The doctor says that I am lucky to have my leg, otherwise they might have had to amputate it. I could not walk for nearly a month. My wife had to run from pillar to post, borrow from the *marwari kadai*, pawning her few jewels. We took eight months to pay back all our debts, and it was even longer before we could get out of all our hardships. For workers like us, these kinds of injuries are regular. There is no worker who has not had any serious problem sometime or the other. In fact, we do not even bother to take account of the minor problems though they waste our time and money.”
- “I am 65 years old, almost blind and unable to do any work. All these years I have worked as a mason, and I have seen good days also. Now my wife who is a *chittal* takes care of the family. How long can she keep working? After all, she is also getting

old and it is difficult for her to get work, moreover she cannot climb to heights anymore. But what can we do? There is no one to take care of us in our old age. We have a son but with costs of everything going up day-by-day he is also struggling to take care of his wife and children. How much can he help his old parents?"

- "I came to the city 20 years ago with my husband. Both of us used to work as helpers. Then, when my second child was two years old, my husband got jaundice and died. I have worked hard to bring up my two children. There was no money to educate them, moreover I was always at work and the older girl had to take care of the smaller child. Now she is working with me as a *chittal* and the younger one is working in an export company. All these years there has been no one to support me. We build houses for so many people, but we are ourselves without a roof. I am worried about the marriage of my daughters and concerned about my old age. The government says that there is a scheme for old age and widows' pension, but it is only for those who have clout with some political functionary."
- "I take up piece-rate work. Most of the time we have to work wherever we get it. I move from one job to the next. There is no continuity and I have to be constantly on the look out for new work. Quite often I am jobless for a week or more. I cannot dictate terms and conditions. It is quite common that when the work is nearing completion, the owner tries to avoid payment of the dues of the contract. In most cases we do not even have anything in writing. If we stand firm he uses the local police to intimidate us. Sometimes they set up a false case of theft and employ other forms of pressure tactics. Sometimes instead of profits, we even end up in loss."

These impressions reflect the diverse nature of various problems that construction workers have to face on a day-to-day basis. It is evident that workers do not have any regular employment and as daily wagers they live in continuous insecurity. These workers have no health insurance. There are no safety measures and in case of major or fatal accidents it is a long drawn battle in the courts for compensation. There are no benefits pertaining to retirement, housing, maternity, crèche and educational facilities. Although, some sections of factory workers get certain benefits, but for construction workers this sounds far-fetched. Why do construction workers still not have the basic and minimum rights required to work safely and live in healthy and secure conditions? Who is really responsible for them? Who are the employers of construction workers and why do they show no responsibility towards the workers they employ?

Who are the Employers?

Construction workers are faced with a wide and sometimes bewildering range of employers. Most of them are forced to shift regularly from one job to another, from one employer to another, and from one area of work to another. The size and nature of employers is diverse. The employers can be small house owners or big industrialists, a doctor getting his nursing home built or an institution, building a school. The employer may also be a labour supplying contractor, a petty contractor, a small contractor or a large builder. There are large contracting companies like the multinational Larsen & Turbo, or Tamil Nadu State Construction Corporation, and Bridge & Roof, state and central government undertakings respectively. The government through its various departments - like the PWD, irrigation, railways, highways, electricity boards, rural development, etc. - can also be an employer. In fact, government is the single biggest employer in the construction industry.

Tradition and Modernity

Traditionally, a mason had a special role in the village. It was a practice to honour him during the temple festival and builders gave him gifts after completion of a house. Apart from masons, carpenters and sculptors, an important group of construction workers were the *odder* and *boyer*. Traditionally, these were the communities who built the canals and maintained the irrigation tanks and wells. Wages were paid for services, both in cash and kind. If there was an accident or a crisis there were family members and people in the community to take care of. Some of these practices can be seen even today in some parts. But with industrialisation and urbanisation, workers had to migrate to the towns and cities. The traditional community ties and security structures have fallen apart. Construction workers are in a peculiar situation; they are a part of both urban and the rural life. They represent the transition from traditional to modern. Yet, construction workers have the advantages of neither tradition nor modernity. They are forced to live in the peripheries of large towns and cities in appalling conditions, with no proper roof over their heads or modern amenities such as electricity, sanitation and running water. Construction workers have neither a fixed place of work nor a permanent employer. They keep moving from site to site. The employers have little or no concern nor do they shoulder the responsibilities expected of them, in modern capitalist economies. The government, which has control over policy, turns a blind eye to issues of construction workers. As in the past, construction workers continue to be indispensable. They build and maintain towns and cities and its infrastructure-hospitals, schools, factories, offices and so on. Yet, in modern India their labour goes unrecognised and is grossly undervalued. The traditional community ties and secure structures have gone but no measures have been taken to ensure social security and welfare

Who are the Workers?

The building and construction industry employs a wide range of skilled workers. These are masons, carpenters, plumbers, electricians, painters, bar-benders, mosaic workers, stone breakers, workers specialising in laying tiles, varnishers, etc. Among the skilled workers, there are various gradations of expertise and competence. For instance, there are semi-skilled workers who in the parlance of the industry are called '*arra-kottanar*' (half-mason), and '*mukka-kottanar*' (three-quarters mason). Apart, from the skilled and the semi-skilled workers, there are unskilled ones who do most of the manual work.

Unskilled workers in Tamil Nadu are referred to as '*chittal*', the lowest category of workers in the hierarchy and the '*periyal*' the higher category of helpers. Typically, *chittal* are women construction workers and adolescent male workers. The adolescent boys graduate into being *periyal* after one or two years of experience. Most skilled workers start their apprenticeship as *chittal*. Gradually they acquire some specific skill through informal apprenticeship and experience. They pursue this skill as a trade or profession thereafter. All

skilled workers, without exception, are trained on the job and have no formal training whatsoever. A mason spoke of his training, “I started work at the age of 16 as a *chittal*. In two years I was able to identify and make different types of mortars and learnt to tie the scaffolding. This is when I became a *periyal*. After sometime, I attached myself to a senior mason for about two years. He taught me to lay bricks, use the hook-line and plaster. I worked with him as a half-mason for about two years and the day I decided it was time he recognised me as a mason he said - so well, you think you know it all. It was from that day that I ventured on my own.”

Some workers from the highly skilled category acquire enough experience to take up work on piece-rate. A handful of the piece-rate workers are able to become petty-contractors and some of them may even become labour supply contractors. The petty-contractors, sub-contractors and labour supply contractors are referred to as ‘*maistri*’, which is a deferential way of addressing them. The piece-rate workers also like to be called *maistri* as a sign of their respectability.

Gender and caste biases are in-built in the industry’s tradition, where taboos and rituals of purity and impurity have prevented women from even touching implements such as trowel, hacksaw and paint-brush. So women remain in the industry employed as *chittal* till they retire. The word *chittal* is therefore widely used inter-changeably with women construction workers. *Periyal* are usually unskilled male helpers. Now, the construction industry, particularly in the cities, has grown and there are no traditional caste barriers to *periyal* from backward and dalit communities in acquiring higher-paid skills.

There are also specific groups of workers who work collectively and specifically as concreting gangs, earthwork, well-diggers, timber workers, tree-fellers etc. The concreting gangs work for long hours with little or no rest, under most hazardous and arduous conditions, working as a human conveyor belt. The well-diggers’ and earth-workers’ lot is no easier and they are provided with no protective gear of any kind.

Relationship between Worker and Employer

Workers have different types of relationships with their employers. There are a few common ways in which they are directly and indirectly connected with their employers:

- **Market Gangs**, constituted by pauperised and individual workers, who have no tools of their own and look for wage labour from day to day.
- **Maistri Attached Labour** who have a reasonable assurance of work and thus do not have to bargain on a day to day basis, as they are attached to one or more *maistri*. They are paid either on a daily or weekly basis.
- **Site Labour** who are migrants, almost bonded to the contractors. They appear to have greater continuity of work, but have no bargaining capacity and work for relatively lower wages.
- **Specific Groups** like concreting gangs, earthworkers, etc., who work collectively, with one among them taking greater responsibility or working as a ‘*maistri*’

Though construction activity is planned in minute detail, it is carried out in an ad hoc manner. There are a large numbers of parties involved such as the principal employer (also referred to as the client), the engineer or the architect, the contractor and the workers. The principal employer is also the principal beneficiary of construction and building activity. He

appoints the architect or the engineer, who design and plan the buildings, and assist in identifying a contractor. In fact, the first two parties have no role in the labour process. The actual work is executed through a sub-contracting system with the contractor supervising and coordinating the activities. Even between the chief contractor and the workers there are a series of contractors and petty-contractors who act as middlemen. In effect, the principal employer, the architect or the engineer and the chief contractor remain invisible and there is a total absence of a formal working relationship between them and the workers. The entire industry is therefore, controlled by the system of contracting and sub-contracting, with a hierarchy of agents and middlemen. All possible work arrangements co-exist in this anarchic industry.

A significant feature of this industry is that there is an absence of enduring relationship between the employer and the workers. A unique aspect is that while the product of labour is static, the workers are mobile. When the construction activity is completed the workers move on. From the point of view of the principal employers, the work is only of a temporary nature. Therefore, they have no long-term interest in improving the styles of the working and living conditions of workers. This enables the principal employer and the contractor to escape from their responsibilities and obligations. It also perpetuates the existing system of contract and sub-contract.

In recent years, some very large contracting firms have come up to meet the needs of highly specialised building activities to be completed within a targeted time period. Some of these companies, such as L&T and Alacrity have developed a rapport with clients. However, except for employing a core of permanent workers, they also resort to the existing practice of contract and sub-contract. The contractors, whether big or small, have no incentive to bring any change in the system, they being the primary beneficiaries of the existing practices and methods of recruitment. Not only do they not want any changes, they actively work to prevent workers from uniting and improving their condition.

A Union activist from Chingleput District says: "In our area, the ECC (a subsidiary of L&T) has taken up a Rs.40 crore contract. Some of us who belonged to the same area, went to the site and demanded work. We told them that we should be given employment on a priority basis as the project was in our area. They were prepared to give us work, but at only Rs 20 to Rs 30 less than the prevailing wages in our area. They get workers through labour-supply contractors and petty contractors from neighbouring states where the wages are lower. They keep these workers in an almost bonded condition on the site. They have no proper housing or sanitation facility. Even the drinking water on the site is not safe. They continue to employ workers from far-off places who do not have any choice and make them live in inhuman conditions. These workers remain in fear of losing work so they do not complain or fight for more. We feel that this is a method to avoid paying the fair wages prevalent in different areas. In this way, they also ensure that the wages in our area do not go up."

Contract and Sub-contract System: Workers' Bane

At the Chennai Refineries Limited (MRL) site, about 4000 construction workers are employed on a casual basis through sub-contractors, every day. There are two major contractors who have been employed by the MRL management. These principal contractors employ a number of sub-contractors for different operations like scaffolding,

painting, earthwork, clearing the site, or 'supply of labour', etc. There are layers and layers of such contractors and sub-contractors. Each of them is a middleman between the principal employer, i.e., MRL and the workers. The contract and sub-contract system cuts down the supervision cost for the principal contractor and also gives him immunity from fulfilling his legal responsibilities to the workers. The worker does not know who is the principal contractor, has never seen him and does not know what his responsibilities are.

Basically, the big contractors reduce costs by cutting on supervision expenses, estimating higher labour costs and paying lesser than the minimum wages, avoiding proper insurance to workers, using inferior quality material and thereby compromising on the safety of the worker, not providing for canteens, creches, drinking water, toilets and other basic amenities. In most PWD contracts, 6 per cent of the construction costs are to be set aside to provide housing and basic amenities for construction workers. But, this is flouted without exception and contractors make a neat profit by pocketing the money.

In our country, despite construction methods being highly labour intensive, there is no systematic method of quantification of work. Even though contract agreements are based on piece-rate wages, the worker does not receive any benefit. In fact, most workers do not even know the contracted wage. Workers are paid only a fixed daily wage, which is lower than the minimum wage stipulated by the government. The sub-contractors, who in most cases take up the job on a piece-rate basis, make their money by making the workers work harder and for longer hours, with no additional compensation like overtime. Also, when a contractor bargains with the principal employer for a price escalation, this is never passed on to the workers.

It is often argued that the migratory nature of workers and their linkages with rural areas contribute to the instability of employment and have consequences for the work culture. This is also cited as reason for low level of skills and the lack of training facilities, which in turn is used to justify low wages for unskilled workers. However, the workers in the construction industry, like in agriculture, have little control over their lives and livelihood. They have little or no landholding back in their villages and have no assets. The instability of employment and the lack of permanency in employer-employee relationship has less to do with origin of the worker and more with the structure of the industry.

It is the contract and sub-contract system which sets the work culture. The complete absence of health insurance, retirement benefits, accident and disablement compensations; and in the case of women workers maternity benefit and crèche facility,

add to the vulnerability of the workers. In a situation where work is scarce and wages are low, particularly among rural workers, there is a large reserve labour force which limits the ability of construction workers to bargain for better working conditions or greater regularity of employment. The 4000 odd construction workers working at the MRL site in Manali are faced with this situation.

Nexus of Builders, Contractors, Administration and Politicians

On a day-to-day basis, construction workers face harassment from house builders, contractors, police and the local administration, political functionaries and their hoodlums, etc. When faced with issues of non-payment of wages or in case of an accident, the

linkages between contractors or house builder with the police and the local administration becomes clear. Workers are implicated under false charges and harassed. It is quite common to face physical intimidation and violence. When forced to go to courts and resort to litigation, the story is no different, since courts require lot of money and leisure, neither of which do the workers possess. The linkages between the house-owner, police and local administration is not always clear. However, the workers do get to see and understand these connections when there is a conflict at the local level regarding problem of wage payment, an accident or slum eviction. Then, these forces work in tandem to deny the

Alienation from Work

Workers have no say in decision making. From the stage of planning to sanction of building plans, raising and financing of the construction activity, overseeing and reading the drawings at the site, the workers have no role at all. They are the ones doing heavy manual work and executing the plans. But, even for this, there is no recognition from the employer. As Sundari who works at the Chennai Refineries Limited (MRL) site puts it, "I have worked for the last six years at this particular site. Except for a few days off, now and then, along with a group of masons, *periyal* and *chittal*, I have worked continuously. The *maistri*, who is in-charge, has to pay a cut to the sub-contractor. MRL is a maze. Though I have been working there for so long, and know the entire site so well, I do not know what we are building and why? When the building is completed, we will have no right to enter it. No one bothers to tell us what the building will look like or the purpose of it. Surely, the site engineers and the management know what they are building. Ours is a monotonous and hard life. Some days the work is harder than the previous day, that is all. Our working conditions are also terrible. There are no toilets on the site. Even for drinking water, we have to walk some distance. Perhaps, they do not consider us as people but merely as labourers. For the engineers, we are merely a number "like my token number to pass the security gate labour no.169." With the exception of some highly skilled, most workers feel alienated from their work, especially women workers who have no scope for self-improvement. Even the skilled workers have no role whatsoever in design or creative application of skill. This is particularly true of workers in high-rise buildings, massive projects, and time bound construction projects, as work in these is basically repetitive and under tremendous pressure.

basic rights of the workers including even those that are enshrined in the Constitution. We have seen the linkages between the various forces at the local level. However, we rarely come face-to-face with big builders and contractors, the state administration and the bureaucracy, the ruling ministry and senior political leaders in our day-to-day existence. Legislators and ministers are the ones who make new policies and bring in new legislations. They are the people behind the existing practices directly or indirectly. Let us see how:

- In the construction industry not just the laws dealing with rights of workers, but also with land acquisition, building norms, safety, etc. are flouted with impunity to maximise profits. The industry is the largest generator and user of black money, and as such, one of the largest financiers of political parties who are dependent on unaccounted money for their various activities. It is also the biggest beneficiary of patronage from the ruling political parties for acquiring land, building contracts and various illegal building transactions. There are innumerable instances connecting large builders and contractors with important political leaders. The Kodaikanal Hotel scam and Apollo Hospitals are burning examples.
- The construction industry owes its huge profits to the unregulated nature of work. And this is done not only by private builders and businessmen, but also by the government, which is the largest builder in the country. Bridges get built with sub-standard material and collapse, roads are shown to have been built, which do not even exist, except on paper. As a result, it is necessary for construction industry to maintain close, illegal ties with the ruling political machinery at all levels. Bribes, and illegal deals are common features of this industry.
- The industry is also highly labour intensive. About one-fourth of the expenditure on construction activities is on labour costs. Hence, the industry needs to keep labour costs and wage levels down. It also needs a labour force that is docile and not united in order to keep them oppressed. Hence, there is a need to work through a hierarchy of middleman, which keeps the workers scattered and unorganised, and make it difficult to establish direct links between large builders and workers.

Why is it difficult to organise?

There are several reasons why it is difficult to organise construction workers:

- ***Diverse nature of employers:*** Construction workers are faced with a wide range of employers, having to shift from one job to another on a regular basis. In fact, principal employers are not clearly identifiable. They remain invisible to the ordinary worker. This is because of the prevalent system of contract and sub-contract, which also enables employers to shift statutory responsibilities and defy labour laws with impunity. Employers also have the support of the police and administration. Faced with a diversity of employers, it becomes difficult for workers to organise and pin down a particular employer to fight against.
- ***Rural unemployment and migration:*** The growing unemployment in the agricultural sector without concomitant growth of employment opportunities in industries is one of the factors leading to more and more workers coming into the construction industry. Large numbers of rural unemployed workers are forced to migrate to big cities and small towns, from their native places in search of employment.
- ***Differences among workers:*** Construction workers are not a homogenous group. They are from different castes, political affiliations, skill levels and gender. In different regions, different caste groups exist in the workforce of the construction industry. Several political parties (and other interest groups) exploit these differences for furthering their interests. They also divide workers, making it difficult for the working class to have a larger unity. There is a strong traditional resistance to women workers becoming a skilled worker. This also makes it difficult to bring

women workers into the organisation. All these differences hinder efforts to organise construction workers.

- **Wage labourers:** Construction work is open to any one who is prepared to work hard and do manual work. Large number of rural migrants and urban slum dwellers who have no capital or tools enter the construction industries as wage labourers. They are forced to accept employment regardless of the wages they get, and on the terms and conditions decided by the employers.
- **Inappropriate labour laws:** There are innumerable labour laws in our country, out of which twenty nine of these are said to be applicable to the construction workers. However, the basic assumptions of these labour laws make them unsuitable to construction workers. In effect, construction labourers, like all other workers in the unorganised sector have no protective legislation or social security measures. This is a crucial reason for their insecurity, making it difficult for them to organise.

New Economic Policy and Changing Government Priorities

The construction industry has witnessed a high growth rate in the last fifteen years. The percent share of construction in the GDP has risen from 5 percent in 1980-81 to 5.7 percent in 1994-95. In the same period the construction industry has registered a compound annual rate of growth of 16 percent. It is estimated that every rupee invested in construction would generate Rs. 0.8 in earning to the GDP, far higher corresponding to 0.2 for agriculture and 0.14 for manufacturing.

The high rate of return in construction together with economic liberalisation has brought changes in the building and construction industry. One such change in the 1990s is the entry of large corporate houses such as Reliance, Tatas, Godrej and medium sized groups like Videocon and Lloyds into construction and real estate business in a big way. Unlike the traditional construction companies, who have to raise money through the informal markets, raising capital is not a problem for these large companies. Moreover, compared to some other businesses, construction has a short gestation period and high returns relative to the capital investment.

Another aspect of the real estate business has been the opening of industrial land to real estate development. With soaring prices of land, many textile mills have been declared sick and closed. The sale of land and property development is a soft option made possible because of new policies permitting lay-off and closure. This is true of the Binny Mills in Chennai and in Bombay, the Maharashtra Government has permitted some of the old textile mills to develop 'surplus' lands to raise funds for modernisation. The Urban Land Ceiling Act has already been diluted and the government is now under pressure from big business houses and developers to do away with it altogether.

Slum Dwellers Fight Apollo Hospitals

An instance of collusion between ruling politicians and private builders is the case of Apollo Hospitals, one of the first large, commercial hospital in the country. Medical care in this hospital is so expensive that it is beyond the reach of even ordinary middle class. In 1981, the government granted an exemption to the hospital from the Urban Land Ceiling Act and passed a G.O. permitting it to use residential land for extending the hospital building. Instead, the land was used to build the Sindoori Hotel. In 1984, another G.O. was passed exempting it from the Town and Country Planning Act allowing the hospital to build an additional floor. Apollo Hospital's greed to colonise the land around it did not end there. Yet another G.O. was passed to enable it to occupy land on which a ration shop, a balwadi and school, catering to the nearby Wallace Garden Slum were housed. The slum dwellers and *Pennurimai Iyakkam* strongly opposed this, but they were ignored. In 1986, the Tamil Nadu Slum Clearance Board gave a notice to the residents of Wallace Garden Slum to vacate their homes immediately, to make way for a car park for Apollo Hospital. The Slum Clearance Board, with the support of the police and local administration, forced them to shift to an alternative site in Kodungiyur. There were no basic amenities or drinking water, motorable roads or bus services to this area. In spite of police intimidation, lathi-charge and ten days of imprisonment, the slum dwellers continued to fight till they lost their case in the Supreme Court. The people believe that there were much larger forces operating behind the scenes and that Apollo Hospital could not have won its case had there not been strong links with governments and politicians.

The liberalisation of economy and shifting of the initiative to the private sector has brought pressure on the government to privatise infrastructure development. Until now the government sponsored projects including irrigation, power, roads, drainage systems, railways and airports formed the bulk of construction activity. The government spent as much as 40 to 50 percent of its total capital expenditure in construction and related activities. It is gradually moving out of these commitments and multi-national corporations in collaboration with Indian companies are appearing as a big pressure group to privatise the entire infrastructure sector. With this has come the Build, Operate and Transfer (BOT) concept, and the industry claims this has the potential to revolutionise the development and maintenance of highways. The government in its eagerness to invite private participation in infrastructure development is handing out concessions to private industry and these could turn out to be counter productive.

Another area of the construction industry that has seen changes is technology. There has been an influx of new technology and more widespread use of labour saving construction equipment. This is bringing in a silent change in the growing industry. The biggest change in technology is in the area of earthmovers and excavators, the use of which is very widespread on large sites. Some of the new equipment is a whole range of steel shuttering and scaffolding, and centering supports. There are also changes in plastering and painting

technology with the introduction of plastic sprayers and new generation plastic and cement paints. In Chennai, many cement manufacturers have set up ready-mix concrete facilities. The unions and workers have not been able to respond to these changes in any sustained manner.

The TMKTS's women's wing in Chennai made a few representations to the Government and organised dharna on the issue of tax concessions for ready-mix concrete and construction equipment. But they did not have any sustained program to educate the mass of construction workers on changes being brought in the industry. Reasons for lack of awareness are not difficult to identify. The construction industry continues to expand and provide employment to both men and women, so workers are apathetic to technical change. The technological changes are also perceptible only in the infrastructure sector and on large construction sites. As the TMKTS draws its membership largely from the small house-building sector that has not seen dramatic technological change, it is possible they do not understand and are not equipped to deal with the new situation. Large construction companies such as L&T, operating with a small core of permanent skilled workers have not seen unionisation in a big way. And where unions in large construction companies exist they have not attempted linking up with the unions of unorganised construction workers.

The change in technology is bringing in subtle changes in the labour process. Traditionally, except in roof-concreting operations the work was scheduled during the daytime. With new technology and construction companies setting tight completion targets, workers often work long hours (12-hour shift) in two shifts. The new technology also requires a highly skilled workforce, with machine operators, bulldozer and crane drivers, etc. It also requires new skills in construction management. The skilled workforce among the traditional construction workers finds it unable to keep pace with the changes and there is no way in which they can make a transition without support from builders and the government. The builders and the government have in co-ordination with the Anna University set up a training institute. However, the trainees are new recruits from among the educated and not the traditional unskilled or skilled worker. The existing gap between the traditional and modern skills seems unlikely to be bridged in the existing environment.

The change in technology is bound to have long term impact on the employment of unskilled workers particularly women who constitute a significant proportion of the unskilled workforce in the construction industry. Traditional barriers to women's skilled employment have not shown any signs of rupturing. Displacement by technological change is highest among women construction workers, who carry the loads, work in concreting gangs and excavation teams. The cranes and hoists save as much as 70 per cent on labour costs, ready-mix concrete requires only a handful of supervisors and highly skilled workers, and the same is true of mechanisation in earthwork. The contractors and developers with an eye on quick profits ignore the need for skill development among unskilled and in particular, women workers. Viewed in another way, this equipment replaces the need to carry loads to heights under extremely hazardous and torturous conditions. Though mechanisation displaces labour, it may be argued that it saves workers from backbreaking and monotonous work. However, what is problematic is not the introduction of new equipment, but the unwillingness to find planners and the industry to find alternative employment opportunities and create institutions for education and skill

training for the unskilled workforce. The workers' organisations also do not appear to be in a position to pressurise the government and employers to create such facilities for the vast numbers of workers employed in this sector.

Economic liberalisation also impinges on the priorities in the house-building sector. There is a shift in focus from providing basic amenities to promoting new lifestyles for the elite. The growing prosperity of the upper classes has also brought in a large number of highly valued building materials, accessories and interior decor. The new lifestyle is a studied contrast with reality faced by the majority of the population. For instance, an advertisement of Parryware, a leading manufacturer of sanitary ware advertises its latest fittings as "No more bathrooms, only glamourooms". While, for most women in Chennai access to toilets and piped water are still basic problems to cope with. The World Bank dictated policy of user charges has forced the Government to do away with the subsidising of public utilities. But, the flip side is that for the last five decades subsidies have gone to those who could afford to and should have paid; and today when the urban poor is in a position to demand basic amenities, they are asked to pay an amount out of proportion to their incomes. Technological change being ushered in by liberalisation and globalisation policies have not changed the nature of problems, however, it has given rise to new contradictions while old issues persist.

For the construction workers', as never before, issues of the direction of development and the priority of projects investment are important. Debate on technology and development priorities that place value on the quality of life, health and safety, training and empowerment of women is necessary within the union. For construction workers, the pioneering trade union (TMKTS) and the welfare board (Tamil Nadu Construction Workers' Welfare Board) are new institutions thrown up by years of effort and struggle, around whom these issues will become more focussed in the coming years.

Evolution of the Union

Workers in construction industry have time and again formed themselves into local trade guilds, to resolve internal disputes, to fix suitable wage norms and to conduct functions at annual temple festivals. Even now, masons and carpenters' guilds working on traditional and often caste lines can be found in some villages of Tamil Nadu.

The first major attempt to form a construction workers' association in Tamil Nadu took place in 1939, in Tuticorin. Since then, a number of such attempts have been made. However, every such attempt has been short-lived, and the organisations were not able to sustain themselves for more than a couple of years. Since the construction workers are scattered, and these organisations did not have a clear-cut programme and policy, unionisation of construction workers on a sustained basis was not possible.

In the early seventies, masons' associations were formed in some towns like Trichi, Kovilpatti and Tiruvanmalai. However, these associations were localised, scattered and in most places, short-lived. It was customary to stop work for one day every month, on *Amavasya Day*, to enable all the members of the association to meet. Most of the masons came forward to form these associations, but there were some association of carpenters also. These associations had very limited purposes. Normally, they made collections from their members and celebrated the temple festival once a year. On these occasions, the leaders of these associations were honoured. The masons' associations found it hard to sustain themselves. Often, disputes arose on issues of work, leadership and selection of the person to be honoured at the *mandagapudi* or annual temple function. These disputes would inevitably leave them divided and the association would cease to function. Many masons did not even feel the need for such associations. Similarly, there were also associations of the *vishwakarma* community which had carpenters as their members. Like the masons' associations, these were also local and caste based associations. By and large, these were also short-lived. In some places, the *vishwakarma* associations continue to function as caste-based associations.

In early 1979, as a result of acute cement shortage, large numbers of construction workers found themselves out of employment in Tamil Nadu. The situation was serious as workers were faced with starvation and indebtedness. There were also some reports of workers committing suicide. This was the time when a serious attempt at unionisation became possible for the first time. Thousands of workers participated in a demonstration in Chennai and a memorandum was presented to the Tamil Nadu Labour Minister. In the following months, with the government not acceding to the demands of the workers, there were

widespread and spontaneous protest programmes. A trade union of construction workers was formed in Chennai and it spread to other districts.

Unfortunately, differences arose at the early stages on the issue of functioning of the Union. The President and the Secretary of the Union took an opportunistic view and sought to manipulate the membership of the Union for personal political gains. They did not let the Union function democratically. Proper records and accounts were not maintained. While the union had an actual membership of 30,000 in 1982, the membership shown in the annual returns was only 209. All these discrepancies were exposed when the Minimum Wages Committee was instituted. When these issues were taken up by other office bearers, the President and the Secretary tried to quell their opposition with intimidation.

Within the existing trade union laws, there was no option but to form a new union. Hence, it was on 24 April 1983, that the representatives from different parts of Tamil Nadu met in Madurai, at Al Amin High School at K Pudur to start a new trade union for construction workers. The *Tamil Maanila Kattida Thozhilalar Sangam* was formed during this meeting. At this meeting, constitution and flag of the Union were also decided upon.

This early period of formation of the Union was marked by tremendous activity, debate and discussion among construction workers and activists. There were regular Sunday meetings, hoisting of flags with formation of new units, cycle rallies, public meetings, workers' meetings, dharna against non-payment of wages, etc. It is through these programmes and activities that the core of the union's leadership emerged and the union formulated the charter of demands. The Union was able to draw workers from different castes, skills and political backgrounds. Thus, when a picketing programme was organised against the policies of the ruling AIADMK government, a large number of participating construction workers were members of the AIADMK.

Union's Constitution

The Constitution of TMKTS was debated and discussed among the founder members of the Union. Past experience of an undemocratic union in which the writ of the President and the Secretary alone applied, was an important issue while making the constitution. Thus, an important feature of the TMKTS's constitution is that the Executive Committee and the General Council have wide decision-making responsibilities. The state office bearers are envisaged to play a pivotal role in day-to-day matters. But, union policy and future programmes are to be decided by the EC and the General Council. It was decided that:

- The Union would have a decentralised structure with a minimum of 30 members constituting a branch unit, having an elected leadership comprising six members.
- Similarly, the units would elect taluk leadership, and taluk and unit leaders would elect the district office bearers.
- The General Council constituted by branch unit, taluk and district office bearers would elect the state office bearers.
- At every level there should be at least one woman office bearer.
- Each unit, taluk and district organisation has the right to raise its own resources and accountable to its members.

Organisational Features

Today, TMKTS is a state-wide Union with over 35,000 construction workers from 19 districts as its members. Its actual reach is much higher, as evidenced by the fact that the Union has been able to mobilise upto 5 lakh workers for specific agitation programmes. There are several notable features of its organisation.

Democratic and Decentralised Functioning: At the lowest level of organisation, a group of about thirty workers can form a branch unit. Each unit has its own set of office bearers, including the unit President, Secretary and Treasurer. The units in a taluk get together and elect the taluk office bearers. The office bearers of the taluk and units get together to elect the district level office bearers. The office bearers of the district, taluk and the units get together to form the General Council, who elect the state office bearers.

The delegation of powers of the union is such that the unit level office bearers are equipped to handle most decisions and problems at their own level. Protest programmes get initiated at unit, taluk, district and the state level. The money for the programmes are collected and spent at the appropriate level with accountability for collection and expenditure being only to the immediate constituency. In fact, the only money that accrues to the state head office is the new membership and the regular membership fees. Otherwise, even for state-wide protest programmes the districts and taluks collect their own money for printing pamphlets, preparing banners and other activities.

Union Elections

The state leadership encourages contesting of elections at all levels. It is to ensure smooth change in leadership from time to time. Unit and district elections are normally held once a year and the elections for state office bearers is held every two years. District and often unit elections are contested with fervour. The Union has evolved a system of ballot papers, symbols and an electoral process in case there is no consensus. However, elections are not an end in themselves. Those elected, have nothing to gain, but must commit their time and energies to the Union. Sometimes, elections become a farce as in the case of Salem district. The workers there reported that the local leadership nominates itself each year and has been doing so for the last couple of years. They do not inform the workers or the state office that they propose to conduct an 'election'. Instead, they call for a meeting and declare that they are elected and ask the workers present to clap in unanimity. Since the workers were taken by surprise and unprepared, they did not react. But some of them said that the problem was that there was no alternate leadership. Others said that they were determined to vote out the existing undemocratic leadership. In contrast to Salem was the Madurai district elections in 1991. It involved postering, campaigning and pamphleteering for weeks before the elections. But this type of campaigning, and using time and resources does not always serve a purpose. It can also become an end in itself and a very wasteful exercise. However, elections are one of the processes of internal democracy and accountability in a trade union. Despite, the problems with elections and elected leaderships, it allows for change and accountability at the next level.

Narayani, a women activist in North Chennai, spoke of the problems they had with a dishonest leadership which they successfully threw out. "We did not know what a Union is and how it should function. So, when we joined the Union a local *maistri* became the Secretary. We thought that since we are illiterate and know nothing, he would guide us. But, instead he used away the subscriptions and donations collected from us, when he faced some financial difficulties. When, we got together and put pressure on him he started avoiding us. Then we decided to pin him down. We successfully recovered a part of the money and then threw him out from the post of branch unit secretary. The district leaders also mediated. They showed us how to keep accounts, how to function as a branch unit, etc. Till then, we had blindly allowed ourselves to be bullied by one local Secretary. Now, though there are many disagreements amongst ourselves, we have learnt to manage our own branch unit. Our branch leadership is forced to be open and accountable. Recently, two of our members participated in the Delhi dharna." The rank and file of the Union are alert and ensure the leadership's accountability. There are regular elections at all levels once a year. Elections are fair and at every level there is a healthy contest. This is helpful in making of a responsible leadership.

The Union's Red and Yellow Flag

The Union's yellow and red flag in the ratio of 1:2 with the white building on it has become an important symbol for construction workers across Tamil Nadu. Yellow symbolises novelty. It reflects development and progress. It is the colour with which construction workers have traditionally identified themselves with □yellow was the colour of the flag of artisans' guild. Red symbolises the workers' struggle and a solidarity with other sections of the working class. The white building signifies the labour and his product. The colour and symbol on the flag were discussed in the Union. It was felt that instead of the tools which would be too numerous the building would be more appropriate, something every worker in the construction industry could identify with. The flag represents the spirit of the Union to bring all workers in the construction industry under one banner, so as to form an industry-wide Union.

Agitational Potential: One very important consequences of its decentralised organisation is the tremendous flexibility and strength that the union has in order to launch agitation programmes. Instead of a handful of leaders to give directions, the Union has an activists cadre of over a thousand members, representing the active cadre at the unit, taluk, district and head office levels. Also, despite the fact that the centralised union budget at the head office level is of only a few lakhs of rupees per year, the Union has the capacity to mobilise and spend many times the amount, for its agitation and mass mobilisation programmes.

Each worker participating in these agitations and programmes generally bears his or her own expenses. When branch units are asked to participate in an agitation which involves going to jail or for which representatives have to travel to Chennai or as far as as Delhi, the branch unit members who are not directly involved in the programme contribute even upto a couple of day's wages. This is used for assisting the family of the agitationists or for their travel. As construction workers are daily wage workers, even a day without work is difficult for them and without such support it would be impossible for the union to take up the struggle forward year after year.

Independent Functioning: The fact that the leadership is decentralised also ensures a high degree of accountability of the activists to the membership of the Union. This has, by and large, left the Union free of influence of political parties and other corrupting influences. In fact, the reality is that wherever the leadership at any level is known to be associated with any political party, the leaders are extra careful to show that they are not influenced in any way by the diktat of the political party to act against the interest of the Union. This is particularly significant since independent unions are easy prey to the influence and patronage of political parties in the state of Tamil Nadu.

A Union activist in Chennai spoke of his role as a Union office bearer. "I started as an ordinary member of the Union in 1979 and within a few weeks became the Secretary of the Ayanavaram unit. It was my responsibility to take up any issue concerning the members of my unit. I also had to communicate with the state and district office bearers and often get their advice on the ways to deal with a specific problem or issue. It was my responsibility to hold unit meetings and keep the members informed about the Union's activities. Later, I became the Treasurer of the district. This meant that more time had to be given to the Union work, for, I was accountable to many more workers now. We had to visit different branch units and meet many more workers. Our understanding of the issues and problems grew. We learnt to deal with every possible situation, be it in relation to the police, the district administration, the contractors and the house owners. Today, we are not dependent on the head office for our day-to-day problems."

Leadership from Skilled Category: All activists and office bearers have to support themselves. This means that the union leaders have to spend their own time and money to carry on the union activities. As construction workers are paid on a daily or weekly basis for the work assigned, this also means that the leaders have to forgo a large amount of potential earnings. Hence, to a large extent, the taluk and district level leadership can come from the skilled and better paid category of workers. A number of them are either masons, carpenters, painters or piece-rate workers. As women are mostly in the lowest skilled category and the construction industry is highly male biased, there are very few women leaders or office bearers. However, despite these considerations, there are enough instances where workers have thrown out senior leaders who were not functioning properly and run the branch unit or the district organisation on their own with a more vibrant and active leadership.

Non-workplace Issues: The union's activities are not limited to the work place. In fact, in most instances the branch units are located in area of residence. So, the union's activities extend to all aspects of the workers' lives. Births, deaths, marriages and other social functions are important events in the branch units which draw workers together. If a

member passes away, all workers lay down tools as a mark of respect and assemble to attend the funeral. Often, they make a contribution to the bereaved family. When an office bearer passes away, the union flag is used to cover the person. The union takes up some of the issues of housing, ration cards and also assists in solving family disputes. Its support to each other in distress and crisis, and in each other's moments of happiness makes life and work more meaningful.

Trade Union Consciousness: Construction workers are not circumscribed by factory level problems as in the case of organised workers. They have to struggle every day with a new set of employers (from petty-contractors and individual house builders to large builders), a diverse range of problems (from the police to migration) and an insecure economic condition, as there is no surety of employment for the day. This makes unionisation of workers a difficult task. The union has to be flexible, area based and allow the worker to see tangible results from his union membership. This is where the TMKTS has succeeded to a large measure with its democratic and decentralised structure. What has resulted, is the development of a union membership with a high degree of trade union consciousness. These workers are aware of the union's struggle, not only within their trade, but along with other sections of the working class. The union through its organisation and membership, has been able to come out readily in solidarity with a number of issues and struggles of workers in Tamil Nadu both in the organised and unorganised sectors.

Growth and Struggles of the Union

“The union at Kovilpatti has grown because of the state organisation and the state organisation has been strengthened by the growth of the Kovilpatti branch”. This statement by a district secretary sums up the underlying principles of the Union. It has worked, right from its inception, at different levels - local, state and national. The leadership at the state level has dealt with local issues and problems of individual members with great seriousness. At the same time, local leadership and activists are equally committed to the larger issues of influencing the government policy on labour and legislation.

It is the lively interaction and vibrant debate among all levels of leadership that has contributed to the growth of the Union. Union’s state leadership has not only been a ‘friend, philosopher and guide’ to local leaders, but at every stage, tried to learn from them. The day-to-day interaction has helped the Union acquire tremendous knowledge and awareness of the workers, work situations and nature of the construction industry. It is this frequent and regular interaction, which has helped to convey the larger concerns to members and grassroots leaders. And all this has made it possible to build a formidable organisation at state level and to spearhead the persistent struggle for workers’ rights and a comprehensive national legislation.

The overall strength of the Union is ultimately dependent on its strength at the grassroots level. To this effect, the union has always tried to turn the normal hierarchy of functioning in trade unions upside down. The district and taluk level leaders and activists have been at the forefront of the struggle. The districts have a great deal of independence in dealing with day-to-day problems, deciding on activities, mobilising persons, and even collecting and spending money. However, the process of strengthening the district level leadership and building active cadre of activists is a long drawn out process. The leaders and activists have had to go through the initial struggles to get over their fear of the local administration, political leadership, influential and rich businessmen. They have had to gain confidence in their ability to organise, negotiate and face the threats. They have by their struggles, also established the credibility of the Union as a strong organisation which will not back off from any struggle. Some major aspects would illustrate the process of confidence development of the district level leadership.

Struggle for Space in the Market

The 'market gangs' are individual workers, who assemble at street corners or in the market place. The market or street corner is a meeting place for construction workers and the *maistris* or sub-contractors. These workers are completely pauperised and depend entirely on daily wages in exchange for their labour power. Most of them do not have their own tools and have no choice but to sell their labour. There have been market gangs in Chennai and other big towns for over 30 to 40 years. Many of the workers originally come from villages, although some are old residents of the city. They have no guarantee of work. They may get work only twice or thrice a week. Practically, every day there is a different employer and different place of work. There is no security whatsoever and they survive by their wits. At times, if someone is particularly desperate for work, she or he may be prepared to work for less. With unionisation, workers ensure compliance and through informal means also see to it that everybody gets work through rotation.

The Union's demand for regulation of employment has evolved directly from this context. It takes into account the principle of rotation of work and minimum guaranteed employment. Though workers have evolved their own mechanisms to enforce a reasonably fair distribution of work among themselves, legislative measures for regulation and social security are the only lasting solutions. Bureaucrats and politicians have so far failed to see the relevance and urgency for regulation of employment. Regulation of employment is the cornerstone of the proposed legislation, formulated by the union, and it remains one of its most important demands.

'From the time I started working as a *chittal* twenty years back, the Cross Road market place has been a point of assembly for construction workers of all trades. In fact, on the entire stretch on the Tiruvottiyur High Road from Washermanpet to Kaladipet, there are several such market groups of construction workers. Some like us, are unionised. We have put up a Board, with the union's name and flag on it. Slowly, after the union was formed we learnt to hold meetings to discuss our differences. Earlier, we believed all the negative things said about us. Because we stand on the roadside, shopkeepers and passerby hassle us and pass comments. Its all the more difficult as we are women. They try to create differences amongst us. We have learnt to deal with these problems. Now, if we have any difficulty, we can get advice or help from the head office. Today, we have an identity and also command respect. Without being in a union this would not be possible.'

'For more than 20 to 25 years we have assembled at the Kizhavasal market place every morning. There are about 200 of us masons, painters, carpenters *periyal*, *chittal* and all possible building workers at this market every morning. We come here at about 7.30 a.m. and wait till some *maistri* or contractor pick us up. For us, it is an every day struggle. Earlier, we had to negotiate with the contractor on almost daily basis. The problem was that some workers in their desperation to get work would be prepared for less wages. We had to also deal with shopkeepers who treated us as nuisance. They would harass us and register complaints of theft and trespass against us. We had virtually no bargaining strength nor any right. In 1984, we joined the Union and formed a branch Union in *Kizhavasal* market. Soon after, a worker was harassed by the police at the instance of the shopkeepers. We had a dharna in front of the police station. We put up *thathi* boards all around, explained to ordinary people and workers about our problem. But the police were not prepared to listen to us and negotiate with the Union. So, we blocked the roads and

refused to move. Senior police officials had to come and settle the matter. They bothered to listen to us, and understood that we had a right to stand in the market. The police apologised for their behaviour to us and this gave us a moral boost. With this struggle, we established our right to space in the market. Then, we realised that if united we could improve our conditions. Success had soared our confidence and we felt we could collectively bargain for higher wages. We discussed among ourselves and fixed our wages and saw to it that no one works for less. Now the contractors find it difficult to have a hold on us.'

Asserting the right to decide wages

In all the districts where the Union has its branches, it has an active role in fixing the wage rates for skilled and unskilled workers. There is no standard formula for wage fixation. Each town and village adopts its own norms and evolves its own method. Broadly speaking, three methods of wage fixation have emerged.

In villages and some small towns, the Union decides the wages unilaterally and then informs the employers. In bigger towns, a practice of bilateral negotiations between the local branch union and the local contractors, engineers or traders' associations has been evolved to decide the wages of the construction workers. In large towns and cities, wages are decided by the contractors and big builders, and not influenced directly by negotiations with the Union.

Before the formation of the Union, there were different ways in which wages were decided. Generally, wage determination was arbitrary, depending on fluctuating demand and supply. In some places, traders and local employers or '*modilalai*' decided the wages. In other places, the workers evolved practices suitable to their ability and individual bargaining capacities. For instance, one such formula followed was half the price of a cement bag as the daily wage of a mason, half the wage of a mason for a *periyal* and half the wage of a *periyal* for a *chittal*. According to a Union activist this practice was followed in Kovilpatti since 1969, when the price of a bag of cement was only Rs 11.

Now, with the formation of the Union, wage fixation and enforcement has been formalised. Having formal branch meetings to discuss issues of wages, putting up notices and, in some towns, holding negotiations with the contractors' associations once every two or three years has become the practice. In most towns and villages wage fixation is a long drawn process. To begin with there are discussions within the Union. Members keep in mind the prices of building materials as well as the general price increase when coming to a final conclusion. Initially, when the Union was first formed, discussion and debate on wage fixation in many towns went on for several months before members could take a decision. But once a decision was taken, workers gathered courage to stand by their decision.

To cite an instance, in Virudhnagar before the Union was formed, the contractors would call the traders' association and fix wages in consultation with them. But, soon after the local town branch was formed, workers asserted their right to decide their own wages. A local activist said, 'we asked the traders' association □ you do not consult us when you fix the price of rice and oil; why should we consult you for deciding our wages? We adopted the method of deciding the wage in the Union. After that we put up notices and informed

the employers, giving them a two month notice.' This is the common practice followed almost everywhere where the Union has its branch. Once, a decision is made, the local branch union prints a notice to inform all employers –contractors, sub-contractors, engineers and house owners about the new wage rates. Then notice (*thathi*) boards are put up at important locations in the town giving one or two months notice before the revision. In some of the villages, union members go around with a drummer to inform the employers about the changed wage rates. The week the revision is to come in force, the union activists go around the town to ensure that it is being enforced. It is not always easy, with employers always resisting the change. It requires a certain amount of mediation, negotiation and threat to ensure compliance by employers. Normally, a grace period of a couple of weeks is given for obstinate employers to fall in line.

In some towns, as a response to the practice of the union deciding wages, contractors and '*modilalis*' have tried to form their own associations. For example, in Kovilpatti, 62 engineers and contractors have come together to form an Engineers' Association. The Union had to fight hard to have a say in wage fixation. The Kovilpatti town branch union secretary said, "we discussed the problem of low wages with the engineers. They refused to permit a wage increase. So, we decided to conduct a campaign in the town. We sent letters to all contractors informing them of the Union's decision. We put up posters all over the town, especially outside the contractors' houses. After three weeks they agreed to negotiate with the Union. It was a long drawn out process. But we kept up the pressure through dharnas, strike and campaign. Finally, the Engineers Association agreed to increase the wages. This settlement is for three years with a clause for wage increase every year." These bilateral negotiations have emerged in response to the union's initiatives to decide wages. The Union's successful intervention in wage determination have acted as a pressure on local employers. In some places, they have accepted the union's role in wage negotiations. In other areas they have formed employers' associations and tried to intimidate and threaten workers, resisted recognising the Union and tried to avoid negotiating with it. The Union's role in wage fixation has therefore been flexible and changing according to the situations they are faced with.

Sometimes employers have tried to break the practice of fixing wages and the local units had to resist their move. For instance, in Virudhnagar during 1996, the employers got together and tried to pre-empt the union's decision. Along with a few workers, employers brought out a notice under a false name. The notice suggested a major hike in wages which seemed unrealistic. Until then the Union alone had brought out such notices. This came as a surprise to the Union activists and as Murugan, a Union activist said, "We understood this as a ploy to confuse the workers and an attempt to create dissension amongst us. We rejected it. But, the story did not end there. The employers went around stopping work and threatening workers and trying to bully the workers. This is when we decided to act. We decided to take responsibility and fight it out. We decided to actually take this as a challenge and bring the wages suggested in the pamphlet into effect. We were not going to allow our Union to be made a scapegoat by people who lacked courage to deal with us openly." Saravanan who took active part in the wage struggle said, "We had negotiations with the Traders Association and the Engineers Association. They refused to give in to our demand. So we called for a strike and campaigned in the town. Then we called for a *rasta roko* and the local government official, the Tehsildar was forced to sit up and take notice of us. The final settlement came when the Tehsildar summoned the traders

and engineers to negotiate with us. The state vice president and district secretary of an adjoining district also participated in these negotiations. The negotiations took place in the presence of the Tehsildar and he was made a party to the settlement. We were able to use the employers attempt to create disunity amongst ourselves to our advantage. It was for the first time in our union's history that such a tripartite settlement was reached." In fact, this tripartite agreement has set a precedent for the type of wage settlements that could be made in future.

In bigger towns and cities, the Union does not appear to have a direct role in wage fixation. The wage levels are dependent on a number of factors. Relatively high wages of city workers can be partly explained by the very high and fluctuating nature of demand for construction work. For instance, in Chennai, for emergency jobs, a worker may be able to get practically any wage that he demands – for masons and other skilled workers, this may range from Rs 120-140, for *periyals* around Rs 90, and for *chittals* from Rs 60-70. To an extent, high wages of workers in the district adjoining Chennai also contributes to keeping the wage level in the city high. Higher wages in the adjoining areas are to do with the unionisation of workers in these areas. As such, even in the cities, wages are partly decided by the bargaining capacities of the branch units. In unionised areas, wage revision is likely to be ushered in more quickly than in non-unionised areas. However, in cities like Madurai, Trichi, Salem etc. the wages are largely decided by contractors and big builders. They bring workers from other states to work on large sites at rates much lower than the prevailing wages. These site workers are non-unionised and have no bargaining capacity. They are normally paid wages less than the prevalent wage levels. It is very difficult for the Union to organise these migrant workers.

Women's Wages: A Predicament

The Union's intervention has led to a fair degree of wage parity for skilled workers and *periyals* in the districts. While the mason gets a daily wage rate of Rs 70-75, the *periyal* gets a wage of around Rs 45-50. However, there is wide fluctuation in the wages of *chittals*, from as low as Rs 20 per day in South Arcot to Rs 35 per day in other districts with the exception of Chinglepet where it is as high as Rs 70, in some parts. This wide variation in the wages of *chittals* is partly explained by inter-district differences. In dry districts, where there is a lower demand for agricultural work in general, wages of women workers are quite low. Low wages in agriculture especially that of women workers, keep the wages of construction workers depressed. Even otherwise in rural areas, the fluctuating demand and much higher pressure on 'unskilled' jobs from unemployed and under-employed workers keeps wages low. In big towns and cities, older women workers find it much harder to find employment and are often paid less than younger women. As there is no provision for pension, older women who should have retired long back, continue to be in the industry trying to get work. Many do not find work for more than a day or two in a month.

Government Apathy

The labour department is basically structured to meet the needs of workers who have permanent employers and at fixed workplaces as in the case of factory workers. It has played no role in assisting construction workers in wage determination. The minimum wage is decided by the government and workers, and their organisations are consulted only to fulfil a formality. Even this low wage fixed by the government is not properly

enforced, making the exercise a complete farce. In backward rural areas, no effort is made to implement minimum wages and in sectors such as construction where wages could be higher, the stipulated minimum wages are used by big contractors and builders to keep the wages depressed.

Union's Panchayat: Arbitrating Wage Disputes

The Union has intervened in number of instances of wage disputes and non-payment of the contracted amount by employers. Even non-members of the Union are helped when approached in such cases. The approach is to ascertain facts first hand and be fair to both parties the worker and the employer. It normally does not encourage strong arm tactics nor stress on litigation as a solution. This is resorted to in the odd case, where the employer is absolutely unreasonable. In most instances, there are no written contract or agreement to enable a simple and easy settlement. Where written agreements are made, these are written by employers and only signed by the worker. This makes it all the more difficult to settle disputes and the courts are not an effective option. Over a period of time, at local level throughout the state, the union has mediated in hundreds of such cases. It has acquired a reputation as a fair and impartial arbitrator among employers and workers. The legitimacy of the Union office bearers as mediators is recognised by the government authorities as well.

Rajendran, an activist in Chennai says, "Most skilled workers want to work as *maistri*. They do not have a clue as to what this entails. They start by taking up piece-rate work. They do manage to get work by quoting low rates. And quite often, stupidly borrow money at high interest to complete the job. When the job is nearing completion, the employer tries to squeeze them further and instead of making money, they find themselves in loss. Many employers try to back-off when it comes to making the final payment. Most employers do not like to sign contracts and keep the piece-rate workers on tenterhooks."

One such problem came up in the case of Kaniappan who was working for Srivari Constructions as a piece-rate worker. He had borrowed money to give the wages of workers working with him, in the expectation that he would be paid at the end. But, when a dispute arose, the contractors appointed other workers to complete his job. The branch Union leader intervened, demanding that the work be measured again by a neutral agency. When the employer did not agree the Union brought the work to a stop for 20 days. The owner agreed to negotiate and finally paid up Rs.22,000.

An interesting case of non-payment of wage came up when building the G.G.Hospital in Nungumbakkam (Chennai) in the mid 1980s. The work was completed. The engineer refused to pay the wages saying that owners of the nursing home refused to make the final settlement. More than thirty workers had to be paid three weeks wages amounting to about Rs.24,000. Since all efforts at mediation failed, the Union decided to sit on *dharna* outside the Hospital. Gemini Ganesan, the film star, was one of the owners. When he saw the workers putting up a thatch structure for the dharna, he threw a fit. Pulling out his pistol he said dramatically, "How dare you sit here! I will shoot you all down." A Union activist explained that they were there to receive their wages and if they were paid, they would leave. The *dharna* went on for three days. The film star, contacted influential people, like the Police Commissioner, a Minister in the government and the Chief Minister. The Union had sought permission to sit on a *dharna* outside his house, and with all his influence he

could not dislodge them. The Police Commissioner told an adamant Ganesan that workers had permission to sit on *dharna* and were within their rights to demand their wages and as an employer he ought to meet his commitments. Finally, on the third day of *dharna* he was forced to settle. This brief protest was one of the many such instances which contributed to the confidence building of Union activists.

Union as Arbitrator

While the Union struggles for a new legislation on safety and compensation, it has developed methods of settling disputes out of court. Especially, in the case of migrant workers, immediate assistance to the family in case of loss of a breadwinner is essential for their survival. And the Union has often resorted to collective action to ensure compensation, rather than getting embroiled in a tedious legal process.

“In South Arcot, a worker was injured in a building collapse. We rushed him to a hospital, but he died. The owner tried to use a ruling party functionary to hush it up. We pursued the case and got compensation of Rs.16,000 for the worker’s wife. Previously, if a worker went to an employer demanding compensation for an injury, he would get beaten up. Now employer knows that he has to pay. Recently, a police inspector beat up a worker. We lodged a case against him. Finally, he had to pay fine and apologise to the worker before we withdrew the case against him.”

“In 1992, in Kovilapatti, three workers died while constructing a post office building. They were not the Union members. However, we took up the case. The contractor, who was very influential, offered to pay a compensation of Rs.2000 per worker. Afterwards he agreed to pay Rs.3000. We refused his offer. The contractor still had to complete work worth Rs.2 lakhs. No worker from Kovilapatti agreed to do his work. He tried to get workers from Virudhnagar. When they came, we explained to them the situation, and warned them that if they took up the work and then if they had any problem, no one would support them. So they went back. We put up notices at the Taluk office and outside the police station. Finally, after 47 days of no work the contractor was forced to negotiate with us and he settled for Rs 13,000 per worker.”

M.R. Kannaiyan spoke of an incident in 1992, “In South Arcot, an employer refused to pay up wages of Rs.350 to a carpenter, Annamalai. He implicated the carpenter who belonged to a minority community/caste group in our area, of a charge of beating him up and registered a police case against him. The carpenter was terrified and prepared to run away. Even though he was not a Union member, we stood by him. We organised a procession to the police station, put up posters condemning the police and the owner, to draw the attention of the public. We built up public sympathy for him and forced the police to withdraw the case. The owner was forced to apologise. The employers and administration were forced to recognise us. The Union had to spend a huge amount on this campaign. After all, this was not merely a case for the recovery of Rs.350, but the larger issue of personal dignity and self respect, assertion of our rights as workers and recognition of the

Union.” This is one of many such incidents which was a lesson for the employers and the police.

Balasambandhan of Ulundurpet said that the Union’s interventions are always fair and balanced. If a worker is in the wrong, he would be hauled up. In fact, it is this image that has helped the Union achieve credibility and make panchayats meaningful. “In my area, a house owner approached me saying that a mason had agreed to undertake repairing his house. He paid the man an advance and without even starting the work he disappeared. I made inquiries and found this to be true. We decided not to allow him to go, otherwise it would set a bad precedent. The Union and our profession would get a bad name. It was a question of ethics also. Also, it would reduce our credibility and bargaining power in future. We pinned him down, called a panchayat and in the presence of two concerned people asked both of them to meet their commitments. The mason accepted his mistake and agreed to complete the job. This panchayat brought us a lot of respect from the workers and house owners. Later, in tricky situations when we had to deal with obstinate employers, who tried to cheat workers, this goodwill was helpful.”

C.S. Murgesan of Vadapalani said, “A young mason approached me on an issue of non-payment. He was not a Union member, but I decided to help him. We went to the house owner but he refused to make any payment, saying that all the payments had been made. I started negotiating with him and asked him if there was an agreed rate of work. On the basis of that I forced the owner to recalculate the amount paid. As per the recalculation the mason had still to be paid Rs.7800, with just some minor finishing work that was to be completed. I forced the owner to pay Rs.2800 immediately with an agreement to pay the remaining once the work was completed.” When we had resolved the problem, the mason offered me Rs.500 as commission. I said, “I only helped you as another construction worker and to show what the union can do for you and not to earn commission. You can consider the matter and join the union if you are convinced of the need.” The credibility that the union and its leaders have achieved has come from such examples of fair and unselfish handling of various disputes.

Accident Compensation: A Struggle for Self-respect

Today compensation to a family of construction worker in case of accidental death is taken for granted in Tamil Nadu. Quite recently, when a Union activist followed up a newspaper report of the collapse of a bridge under construction near Thiruvallur, Chengai district, he found that the workers’ families had received satisfactory compensation. However, this has not come without struggle.

Experience in a number of instances of accidents has shown that contractors collude with hospital authorities and the police to cover up these instances. They threaten workers and silence them by giving a few hundred rupees which does not even cover the funeral expenses. For instance, in the case of Tmt. Ponanimal who died in a fall while concreting work was going on at Madhavaram Telephone Exchange, the doctors at the General Hospital (GH) agreed to register a medico-legal case only after the Union intervened and hundreds of workers assembled outside the GH. The Deputy Labour Commissioner refused to accept the post-mortem report and the account of witnesses, and the case was finally heard in the High Court even before it was recorded as an accident. This was in 1981 and it made them realise that as construction workers, they had no identity.

Even where an accident is properly recorded, there is no guarantee that the family would receive a just compensation. In 1983, six workers including three *chittals* died in a wall collapse at the Enfield India site in Ranipet, North Arcot district. This was reported in newspapers and Union activists from Chennai followed it up. They found that though the RDO had conducted an inquiry, the contractor had paid Rs.500 each to the families of the deceased and sent them back to their villages. He had bribed the political leaders of that area who helped him in hushing up the issue. The Union members traced the families to their respective villages, got the workers together who were witness to the accident, collected the necessary records and assisted the families to file for accident compensation under Workmen's Compensation Act. Finally, all the families received compensation.

M Subbu, General Secretary of the Union says, "This, and many such instances of accidents which the Union dealt with during 1983 and 1984 made us realise that we did not have an identity, and unless we were aware of our rights and the legal provisions we could not achieve self-respect and recognition as workers. We also realised that the legal procedures took a long time during which family of the deceased worker would be impoverished and indebted."

"The union members at branch level and at district level discussed these problems. We felt that that not having a permanent employer and a permanent place of work, was our biggest difficulty. There was a hierarchy of contractors, sub-contractors and petty-contractors, apart from many of us who worked as masons on a piece-rate basis. It was apparent that the government was one of the biggest violators of the legislation as we experienced at the Madhavaram Telephone Exchange. So, very often the lives of workers were put to risk, only to save on scaffolding or some other material."

"We could see corruption in PWD and other government departments. And for contractors and builders, higher profits at any cost is the custom. Contractors and engineers are law unto themselves. They are callous to our safety. To them our lives do not matter. We are merely cheap labour. After the formation of the Union we wanted to change this. We developed the courage to struggle for accident compensation, as our right. So, the struggle for accident relief from the government was our right, not a dole. It was a struggle for our self-respect and identity - this is how we viewed it."

The struggle for an immediate relief to the family of the deceased in case of an accident became the central issue for the union, to build a campaign at state level. This programme of the Union was also a major source of confidence building for the Union activists. It brought activists into conflict with various local administrators, police and political leaders. It showed the workers and activists, how with unity, they could force the administration to heed to them. The respect that the Union enjoys with the district administration had been built mainly through its struggles for accident compensation.

Police Station and Local Union

Construction workers face day-to-day oppression from the law enforcing authorities. Their dusty legs covered with cement and shabby looks make them a ready target for the police. In most places where they work, there is no washing facility, so when they return home from work late in the evening and sometimes, returning after a late night show, the police accost them either to rip them of the little money they may have or because they need to

complete a target in crime figures. Even workers are picked up on, what people commonly refer to as 'suspicion cases'. The Union's identity card gives protection to individual workers in such instances. But this has not come without struggle. Union activists in the past were routinely called to deal with the police and settle such issues. These struggles have led to greater respect for construction workers and the TMKTS from the police.

The episode of a worker from Padiyanallur in Chengai MGR District illustrates such a struggle. A young apprentice mason was picked up by the police on a complaint by a house builder from the neighbouring area, that the boy had stolen a cycle. The workers in the unit were convinced that the boy could not have committed the theft and that this was a case of harassment. But the police were adamant and put the fellow in a lock-up and extracted a statement admitting his guilt using coercion. The unit secretary called for a meeting of the unit. Meanwhile, he telephoned the head office and discussed the matter with a state office bearer. The branch Union displayed total determination to fight it out and not be threatened into bribing the police. The police tried every means to extract money from the family. The unit secretary, Ramlingam negotiated with the police. It was only the next day, as workers began assembling outside the police station that the police called Ramalingam and handed over the apprentice mason to him withdrawing the charges on him. The house builder was also forced to apologise. Later, it was discovered that the boy had been used by the house builder and police merely to try and extract some money and also that the cycle was not stolen at all. Union activists said, "We did not spare anyone, and exposed both the owner and the police. In the process, we learnt a few lessons on unity and we felt a new confidence that comes from being in the union."

"When I took up the responsibility of the secretary of my branch unit, a routine problem cropped up. One of our members had a wage dispute and the owner in this case happened to be the President of the Traders Association. Till we joined the union we were used to insults and were often cheated by the owners. We just felt that we had no choice. Being union members we were enthusiastic and hopeful of our new unity. As the Secretary, I was expected to take the initiative. I did not really know how I would deal with it. Initially, I was terribly afraid. I realised that I had to negotiate. So, we all went in a group to the owner. He refused to talk to us. I told him he had no choice, but to listen, otherwise, no one would work on his site. Instead he lodged a complaint against us with the police. This made us angry and determined to fight it out. The state leadership gave us all the support. We discussed the whole issue with the state office bearers before we went to the police station the next morning. I had never been inside a police station before and always tried to avoid people who got into conflicts. I was very apprehensive. I took out my slippers and left them near the door and then hesitatingly went inside. I told the inspector that I had come from the construction workers' union. He spoke to me rather respectfully and offered me a chair. It suddenly struck me that I represented not myself, but the workers, and I had the support of the state Union. It gave me tremendous confidence, doing something on principle, for a larger issue. I explained the whole problem clearly to the inspector. And told him that we were determined to get the dues paid to our member. I spoke with courage, defended the worker and said that the employer had no choice but to pay. The police must take a fair stand, otherwise, we may have to resort to agitation. I was serious and the police had to summon the businessman to force him to settle with us. The businessman came to the Union for a *panchayat* and made a settlement." S Jayaseelan attributed the success of his intervention to his clear understanding of the issue and his commitment to the cause and

the organisation. He added, "We did not work with the motivation of becoming big or getting individual publicity, or for any other selfish interest. We worked hard for people because we could not accept injustice." I warned the inspector not to take sides with the wrong party and that we had larger Union backing. Well, all of a sudden I found I had courage and strength. Within two days, the President of the Traders' Association had been forced to pay up. This had never happened before. In our area, we got everyone's respect overnight. After this, I have been to the police station several times to negotiate theft cases, false charges, to seek permission for a procession or *dharna* and even for many others, even non-members who are not construction workers. Our employers have also realised that they cannot afford to take us lightly. This, and other such experiences gave us a lot of confidence and we don't rely on the state office for small issues anymore. We deal with these at our local levels. In my absence there are others who can also deal with local problems."

Issues of Identity Cards and the Union Flag

The issue of identity cards has played a significant role in developing the confidence of the ordinary workers regarding daily oppression. It is not mere establishment of an identity as workers, but the knowledge that there is a strong Union to back them, that even the administration respects the Union and dare not trifle with Union members that has helped the workers gain confidence.

An ordinary member of the Union said, "In Madurai, when three of us were returning late one night, the police stopped us and asked about our identity. We said we were masons. They asked us to prove our identity, by enacting how we did our job. They made us do this for nearly fifteen minutes, making fun of us all the while. Now, if any police man stops us we show him our identity card. He immediately lets us go."

Most construction workers carry their identity cards with them constantly. It is a symbol of a professional identity and a membership of a statewide trade union. It is significant that a card that is often soiled and is in tatters, given the environment that construction workers have to face, is still carefully preserved in plastic covers, and gives confidence to every unionised worker.

Another symbol of the union identity is its flag: yellow and red, with the symbol of a house. In fact, this flag has been adopted by independent Unions of construction workers in Karnataka, Kerala, Bombay and Pondicherry - the unions affiliated to the National Federation of Construction Labour (NFCL). Hoisting of the flag during May Day celebrations or when a new unit of the Union is formed, is an act of great symbolism to all Union members. There have been a number of struggles around the issue of flag hoisting.

An activist in the Vadapalani unit reported an incident: "We had to get permission to hoist a flag for our May Day celebrations at Chennai. We first approached the AIADMK MLA. He said 'Why should I help you to hoist your flag? I shall help in hoisting my party flag.' Then we approached the corporation who asked us to get police permission. The police said that no flag hoisting and meeting could be allowed there. We asked how they allowed the meeting of the ruling party here yesterday. But they refused us permission. We called up the Union head office and sought advice. Then we decided to go back to the corporation. They gave us a 'no objection' to hoist the flag but the police refused to allow us to conduct

the flag hoisting function. Even then we decided to hoist the flag and hold the function and told the ACP that we will go ahead with or without his order. Then, we left the police station. The ACP sent a sub-inspector after us to say that we had permission to hold the May Day function and flag hosting. We learnt not to be cowed down by the police.”

Perumal from MMDA in Arumbakkam narrated a recent episode, “In our area, one day when we returned home from work, we found that the flag post and the base were damaged and broken. We were all very upset, because the flag is the sign of our unity and a symbol of our organisation. We made inquires and discovered that Corporation’s executive engineer was behind it. We lodged a complaint with the local police station and informed them that if the engineer did not apologise and pay damages we would be forced to block the roads. The police learnt the hard way that they must respect the feelings of our union. They summoned the engineer forthwith. The local police learnt that they could not trifle with us and once again we realised the strength of our unity.”

Struggle for Comprehensive Legislation

“The struggle for a comprehensive legislation in Tamil Nadu is continuing for almost a decade. While we have forced the government to pass a legislation in partial acceptance of our demands, the struggle goes on. The struggle saw some of our finest efforts at mobilisation and demonstration at the state level, and gave recognition for the Union across the state. It has also helped the Union leaders and activists to gain a better political understanding, and to develop confidence to stand up to any form of government repression including imprisonment.” Nainappan of Dindigul-Anna District who made the foregoing statement, further recounts his personal experience, “In 1985 many workers from Natham joined the ‘*mariyal*’ programme at Chennai. The police ordered arrest of the demonstrators. For a moment, we had a doubt, whether we should avoid arrest? This was our first time. This was also Diwali season: □how will our families celebrate Diwali with us in jail? But, when we saw all the others getting into police van, we wondered how can we return to Natham without doing the duty we had come for, moreover, we were the representatives of the Natham unit. What will our members tell when we return? There were tears in our eyes when we were taken to jail. Luckily, we were released a couple of days before Diwali. Today, I would be prepared to go to jail for 6 months or even a year for the Union’s cause. Now jails hold no fear for us.”

The struggle also saw some of the largest mobilisations of workers all over the state, and received the attention of the political parties, bureaucrats and the public. In July 1992, there was a massive rally at Fort St. George at Chennai. It had the participation of 30,000 construction workers from every district from all over the state. Workers came in trucks, buses and vans spending their own resources and giving up two or three days of work and wages. But, this was not a mere show of strength, they came because they believed that the government should accept their long standing demand for social security and establishment of tripartite labour boards. On 9 February 1993, the massive ‘*salai mariyaara porattam*’ of the Union had over three lakh construction workers participating in the agitation all over the state, out of which some 25,000 courted arrest. This gave the Union tremendous respect from all quarters, because of the discipline, planning and courage with which all activists and even ordinary members conducted themselves. Subsequently, the Union went ahead with a three days strike on all government construction sites on 29, 30 and 31 March. About 5 lakh construction workers kept away from work, and construction

activity came to a standstill. This was followed by a statewide mobilisation for the state conference at Madurai -Usilampatti the following year, when more than 20,000 workers assembled to reiterate their demands.

These mobilisations have served to build the consciousness among workers and helped them to understand the importance of their united effort. 'The massive conferences such as the Madurai-Usilampatti Conference in 1994 is an occasion for workers from all over the state to meet, share information and express solidarity. The campaigns have also been an opportunity for the union to carry out an intensive education exercise for workers on their rights. The Union brought out three newsletters devoted largely to the comprehensive legislation, in addition to numerous public meetings and pamphlets at district level both as preparation and follow-up of the mass mobilisations. It is significant that the years of most intense statewide struggle saw dramatic increase in the membership of the union.

Struggles for a Comprehensive Legislation

The TMKTS has been committed to the larger issue of influencing state policy on legislation right from the beginning. In its formative stage, Union leaders learnt about the basic problems of the construction workers through their day-to-day experiences. These problems still remain. When dealing with accidents, non-payment of wages, irregularity of employment, indebtedness or the low status of women in the industry etc., the union was repeatedly faced with the fact that the workers had no statutory rights. They did not even have an identity. After unionisation, even the strongest Union could not change the lives of construction workers. The government and builders formed a powerful lobby and under the existing labour legislation, workers could expect no redress. As an old union activist, Kannamma said, "We realised that we need a separate comprehensive law. Even if we do not live to see such a law in our lifetime, we were convinced of its need. We had to begin a struggle so that future generations could reap its benefits." It is this understanding that motivated the Union to spearhead a persistent struggle for a comprehensive national legislation for construction workers.

The Initial Efforts

In 1981, the first seminar to evolve an appropriate legislation for construction workers was organised in Chennai. A model bill was formulated and it was discussed and debated at all levels. The Union presented the model legislation to the then Prime Minister, Indira Gandhi and the Minister of State for Labour, Ram Dulari Sinha and petitioned the central government to take effective steps to implement social security measures for construction workers. This model legislation was also introduced as a private member's bill in the Lok Sabha by George Fernandes and in the Rajya Sabha by M. Kalyanasundaram.

In 1983, the Government of Tamil Nadu, introduced a bill in the legislative assembly, which had serious flaws. It merely contained repetitions of existing labour laws and augured no new hope for the construction workers. This was despite the Union having submitted a model bill to the state government.

A Bill Review Committee headed by Justice V. R. Krishna Iyer, a former judge of the Supreme Court, recommended major changes, but the government refused to accept most of them. A state wide agitation was launched against the intended legislation which could seal the fate of generations of construction workers without actually consulting them. The TMKTS, which was then a fledging organisation, exposed the hypocrisy of the government in bringing the law, by organising mass protests, hunger strikes, followed by a mammoth

conference at Madurai. Though the Union then had a membership of only four thousand, on 9 February 1984, at the first state conference, 30,000 construction workers participated. For the first time, in their history, such a large gathering of construction workers came together. The conference vehemently opposed the government sponsored bill. Looking at the strength of the workers, the government dithered and finally did not push through the proposed legislation.

M Kalyanasundram Introduces Construction Workers' Bill in Parliament

In 1981, Union leaders made their first attempt to draft a model legislation. This was presented to the state and the central government. It was also introduced as a private members bill in the Lok Sabha and in the Rajya Sabha. This Bill came up for discussion in the Rajya Sabha in 1985. The late communist leader M Kalyanasundaram, introducing the Bill in the Parliament said, "most of the labour welfare legislations do not apply to workers involved in the construction industry. And these workers, who are the pillars of this modern world, are neglected by the very world which they have built...So I would even now urge upon the Government to consider whether they can confer a privilege on me, being one of the oldest trade union workers, to accept this Bill. If they can do so, it will not be an honour to me personally but to those who contributed to production of the Bill.... It is a collective effort of all concerned." He pointed out that the Government, instead of protecting workers, especially child workers, in the ASIAD project's case, took shelter behind an archaic legislation, "...the Government of India argued that construction industry is not included in the Schedule of the Prevention of Children Employment Act. What a strange argument ! That Act was passed in 1938 by our foreign rulers... It was for the Supreme Court to point out the existence of the Contract Labour Act... I want the government to bear in mind that in all these projects the state government or central government or the public sector undertaking become the principal employers as these projects are financed by them and sanctioned by Parliament. So, the responsibility of the Government is statutorily upheld by the Supreme Court. Now it is for the Government to implement it through proper legislation and also through organisational methods."

He withdrew the Bill on an assurance of the Labour Minister that the government intended to bring in a comprehensive law for construction workers. It is instructive to note that the government alone can successfully make a legislation. Individual MPs, however genuine their concerns, can play only a limited role.

Charter of Demands

- A payment of Rs 10,000 from the CM's Relief Fund for the family of a construction worker who met with an accident/death in the course of employment
- Provision of medical benefit through ESI
- A separate comprehensive law for construction workers
- Twenty-five per cent reservation of houses in EWS schemes for construction workers
- Control of price of building materials

Accident Relief: A Right not Charity

Initially the state government was completely unresponsive. The union organised *dharna* and picketing throughout the state. At Chennai, the Union leaders were arrested in the picketing and remanded to custody. Instead of the agitation being stifled, it grew rapidly. There were widespread protest demonstrations at district and taluk headquarters in which approximately 60,000 workers participated. The government was forced to respond. In the end of 1984, the government of Tamil Nadu passed two Government Orders (G.O.) while the Union leaders were still in jail.

The first G.O. was the '*Ten Rupees Scheme*'. Union leaders from within the jail studied the contents and rejected it on the grounds that it would be beneficial to the insurance companies and the state administration at the expense of the workers. "We found that the workers would get more by saving the same amount in a bank instead of buying the government sponsored insurance policies. And we prepared an alternate and more practicable scheme and presented it to the Government." The Government stood exposed trying to bring in fraudulent scheme and was forced to rescind the G.O.

The second G.O. was in partial fulfillment of the Union's demand for an ex-gratia compensation, It was to give Rs 5000 to the family of a construction worker in case of accidental death. Even this had many loopholes, and Union worked towards amendments. In response to persistent agitation, the government was forced to enhance the amount to Rs 10,000. Even years after it made these announcements, the government did not implement its own decisions. In 1987, the Union filed a writ petition in the High Court asking for immediate implementation of the G.O. It was only after the High Court ruling that the government started to implement the '*Ten Thousand Rupees Scheme*'. Today, this ex-gratia amount has been enhanced to Rs. 20,000 and has become a dependable accident relief, which is routinely accessible to all workers □an identity card of the union, a death certificate and post-mortem report or a FIR copy is all that is required.

Chinnasami said, "it appears that the government had no intention of giving an ex-gratia accident relief at all. It was forced by the Union to bring in this measure."

Mani said, "workers make their own history. We made history through our struggle for accident relief. Today, it is our right to be paid an accident relief. It has not come by way of charity. Yet most workers do not know this. Had we not formed a Union, organised ourselves, campaigned from every village to town throughout the state, we would not have won respect and recognition."

The National Campaign Committee

Meanwhile, in 1984, in response to the Union's efforts the Central Government set up a Tripartite Working Group (TWG). Apart from the central trade unions, TMKTS was invited as a member. The Union Labour Minister also announced that a comprehensive bill for construction workers would be introduced in the near future. It soon became clear that the Central Government and the central trade unions did not have adequate experience or motivation to find a real solution for the construction workers.

The TMKTS was a fledging organisation, and had only a small membership and limited resources. It was a tremendous challenge for a small state level organisation to take up

such a big task of fighting for a comprehensive law at national level. This issue was discussed in the Executive Committee and it was decided to make a beginning. The TMKTS took the initiative of organising a national seminar on 'construction labour' from 1-3 November 1985. The objective of the seminar was to examine the problems faced by workers in the construction industry and to explore the possibility of a comprehensive legislation for construction workers. It was necessary to begin the process of finding a solution to the problems of construction workers. The TMKTS, therefore, took the initiative of bringing over 250 representatives of the government, builders' association, leaders of the central trade unions, jurists and construction workers from nine states to create a wider understanding and consensus on the issue. The three-day long proceedings were conducted in English, Hindi and Tamil and there were simultaneously translated in other languages also. For the first time, workers themselves were active in the process of deliberating on the contents and form of the law that would ensure a better future for them. Justice Krishna Iyer who presided over the seminar called this as:

“A unique exercise, where the intended beneficiaries and victims do not merely protest, demanding a legislation, but actually take the initiative to draft the legislation. This people's participation in the legislative process sets a precedence for the making of future legislation, where the persons who need the law must be consulted. While judges know only the legal grammar, neither the politician nor the bureaucracy who are far away from reality is of any help. The current exercise is an eye-opener and I wish that legislators and parliamentarians were present at such seminars.”

The discussions and deliberations of the seminar were centered on the unregulated nature of the construction industry and the need for a suitable legislation taking into cognizance the peculiarities of the industry. All participants, including the employers, approved of a comprehensive legislation that would regulate the industry, employment pattern and provide a framework for social security measures. The emphasis was not only for enacting a new legislation, but, in regulating its implementation – a legislation that guarantees the rights of workers and ensures their participation in the process of regulation. The participants recommended that a draft bill for a comprehensive self-regulating legislation be prepared and presented to the Parliament and also decided to launch a National Campaign Committee under the chairmanship of Justice V.R. Krishna Iyer.

The objectives before the Campaign Committee were to educate the workers to draft a model bill incorporating the consensus arrived at the seminar and coordinate the campaign at national level, like meeting MPs, holding seminars and workshops, etc. It was also agreed to launch a massive signature campaign from construction workers, petitioning the Parliament to accept and enact the model bill. The Campaign Committee was also given the task of creating a consensus among trade unions represented on the TWG to support the recommendations of the National Seminar.

A model legislation was drafted and seminars in different parts of the country “Delhi, Bombay, Bangalore and Chennai were organised where the draft was discussed by workers, lawyers and Union activists and given a final form. It was also discussed at the district level in camps organised by the Union. The Union also collected lakhs of signatures from workers petitioning the Parliament to enact a suitable legislation. On 5 December 1986, the National Campaign Committee submitted the Workers' Model Bill and scheme to

the Petitions Committee of the Lok Sabha, supported by signatures of 4 lakh construction workers from all over the country.

The Campaign Committee worked hard to create a consensus among the central trade unions "AITUC, BMS, CITU, HMS and INTUC. However, the Builders Association of India (BAI), a national level organisation representing the interests of contractors and contracting firms in complicity with some central unions specifically INTUC and HMS signed a bipartite agreement in an effort to sabotage the report favourable to the workers. They tried to substitute this bipartite agreement in place of the report of the TWG. Working at this level, Union leaders and activists understood the complicity of the builders, the bureaucracy and some of the unions (INTUC and HMS) in preventing a progressive legislation for construction workers. It only strengthened their determination to continue with their efforts to lobby with the members of Parliament and to organise workers in different states and take the issues to them. At the same time, the Campaign Committee continued to work for a consensus among all unions. Many of them, in particular the CPWD Mazdoor Union, the SYL Project Workers Union joined in the procession to the Parliament on 30 November 1988.

The TMKTS as a member of the Campaign Committee conducted a massive signature campaign at the state level. Thousands of letters were written to the then Prime Minister Rajiv Gandhi demanding that a fair and just hearing be given to construction workers and that the views of the Campaign Committee should be heard before deciding the issue. The second state level conference was held in Chennai in May 1987. It was to reiterate the workers' demand for implementation of Tripartite Construction Labour Boards and social security measures at the state and national level. Following this, on behalf of the construction workers, Justice Iyer wrote to all state governments requesting them to urge the central government to heed to their demands. Meanwhile, the BAI was trying to undermine the efforts of the NCC in substituting the Tripartite Working Group's report with a bipartite agreement, reached dubiously.

It is in this background that the TMKTS and the NCC were pressing for a hearing before the Petitions Committee. Finally, the Campaign Committee was called to tender evidence before the Petitions Committee on 30 December 1988. Though the construction workers had been demanding that the government consult them, this request was not accepted because as a senior government official put it "...I do recall that Justice Krishna Iyer had forwarded a memorandum to the Labour

Minister sometime in 1986. That was examined in detail in the Ministry and a reply was also sent. Our structure of tripartite consultation is a fairly well set pattern. We have the formal bodies which are called for consultations. They are recognised also. But the NCC is not part of the recognised trade unions." What also became clear was that the government did not have an open mind to the scheme proposed by the NCC and dubbed it as 'not a very practical scheme, cumbersome and administratively unworkable'. Therefore, the invitation to depose before the Petitions Committee was not a small victory for an independent union like the TMKTS. The NCC presented oral evidence, supported by large number of documents including reports of governmental agencies, recommendations of the National Commission on Labour and research studies to help the Petitions Committee acquire an 'in-depth understanding of the construction industry.

Model Legislation for Construction Workers

The Preamble of the model legislation called “The Construction Workers (Regulation of Employment and Conditions of Service) Act, 1986 reads: “social and economic justice are the promise of our constitution. Justice to the construction workers who are long neglected victims of very exploitative conditions is therefore an urgent imperative of our Socialist Republic.” It was felt that “regulation could not be left to be taken care of by the employers or the administrative hierarchy, but, must be entrusted to an autonomous body statutory setup and consisting of representatives of workers, government, and employers” as in the case of the Mathadi Labour Board and the Dock Labour Board that are existing examples of a self regulatory mechanism involving worker’s participation. The Tripartite Construction Labour Boards would ensure

- Compulsory registration of all construction workers
- Compulsory registration of employers by requiring the consent of the board in order to get a plan sanction
- Regulation of employment by allocation of work by rotation
- Collection from the builder -the wage bill, including social security and ESI contributions
- Collection of levy from the builders towards welfare fund, for housing, crèche, minimum wage guarantee and training
- Settlement of disputes among workers, between workers and employers and the board

Introduction of the Government Bill

The government’s callous attitude and little respect for an institution like the Parliament was evident from its insistence to introduce a bill even before the Petitions Committee had completed its work. Two weeks before the Campaign Committee was to depose before the Petitions Committee, on 5 December 1988, the government introduced the bill in the Rajya Sabha. This bill was called ‘The Building and other Construction Workers (Regulation of Employment and Conditions of Service) Bill, 1988. Its title is deceptive — intending to give the impression that it covered aspects of regulation of employment, social security and labour welfare measures. However, it merely deals with some safety measures, possibly to pay lip service to the stipulations of the International Labour Organisation. Thus, the government bill was an illusion seeking to cheat the workers and therefore, worse than having no bill at all. Perhaps, it was a plan to subvert the Campaign Committee’s efforts to bring in a comprehensive legislation. The NCC submitted a detailed critique of the government bill to the Petitions Committee and stated, “in the absence of a self regulatory mechanism in the form of Tripartite Construction Labour Boards as in the case of Dock Labour, the law will not be successfully and effectively implemented.”

Report of the Petitions Committee of Lok Sabha

At a critical point, on the day Parliament was to vote on the government sponsored Bill, the Petitions Committee submitted its report to the Lok Sabha. In its concluding recommendations this report states:

“The Committee therefore recommends that the Bill pending before the Rajya Sabha be withdrawn and fresh comprehensive Bill be introduced so as to cater to the long felt demands of a hitherto neglected section of class.”

The Petitions Committee recognised the in-depth study made by the NCC on the problems of construction workers. It recognised the comprehensive nature of its proposals for an effective implementation machinery throughout India. These were based on the creation of Tripartite Construction Labour Boards. Regarding this, the Petitions Committee Report also recommended:

“The Committee desires that the legislation proposed by the Campaign Committee may be examined, considered and all good features thereof may be suitably incorporated in the Government Bill and that it is for the government to ensure that the legislation finally created encompassed all the above good features of to the extent possible.”

The report of the Petitions Committee of the Lok Sabha was encouraging and temporary suspension of the government bill in the Rajya Sabha was a respite to the NCC. Now, the main objective of the NCC was the implementation of the report, in letter and spirit. The NCC's effort was to consolidate itself and work towards building a common platform of all construction workers' unions. It also set out to mobilise public opinion and support for the construction workers. On 2 October 1989, NCC launched a nation-wide signature campaign on a petition addressed to the President of India. The basic demand was to do justice to construction workers and enact a comprehensive legislation. Through this, the unions were able to enlist the support of some eminent individuals. Also, they were able to create awareness among the construction workers about the alternatives available to them. In Tamil Nadu, the TMKTS used the signature campaign to educate and create awareness amongst workers throughout the state. Likewise, the unions in other states made similar efforts. Meanwhile, efforts were also on to bring in state-level legislations. The year 1989 saw a huge mobilisation in Chennai to pressurise the TN government to heed to the Union's demands. There was a massive procession to Fort St. George, the state government headquarters in Chennai. This was followed by the third state level conference at Madurai. It was addressed by the then Labour Minister Pon Muthuramlingam, who gave an assurance that his government would implement the worker's demands for a comprehensive law. During the 1989 elections, the union approached all political parties to support the demand of construction workers. The National Front responded positively. It included the issue of a comprehensive legislation for construction workers in its manifesto.

High Expectations and Disappointments

On 30 March 1990, thousands of construction workers marched to the Parliament demanding the fulfillment of the assurance given by the National Front to withdraw the bill introduced by the previous Congress government and enact an appropriate law for construction workers. The mass rally began from Ferozshah Kotla and ended at the Boat Club. Two ministers of the Janata Dal government, Ram Vilas Paswan and George Fernandes addressed the rally. A petition appended with signatures of ten lakh workers from all over the country was submitted to the ministers. The Janata Dal government withdrew the controversial government bill of 1988. It held a national seminar on legislation for construction workers. However, the government did not remain in power long enough to see an appropriate law enacted. There were fresh elections to the Parliament, following

which a new government came to power. In Tamil Nadu, the Union took the decision to boycott the 1991 elections because of the indifference of all political parties to its long-standing demands. A meeting of the NCC with the then Labour Minister in Delhi in early 1992 was disappointing. Also, finding that there was no possibility of making a headway with the new central government, the focus was now again on the state government implementing a law for construction workers.

Response of the Builders

As we have seen, the builders opposed the bill drafted by the National Campaign Committee tooth and nail. They used subterfuge to ensure that a meaningless legislation was introduced a few days before the unions were to depose before the petition's committee in 1985. Systematically they lobbied with senior officials of the Labour Department and successfully convinced the bureaucrats in the Ministry of Housing, who deposed against the National Campaign Committee's proposed bill. In 1991, when the stage was set to introduce the proposed workers' bill in the winter session of Parliament, the builders lobby stepped up its campaign against the Union. The Times of India reported on 19 October 1991, 'Industry sources said, a well organised campaign against the draft legislation is being worked out to prevent the introduction of the Bill. Industry is gearing up to thwart the introduction of the Bill under the aegis of various builders' associations and hectic parleys are underway to forge a single body to spearhead the protest.' There was a national level meeting organised by the MES Builders' Association of India to which construction builders and 'labour leaders' were invited. The Union and the National Campaign Committee was not given an invitation. The Delhi based MES Builders' Association, the Bombay based All India Builders' Association and the Chennai based Builders' Association of India (Southern Chapter) are some of the biggest construction builders' associations.

Industry Opposes Construction Workers' Bill

Speaking on behalf of the industry, Mr. Suresh Goel and Mr. Ravi Wig, President and Secretary of the MES Builders' Association threatened that the industry would 'boycott the Bill if it was passed.... first of all we will not allow it to be passed.' Outlining the agitation programme the construction builders' said "the first stage would involve moulding public opinion by roping in senior cabinet ministers including the Urban Development and Labour Minister, next the labour leaders would be urged to stand up against the Bill and if these fail to work, the industry men will come out on the streets." Obviously, the first two methods worked. The industry was able to convince the ruling party and the ministers to accept their proposal. It is the workers who have always been on the streets demanding a just legislation. As we have seen in Chapter I, there exists a nexus between the ruling party, politicians and the big builders. It is this equation in the absence of strong mobilisation and working class unity that helps the builders to get their way. As we already saw, even in the early stages, in 1985, the construction builders had a deal with the leaders of INTUC and HMS and sabotaged the tripartite working group's report. It is this disunity perpetuated by certain leadership of central trade unions which has worked against workers' interest. The builders prepared their own draft bill and submitted it to the government. It is on this basis that the government finally brought in two ordinances in 1995, just before the term of the Congress government was about to expire.

Efforts towards a State-Level Legislation

In TN the struggle for a legislation went on with greater conviction than ever before. There were seminars, public meetings and mass mobilisation. The Union organised state wide dharnas outside government offices in May and November 1991. The Union used every opportunity to bring the government to negotiate with it. On 6 October 1991, the then state labour minister, Aranganayakam addressed a meeting of construction workers under the auspices of the Construction Workers' Building Centre. He assured the workers of his government's commitment to "bring in a law for construction workers irrespective of whether the Central Government brought in a law or not. Whether the Centre was bringing in a legislation or not the state would implement the TN Manual Workers Act." In April 1992, while discussing in the state assembly the Labour Minister reiterated the government's promise of an appropriate legislation for construction workers.

The construction workers had already seen how flimsy the promises of the politicians in and out of government were. At every stage, the political parties in and out of power had given assurances and made promises to the workers. Yet, a lack of political will was evident in their lame excuses and tardy efforts. For over a decade, the government dilly-dallied over implementation. The Tamil Nadu Manual Workers Act was enacted in 1982 during the MGR period. In the meantime, the government attempted to divert the attention of the workers and their organisations. For instance, it attempted hard to enact the retrogressive Legislative Assembly Bill No.44 in 1983 which ignored the needs of unorganised construction labours. In 1983, when Raghavanandan was Labour Minister, the government tried to enact the LA 44/83 Bill. However, the TMKTS' role in exposing the government's duplicity and stiff resistance to it, forced the governor to withhold consent to the bill and the government later retracted its stand.

Assurances, Promises and Guarantees

In the ten-year period, the workers' struggle saw the making and fall of several governments, change of ministers and transfer of bureaucrats. There were election promises, assurances of ministers, and all kinds of legal and administrative obstacles. In 1989, the then Labour Minister Pon Muthuramalingam, took an initiative to implement the Tamil Nadu Manual Workers Act. The Advisory Committee under the Act was constituted and the government invited the TMKTS as a member of this Committee. The Advisory Committee gave a positive recommendation and in principle, accepted the draft proposal submitted by the TMKTS. The draft proposal included constitution of Tripartite Boards to regulate employment and provide social security. However, this government did not last long enough to transform its promise into an effective law. The new government under Ms. Jayalalitha repeatedly made assurances at different points in 1992. In April 1992, the Labour Minister made a statement in the State Assembly. On 27 July, 30,000 construction workers marched to Fort St. George, in one of the largest mobilisations seen by the unorganised working class. Representatives of 19 districts participated in the procession that started at May Day Park and ended at the government HQ. The then Minister of Labour Raghupathy met the Union delegation and said that his government would honour its promise before 30 September.

The government did not keep its promise. The Executive Committee meeting in October decided to launch a continuous agitation. The Union kept up the pressure on the government. On 19 October Justice Iyer wrote to the Chief Minister:

'I am compelled to appeal to you on behalf of vast numbers of construction workers, particularly women and children without shelter and proper wages and other minimum conditions of life. There has been a whole big movement built up by the construction workers of India of which a significant segment comes from Tamil Nadu represented by the 'Tamil Maanila Kattida Thozhilalar Sangam'. I have been deeply associated with it. The demands they have made, the remedies that they seek, the possibilities of giving them relief through governmental legislation have all been discussed in an extraordinarily comprehensive way. Indeed, we even drafted a bill which was about to be introduced in the Central parliament some years ago. The whirligig of politics made many changes in Parliament's life and things have not yet settled down. This gives a great opportunity for you and your government to be the first in the field to rescue the construction workers by taking advantage of an existing legislation of your state, The Tamil Nadu Manual Workers' Act, and incorporating a scheme under it.'

In a meeting with Union leaders, on 22 November, the Minister sought more time to implement the law as there were some 'legal difficulties'. In the brief period of three years, there were three ministers. Each time it appeared that the construction workers were close to achieving their demands, there was a change. The government assured the Union that the law would be brought in before 14 January 1993, as a 'Pongal Gift' to the construction workers. On 30 November, the Union conducted a statewide '*Reminder Dharna*' to 'refresh the government's memory' and keep the pressure on. The government kept none of its promises. In the meantime, the minister addressed the Builders Association meetings and what transpired in these is not difficult to guess.

The Agitation is Intensified

The spirit of the workers at the 17 January 1993 General Council was very high. The disappointment of the government not having kept its assurance only strengthened their resolve to take up direct militant action. The Union received a hurried letter from the government through a special messenger to explain the reason for delay, but the workers had been patient long enough. The General Council decided to intensify the agitation. The date decided for the massive '*Salai Mariyal -Arra Porattam*' was 9 February. The government sought the Union's suggestions on the draft proposal for a scheme under the Manual Workers Act. The Union rejected the scheme saying it was an eye-wash and did not have provision for social security and regulation of employment that should be the focus of labour legislation.

The government hurriedly convened the meeting of the Advisory Committee on 1 February 1993, to which the Union was a special invitee. The Union had reservations on the government scheme and made this clear at the Advisory Committee meeting. The Union objected to this scheme saying that: 'the scheme was neither true to the TN Manual Workers Act nor to the construction workers for whom it was intended'. The meeting was presided over by the Labour Minister and senior government officials including the then Labour Secretary Varadarajalu participated. Finally, the Minister requested the Union to call off its agitation guaranteeing that the government would remove all hurdles to the notification of a suitable scheme. The Union did not accept the government's plea saying that in the past when the Union has acceded to such requests 'the government had not kept its word of honour'.

The '*Salai Mariyal -Arra Porattam*' on 9 February was a success with 3 lakh construction workers participating in 20 districts throughout the state. Twenty five thousand workers were arrested in different places. The government came down heavily in Chennai, lathi-charging the agitators and injuring many women. This programme gave workers and local activists tremendous confidence and it gave them the respect of the state, officialdom as also their own communities and the public. At Periyapalayam women workers, one of them with an infant child, led the *Salai Mariyal* giving courage to all other workers. In Chennai, women workers from MMDA, Arumbakkam, blocked the roads at the Corporation Buildings on the Chennai-Bangalore Highway for over half an hour before they were arrested by the police. The *rasta roko*, did not involve felling of trees, the cutting up of roads and destruction of public property. Their courage and determination in the face of police repression and arrest created an enormous impact locally in every place where *Salai Mariyal* took place. However, the government did not respond even to this. The Union continued the agitation and on 29, 30 and 31 March there was a strike on all government sites that brought construction work to a halt almost everywhere in the state. The building activities on large number of government sites came to a standstill once again, drawing the attention of the government to the pressing demand.

TMKTS Negotiates with Government

The Chief Minister made a dramatic announcement on 1 May 1993, that a separate Tripartite Board would be established and social security such as ESI, PF, pension, accident insurance and welfare measures for construction workers would be implemented through these boards. As a first step, these boards would be established in Chennai, Madurai and Coimbatore. This announcement was preceded by an amendment to the Manual Workers Act making it possible for the local bodies to collect a levy on the estimated cost of a building before sanctioning the building plan. The Union welcomed the government's announcement but stressed that the scheme should be notified in the official gazette at the earliest. On 21 May, the government invited the Union for negotiations. This was the third meeting with the government. The Union office bearers met with the Labour Commissioner in January 1993. This was followed by the Advisory Committee meeting on 1 February. The third meeting was perhaps the most critical as the government was about to concede most of the Union's demands. The Union pressed for a clear-cut procedure to identify construction workers, to recognise workers' unions under the law, and make provision for effective social security and welfare measures. This was viewed by most office bearers including the General Secretary M. Subbu, as a step to achieving recognition and improving the economic and social status of the construction workers. It was clear that this was quite different from the legislation that the workers had been demanding, since regulation of work was completely omitted by the government.

This was followed by a second round of negotiations before the Labour Commissioner on 10 June. In these parleys, the Union was represented by the President V. Pichaimuthu, the Women's Wing Secretary Geetha R. and other senior district and state leaders. The prominent among them were S. Shenbagasubbu, P. Maruthai and Periyathambi. The Union leadership pressed hard for the implementation of the Chief Minister's announcement. However, after this meeting the government took no further steps to notify any scheme under the TN Manual Workers Act in the official gazette. Perhaps, the procrastination by the government was because they were aware of the differences in the union.

The Tamil Nadu Manual Workers Act

The Tamil Nadu Manual Workers Act was enacted in 1982. This law has many progressive provisions. Most importantly, this law seeks to provide protection for manual workers in the unorganised sector. Typically, in our country labour laws are limited in their coverage because they assume a permanent employer-employee relationship. This Act marks an important shift from the traditional approach and it is an attempt to extend coverage to all manual workers. The Act covers 12 sections of workers - construction workers, head-loaders, salt pan workers, workers in leather industry and tanning.

The law envisages setting up of tripartite labour boards to oversee regulation of employment, working conditions and social security. These labour boards are expected to raise resources through levies on employers, and contributions from workers. They would register workers and employers, collect wage payments, ESI, PF, Gratuity and other contributions, make payment of wages, insure workers, make provision for welfare, housing, education for workers' children, etc. The board will effectively act as the employer.

Though the law was passed by the TN State Assembly in 1982, no effort whatsoever was made to bring it into force. Despite the best efforts of the TMKTS, the government stalled its implementation. Finally, in 1989, the Labour Minister in the DMK government constituted an advisory committee to look into the implementation of the law for construction workers. At the instance of the advisory committee the Union submitted a comprehensive scheme for the regulation of employment, conditions of work and social security for construction workers. Unfortunately, the government did not remain in power long enough to honour its commitment to the workers.

The Act was finally implemented for construction workers in 1994 and a Welfare Board was set up to implement it. However, the scheme that was notified was totally inadequate to save the various provisions envisaged under the Act. It provided for a levy of only 0.01 per cent on the estimate cost of construction as against a minimum of 7 per cent levy demanded by the Union. The central legislation for construction workers was enacted in 1996 provided for a maximum of 2 per cent levy. As a result of further agitation by the union, the levy under the TN Act got increased to 0.03 per cent in 1998.

Under the Act, construction workers can (through their union) register on the Welfare Board on payment of a fee of Rs. 25, and they can avail of the following benefits:

1. Rs. 1 lakh for an accidental death
2. Rs. 10,000 for a natural death
3. Rs. 2,000 for funeral expenses
4. Rs. 750 and Rs. 1,000 for children of construction workers passing std. X and XII examinations respectively
5. Rs. 1,000 as marriage assistance for children of construction workers
6. Rs. 1,000 as maternity benefit for two pregnancies
7. Disablement benefit in proportion to the percentage of disablement.

Differences in the Union

There were differences within the Union on the issue whether the government package was offering should be accepted or rejected. Subbu was in favour of accepting the government

scheme, although it had many limitations. The major lacunae in the government scheme were:

- No regulation of employment
- An upper limit of not more than one percent of the levy to be collected from the builders
- Restricting extension of the scheme to three cities only in the first phase

He saw it as a stage in the workers' struggle. That the government was only prepared to concede a part of the Union's demand was in itself a step forward. This did not mean that the Union would give up the struggle. He felt this to be an important step in the workers' struggle as the government had been forced to bring in a legislation in consultation with the Union. He felt that workers had struggled for over a decade but there were no tangible benefits and it was not easy for the workers to continue to agitate without some feeling of achievement. Accepting what the government offered with reservation was not wrong. In fact, it was appropriate to accept this as an achievement of one's struggle rather than reject it and allow others, especially the ruling party to take credit for it. In fact, the government's duplicity should be exposed through this process. Subbu said, "every agitation should also be viewed as process of educating the workers and building up a working-class consciousness. The agitation being called-off, did not imply that the struggle would be given up, but may take another form. Our optimism comes from having achieved recognition for construction workers and the Union. Our effort should be to give hope to the workers that their agitation has borne result. They must learn that only through agitation they can get concessions. They must understand that no concession is absolute or that it can be got in one stroke. They have to struggle ceaselessly, for, that is intrinsic to the nature of the society." It is basically with this understanding that the union decided to accept the government proposals with reservations.

Geetha, the Women's Wing Secretary did not share the optimism and felt that it was better to continue with the agitation. Such conflicts among two leading personalities in the Union, who had so long guided the union and put in all their energies for the cause of the workers and towards building the organisation, left the union and its activists got upset. Efforts at reconciliation did not succeed. On 6 June, Subbu became seriously ill. On 10 June, there was a second round of negotiations with the Labour Commissioner. All state and many district office bearers participated in this meeting. All with the exception of Geetha were of the opinion that the union should accept the government scheme with reservations. Geetha felt that the scheme had severe shortcomings, should be rejected and the struggle must go on. It was these differences that led to her resignation from the Union on 19 June, while Subbu was still in hospital. Even after the resignation, activists continued to receive Geetha with great warmth and affection, as an old comrade, and were hopeful that she would return to the organisation, but they were not prepared to see the union divided.

Union on Warpath

Despite the announcement of the 'Chief Minister's May Day Gift' and later negotiations with the Union, the state government dithered in notifying the scheme 'in the government gazette. On 16 August 1993, the TMKTS once again organised a state-wide agitation, resorting to *dharnas* in front of the offices of district collectors in which about a lakh of workers participated. The district organisations made representations to the government through the district collectors demanding the implementation of the 'Chief Minister's May

Day Gift'. The government failed to respond and the Union continued the struggle with the government, holding rallies, public meetings and processions.

The Union followed this up with a mass mobilisation for the Union's fifth state level 'Struggle Announcement Conference' at Usilampatti near Madurai on 27 February 1994. About twenty thousand workers from 22 districts participated. It resolved to picket Fort St. George, the state government headquarters if their demands were not met before the end of April. On 17 April, the Union held its executive committee meeting. It was addressed by prominent opposition leaders who promised to raise the issue in the State Assembly. Union also announced its decision to picket the government headquarters from 27 April.

State Wide Campaign for the Construction Workers' Bill - The Usilampatti Conference

In February, the Union launched a state-wide campaign with the idea of informing workers on the status of their demands and real response of the government. The CM's May Day announcement had caused considerable confusion and majority of workers believed that the government had taken adequate measures. The government and ruling party's propaganda machinery was very strong. The Union's awareness campaign culminated in a massive state conference – 'The Struggle Announcement Conference' - on 27 February. This was at Usilampatti, a small dusty town, about 50 km west of Madurai. Twenty thousand construction workers from 22 districts assembled here. They travelled by trucks, buses, vans and all means of transport to reach Usilampatti. Many of them came from distances over 500 kms. Most workers lost about 3 to 4 days work and spent about a weeks earnings to be able to participate in the Conference. After the Conference there, a mammoth procession and public meeting, the State Vice-President Periya Thambi and the Women's Wing Secretary, Laxhmi flagged off the procession. From Kamraj District, the Youth Wing came in cycle rally and the Trichi unit put up a skit caricaturing the CM for ignoring the workers' demands. Workers from the TVS group and from neighbouring areas came to express their solidarity as well. Representatives of construction workers' unions from Andhra Pradesh, Kerala, Karanataka, Punjab and Pondicherry participated in the public meeting. The NFCL leaders NP Samy and Paul Parakal and the Andhra Pradesh union leader Inti Veeranna spoke at the public meeting that followed. The conference deliberated that there were no legislative measures in the areas of social security and welfare, such as PF, ESI, pension etc. for construction workers. The workers' enthusiasm and spirit was overwhelming. They were going to continue their struggle. The conference resolved to intensify the agitation by picketing before Fort St. George.

Picketing the State Government HQ

The Union started the indefinite picketing of the state government head quarter on 27 April 1994, with about 300 construction workers courting arrest on the first day. About 1000 workers including 200 women courted arrest on the following day. The police also picked up Union activists from inside Fort St. George, who could be clearly identified by their dusty, cementy legs. On 28 April, the Union was called for a parley with the government but it did

not call off the programme immediately. Once the Union's delegation was given a copy of the G.O. (No. 69 dated 27 April 1994) then it was felt that the purpose of picketing had been served and the Union called off the agitation. On 30 May, the Labour Minister A. M. Paramasivam made a statement in the state assembly conceding the Union's demand for implementing the TN Manual Workers' Act.

The last few days of April were momentous. On 27 April, about three hundred workers assembled at the May Day Park. From here, while trying to take out a procession to Fort St. George, the workers were arrested. The police which was there in full force, tried instilling fear in the minds of workers, telling them that they would be transported to Palayamkottai jail. Palayamkottai jail is notorious about being the worst jail in the state, apart from being very far. The workers were not easily put-off and told the police, "We have come here fully prepared to go to jail. We have come here to picket the Fort and the only way you can stop us is by arresting us. We are asking the Chief Minister to keep her promise made on May Day last year. We are fighting for justice, so nothing can deter us." That evening, all workers were released and asked to go home. It did not end there. The workers assembled at a choultry later that evening. "Some of us got together and cooked for the whole group. Some others sat down to chart out the next day's programmes. Others co-ordinated with workers who were pouring in from all over, to join the struggle. Kumar, a worker from Manali in Chinglepet District said that he had never had such an experience before. "There were several among the group with me who had been to jail for more than 15 days and they gave courage to others like me. The next day, all of us assembled once again at May Day park and were joined by about a thousand more people. The police kept us there all day long. And even as reports of more workers joining us from other districts was coming in, the government agreed to negotiate with us. It was an exhilarating experience participating in this program. We were only a few from Tirechengodu, but there were large numbers from South Arcot, Kamarajar and V. O. Chidamranar districts. Some TVS employees union activists supported our programme. Each district had been given specific day for mobilisation and we were disappointed that the programme was called off even before we participated. Of course, we were happy that the government has ceded to our demand. Already posters demanding implementation of the government's important announcement and demanding release of the arrested construction workers was stuck all over and the press also carried the news. Letters and telegrams of solidarity from fraternal unions in other states also reached the government. All these things put pressure on the government.

Black Flag Demonstration at Dindigul

The government called for comments on the scheme and thereafter in characteristic style did nothing about finalising it. On 18 September, the executive committee meeting of the Union was held in Chinglepet district, at Padiyanallur near Chennai. The executive committee decided to agitate against the government's lackadaisical attitude. So, it was decided to hold black flag demonstrations everywhere the CM went. On 23 September, the CM was to visit Dindigul-Anna district. The district union geared itself to carry out the programme despite threats from the local ruling party functionaries. And well before the CM flew in by helicopter, most senior office bearers of the district unit were arrested and all activists were kept under surveillance □among them were S. V. Balaih and Ponandavar. On the insistence of the Union, the District Collector and the SP sent a memorandum to the CM. The black flag programme worked as a good reminder to the government, which

promptly notified the state gazette with a scheme on 4 October. The Union leadership had reason to feel satisfied. However, it was another couple of months before the government announced the constitution of the Tripartite Board. The first board meeting took place on 28 February 1995.

A Gazette Notification at Last!

On 4 October 1996, the Government of Tamil Nadu notified the state government gazette with a scheme which would bring a law for construction workers into force. To some, it may appear to be a trivial piece of paper. After all, the government comes out with notifications almost every other day. However, for the construction workers this government order marked the beginning of a new chapter in their history. For them, the gazette notification was symbolic of the government's recognition of a decade and half of struggle and sacrifice. Now construction workers were to be registered as workers by Tripartite Labour Welfare Boards.

On 1 November, the government notified the corporations of Chennai, Madurai and Coimbatore to begin collecting a levy on the estimated cost of construction at the time of sanctioning building plans. Thereafter, the government passed an order constituting the Tripartite Construction Workers Welfare Board. This was yet another landmark in the history of the construction workers' struggle.

The gazette notifications and setting up of the Tripartite Board were not visible to the mass of workers like the struggles, *dharnas*, processions and *rasta-roko* that preceded. What perhaps the workers saw and heard, was through the word of mouth, or through an occasional government announcement. So majority of the workers did not even believe that such a law had come into effect. Some others became victims of unscrupulous individuals who collected large sums from them promising them loans, housing sites, accident compensation and a host of other things. TMKTS, the union that had struggled all these years, found itself helpless in informing the large mass of construction workers in Chennai.

Moreover, the Labour Welfare Boards and the levy to be collected from the builders had many drawbacks. The levy was fixed by the Jayalalitha Government at 0.1 per cent (one rupee for every thousand rupees) of the estimated value of construction. This was a pittance, an outright fraud on the workers. It made a mockery of the scheme and the government's order. The TMKTS felt that unless the levy amount is enhanced to 7 percent and the provisions laid down in the scheme implemented, workers would not be motivated to join the scheme. On the other hand as a union organiser pointed out, it was impossible to reject the scheme outright because in principle, it meant a step forward in our struggle. So, the union decided on a strategy to accept the scheme under protest and pointed out its lacunae in all forums. In September 1995, the TMKTS launched an 'Inland Letter Campaign' and thousands of workers sent letters were sent to the Chief Minister J Jayalalitha, demanding:

- extension of the TN Manual Workers Act to the whole of Tamil Nadu;
- enhancing the levy on estimated construction costs to seven per cent;
- immediate implementation of ESI and pension through the Tripartite Board;

In towns and district headquarters all over the state there were *dharnas* and demonstrations demanding extension of the scheme from three corporation areas to the

whole of Tamil Nadu. The demands were realistic, but the government was unprepared to act. As a consequence, the TN Manual Workers' Act and the scheme stagnated for yet another two years, from the date of the gazette notification.

The Union and Some Important Issues

Women Construction Workers

Construction work entails hard manual labour. For women construction workers who work long hours, carrying bricks and mortar, climbing ladders, breaking stones, pouring concrete, digging and doing earth work, life is harder than most others. In many instances, they are forced by circumstances and the lack of any state provision, to work till the last month of pregnancy. In effect, women workers carry the triple burden of wage labour, household work and child bearing.

Construction work requires no special degree or certificate. In the case of women, it does not require any special apprenticeship, though experience is helpful in asserting oneself. Women also perceive that as compared to other jobs, it offers greater independence and a higher daily wage. These are not necessarily true, if one takes into account no leave wages and irregular work. In any case, most women enter the construction industry out of compulsion.

Women construction workers are called '*chittal*' which means a small person. Women enter the construction sector as a *chittal* and continue to work till they can no longer work at the same level. There is no opportunity for self-improvement. Though the work they do requires skill and stamina, they continue to be regarded as unskilled, even years after they have worked in the industry. Women workers often come from 'lower' caste than the male workers and are looked down upon, both because they are women and from a lower community. They are often single women—widowed, deserted or divorced—who run their families single-handedly. All these factors make it more difficult for women. Young women may find it easier to get work but often face sexual harassment. And as women grow older, they are no longer quick and agile, and find it harder to get jobs.

The Union's efforts to find a solution to problems of women workers have been sporadic. The Union has conducted skill training for women workers. But, these were for extremely short duration—two to three weeks. Only one such programme was conducted over a ten-month period, and a number of women were trained as masons. Even though the Union has not succeeded in skill training, this programme has played a role in changing the attitudes of male workers. The training has been a catalyst in throwing out traditional bias against women. Construction industry being a traditional one, there are taboos to women becoming masons, carpenters, plumbers etc. In fact, women were not even allowed to touch the trowel or saw. The Union has tried to fight it through debate and discussion.

Initially, when the idea of training was suggested in 1988, there was almost total rejection of the idea by the rank, and file and many others in the leadership. It was only gradually that it came to be accepted. At the inauguration of the Construction Workers Building Centre, women trainees were symbolically given a trowel and plumb line at a function witnessed by hundreds of workers. All this has contributed though in small measure in changing of attitudes.

A Case of Harassment: Union Intervention for a Dignified Livelihood

At the MRL site Manali, about 1500 women construction workers are employed everyday. Shanthi, a women worker was repeatedly harassed by some society workers. She did not have the courage to report the issue to the management, as she was afraid of loosing her job. Seeing her plight, some Union activists decided to speak to the contractor and the management. Getting no positive response, they called for a strike demanding that the culprits apologise to her and management make efforts to protect women workers so that they can uphold their dignity. As Kumar, a local activist said, "For the first time in the history of MRL, there was a strike and it lasted for two and half days. Even though, Shanthi was not a member of the Union, we decided to take up the issue. We felt that as a union if we did not intervene, it was pointless being in the Union." Kumar and other activists took the decision to strike work, knowing fully well that they would lose the day's wages. The state organisation backed them and provided them with moral and logistical support. Like Shanthi, every *chittal* has faced sexual harassment at the workplace sometime or the other. But, the Union has not found a way to deal with this problem organisationally. Perhaps, youths like Kumar must come forward and be prepared to uphold the dignity of their women colleagues and the dignity of their profession.

The hierarchy in the construction industry finds its reflection in the Union. The leadership of the Union is largely drawn from the skilled workers. They have a higher earning capacity and are therefore, able to forgo work[□]find time and resources to do Union work. This is because the Union has no full-time paid workers. This has been a hindrance to women taking a more active role in Union activities. As we have seen women carry the burdens of the family and work as wage labour. An additional responsibility would be impossible. Therefore, a search for an alternative is a must. There is a need to strengthen the women's wing and give it an organisational structure. Perhaps, a much wider role and independence in its functioning may be required. These issues need to be discussed within the Union more thoroughly.

Organising in Chennai City

Chennai is not only the capital of Tamil Nadu, but with a population of more than six millions, it is the largest city in this region. According to the Union's estimate between two

to three lakh construction workers work in the city. In terms of numbers, this is a huge figure, accounting for about ten per cent of the total workforce in the state.

While the Union's head office is in Chennai, it is a point of considerable concern that Chennai continues to be the place where it is the weakest. There are a number of reasons which make it difficult to organise workers in Chennai. The wages for construction workers in the city are relatively higher than in the districts. In comparison to the districts, there are more employment opportunities in Chennai. This is perhaps why, workers do not feel the need for a Union to mediate on wages.

Another and perhaps the more basic reason why its difficult to organise in Chennai is because workers do not share the same identities. Here, perhaps caste and community identities which bind workers in villages and small towns are less important. Chennai is basically a city of migrants. A very large number of workers come from other districts. There is no homogeneous working class. They have a range of identities, all mixed up which also makes it difficult for them to unionise.

The workers in the city are much more dispersed and have to move frequently from one site to another. They live a much more fragile existence, having to move about frequently for work, facing eviction and housing and water problems, etc. Without any state support for their basic needs, the urban workers are faced with a trying existence. Most workers have to commute long distances for work. They may get higher wages, but this is offset by having to pay for travel costs, higher cost of food and poor quality and insanitary rented accommodation in the slums.

'Where do I belong ?'

Mixed Identities of Workers in Chennai

Even if they have been in Chennai for over 15 to 20 years, the workers here are basically migrants. As all migrants they carry so many overlapping identities with them. The city workers often identify themselves from the town from where they originate such as a 'Maduraikaran' or 'Gingeckaran'. They also have district identities, such as 'Tanjavurkaran' or 'Tiruvanamalaikaran'. They identify with region such as a worker would say 'I'm from the southern districts'. There are language identities such as 'so and so is Telugu speaking'. People identify with the type of language they speak, the variation, intonations and usage. Mixed into this are traditional loyalties of caste and newer identities of the slum they live in or the suburb or area in Chennai to which they belong to. Skilled workers identify with the trade- 'so and so is a mason, so and so is a scaffolding man'. Electricians feel a stronger solidarity among themselves than they feel for those working with bricks and mortar. Women have a very strong identity. While men would be defensive about a drunken colleague, women would be outraged. Relations at the workplace also is a contribution to the identities. There are *maistris*, piece-rate workers, skilled workers, unskilled men workers, and unskilled women workers who have separate identities. The site labourers, workers in a marketplace and *maistri* attached labour have separate experiences, making them feel differently.

Coupled with all the problems of living on the fringe of metropolitan life, workers face the dilemma of higher aspirations for a better life. Children's English medium education, better quality clothes and in general, much higher consumerist expectations are the characteristics of city life while adding to the glamour of city life, are of no additional comfort. Caught in the rigmarole of life workers are much less willing to give time for Union work.

It is in this context that the role of the Union in organising workers in Chennai has to be very different. They would have to be organised more around the issues of civic amenities, housing, better education, crèches for working women and prompt health facilities, etc. Much greater effort is required in developing a 'working class' identity among the city workers. This is a difficult task. However, the potential benefit to the Union and the city's working class in being able to have an active mobilisation in the city is enormous. It is the city workers who can provide the impetus to break barriers of caste and tradition, and develop a working class identity among workers across the state. A strong union in Chennai can play a vanguard role for all construction workers across the state.

Elections and Political Parties

*'Here come the plunderers
asking for a five year license
Beware! Beware!'*

This slogan coined by Kali Kottanar of Kamaraj district epitomises the attitude of construction workers to political parties and politicians. Elections are a jamboree held once in five years. It is the only time politicians evince some interest in peoples' problems. However, once elected to office, politicians have a predilection to forget their promises, and work towards enriching themselves and pursuing their personal interests. This is held out through the Union's experience.

The Union's stand towards elections has therefore been flexible and differs from election to election. It has always regarded elections as a process of educating the workers, the general public and the politicians. Elections as an important part of the parliamentary process in India, is an opportunity to educate the membership and workers in general. It is also because elections are the only time, candidates are receptive to hearing people's demands. Successive elections have been used to expose to workers, the limits of the parliamentary process and democracy.

Until 1989, the Union tried to create wider awareness on the issue of construction workers by getting prospective candidates to support the Union's demands and give an assurance in writing. Many candidates gave promises in writing. Nevertheless, once in power, they gave excuses. At local levels, Union activists sat on *dharna* and *gheraoed* the MLAs demanding fulfillment of their assurance. In response, they were told that 'the political parties and not individual MLAs decided policies, so what could an individual MLA do?' Most legislators did nothing to even raise the issue of the construction workers in the state legislature. The Union learnt that elected representatives could speak only if authorised by the party high command. Those who lost the elections also disappeared only to resurface just before the next election. The ruling party and opposition candidates alike seemed to

have no interest or commitment to the people, except for perhaps in a few exceptional cases. In fact, there are no constitutional means to ensure accountability to the people. This is one of the reasons that enables the elected representatives to shirk responsibility, making elections a mere drama enacted once in every five years. It is this disillusionment with politicians and politics of election that guided the Union's decision to boycott polls in 1989 and 1991.

In 1989, the Union gave a call for boycott of elections. Workers all over the state put up posters and brought out handbills, 'we construction workers will not vote'. The Union's handbill held out a threat and it read as:

- The government should give a Rs. 10,000 compensation to families of construction workers killed in accidents
- Implement the TN Manual Workers Act
- Set up tripartite boards and implement ESI, provide housing etc.
- We will not vote for those who are unprepared to support the above demands and negotiate with the Union about problems of construction workers

This was a big campaign and it drew a lot of publicity. All political parties requested the Union to withdraw the boycott call. The Union agreed to this only after most political parties included the Union's demand on their election manifestos. One of the parties even brought out a wall poster assuring construction workers that their demands would be implemented if voted to power. So, the boycott threat achieved a significant recognition for the Union. The Union rescinded its boycott call, but did not give any directive to vote for any particular party. The DMK, which won a majority and formed the government immediately implemented the first demand. An advisory committee of the TN Manual Workers Act was instituted and serious negotiations were going on when the government was dismissed in 1991.

Workers and Political Affiliations

Workers understood that there was a difference in attitudes of prospective MLAs and the incumbents. Political parties in power are □without exception□ indifferent to workers' issues. When in power -as we noted in Chapter I, they are interested in minimising strife and opposition. They are inclined to treat agitation and protest merely as law and order problems. Especially, in regard to working class issues they follow a carrot and stick policy. They keep repeating their assurances to fool the workers and do nothing to effectively implement their demands. Its their linkages with big builders and financiers which are likely to guide their decision rather than their electoral promises. If the workers' struggle is perceived as a threat, the government uses the police to crush it. The Union has an enviable record of having agitated under every regime—under the DMK, the AIADMK and during the Governor's rule. It is consistent with the understanding that the TMKTS has never supported any particular political party in the elections. At the state and district levels, the Union has strictly followed a policy of being equidistant from all parties.

This apart, there is no objection in the Union to individual construction workers being politically active at the local levels. Among the Union's members are supporters of the DMK, AIADMK, CPI, CPI(M), Congress, PMK, etc. During election time these affiliations are often very obvious. At the local level, individual construction workers may be members of a

particular party or take special interest in the election campaign of a particular party or candidate. Nevertheless, no one canvasses for votes in the name of the Union. And there is an explicit understanding among most senior leaders that their unity transcends party differences. It is this strong feeling of working class solidarity that underlies all decisions. This gives the Union the strength to bargain with party leadership at local and state levels.

Do party affiliation not dampen the militancy of Union activists? The Union's experience is quite to the contrary. When the AIADMK was in power, those affiliated to the ruling party were always at the forefront of any agitation. When it was a DMK Government, workers who supported the DMK felt that they should lead the agitation. Whichever party is in power, when it comes to workers' issues, Union members have never justified governmental indifference and have fought the government in the larger class interests. In the agitations in 1984-87 MGR loyalists in the Union were at the forefront, whether it was picketing before the Secretariat or taking out a procession, sitting on a *dharna* or participating in the '*jail bhara*'. This is true of the DMK and later the Jayalalitha Governments. In the Union, therefore, trade Union consciousness has always been stronger than party loyalties.

The Union, has therefore, been successful in educating and convincing its membership of the need for an independent trade union. It has effectively exposed through direct action and internal discussion, the limits of conventional and politically aligned Unions. Governments have tried hard not to try to influence workers to accept their party position. In fact, the Jayalalitha government went all out to try to just do that. During the 1994-96 the government went all out to support a particular union -the Madhya Sangam led by Pon Kumar. This union supported the ruling party and even asked workers to vote for the AIADMK in the 1991 and 1996 elections. At every point, just before TMKTS was to launch an agitation, the government used the Madhya Sangam platform to spread counter propaganda. Union activists and vigilant construction workers saw through such propaganda. Workers in Dharmapuri, Salem, Trichi and Chingleput districts who had vested good faith in the Madhya Sangam learnt hard lessons through their experience. During the struggles in 1992 and afterward, thousands of workers left the Madhya Sangam to join the TMKTS. Despite its contact with political parties and newspaper barons, the Madhya Sangam could not continue to cheat all workers in perpetuity.

Time and again the unity of the construction workers has been tested. For instance, at the union's EC meeting at Salem on 21 April 1996 different affiliations were quite evident. Some of the supporters of the Indira Congress (Tiwari) were keen to have the Union in support of their party. Some others felt that given the DMK's positive response to the Union, it should favour the DMK. There were yet others, who felt that independent and non-party candidates deserved the Union's support. However, the overwhelming majority of the EC members felt that the Union should keep its independent position and it had much to lose by supporting one party against another.

As the General Secretary of the Union, M. Subbu summing up the Executive Committee's decision said, "The poll agenda is seldom set by people. It's usually the politicians who craft it according to their needs. Parties work towards coming to power and represent the interest of industrial houses, and big and small businesses. This is the main reason why political parties do not include workers' issues and demands in their manifestos. Despite

this, the construction workers' issue has received a great deal of attention in this election. One party directly included the demands of the construction workers in its manifesto. Two parties have stated, in writing, their commitment in fulfilling the Union's demands. The leader of a fourth party has spoken of her party's commitment to the unorganised workers in her election address over television. Leaders of four major fronts in Tamil Nadu have taken cognisance of the issues of construction workers. This goes to show that the construction workers' demands have come into the poll agenda of the parties. This is an achievement of workers' unity and our uncompromising and relentless struggle."

Elections, Democracy and Workers

In the 1996 elections, the District Secretary of the VOC district, A.S.K. Solaisamy decided to stand for elections as an independent candidate. His aim was not to win elections but to create awareness. In his election 'manifesto' he caricatured and ridiculed the politicians- among his poll promises were 'if elected I would not do the least bit to raise the problem and peoples issues in the state assembly; I will enrich myself and build lavish house; I will definitely buy two imported cars, one for myself and another for home use, and a Maruti car for my children; I will acquire land and property in neighbouring states; I will turn a blind eye to government officials taking bribes, after all they have to pay back loans which they took to pay for the job and will assist school teachers who had taken loans to bribe their way to get jobs, in finding a way out to repay their loans, etc."

The manifesto of Solaisamy surmises that elections are instrumental in perpetuating the socio-economic disparities. It's only an illusion that elections can bring political change. From the first election till date, the country has seen ten General Elections and with each election, people have seen that the rich and the powerful have grown richer and more powerful. The MLAs and MPs have enriched themselves whereas workers have remained where they were. Solaisamy asks "the people who build houses remain houseless, the people who weave have no clothes,...those who labour have only to labour more ...why have the workers not seen any advancement in the last 49 years of independence?"

Does this mean that the elections serve no purpose at all and is it correct to cynically write off the need for elections? Most political parties are agreed that high poll election expenses are the bane of Indian democracy and the reason for widespread corruption in public life. Corruption is not just to raise money to fight election. Corruption is seen as a way to transfer wealth and property to those in power. The big business interests operate along with powerful politicians to ensure that status quo is maintained. All parties take money from businessmen and industrialists and we know that these industrialists definitely expect something in return - licenses, tax exemptions, export quotas, etc. So, corruption is not incidental or accidental in our politics, it is a symptom and not the reason for what ails the system. Whichever party comes to power, it is corrupt, and works in the interests of industrialists and towards its own selfish interests.

In contrast, issues such as drinking water, housing, jobs, wages, social security and inflation, which are high on people's agenda only gets lip service and are side-stepped repeatedly. Perhaps, it may be correct to say that political parties commit themselves to these issues only for the limited period before the election. They treat their manifestos merely as an election strategy or a formula to win elections. While people have a right to vote, they are powerless in determining the policies of the government. The same

government they vote for, may turn the police against them, evict them from their homes, fail to check the rise in prices or side with the management, in case of a dispute. The people's right to vote gives them a power to change a government they are fed up of, and replace one party by another. But, they cannot enforce accountability.

Housing and the Construction Workers

'We build multi-storied buildings but are ourselves without houses'

Construction workers are the *dalits* of modern India. They have contributed their labour and given their lives for building dams, industries, power houses and other buildings that form the foundations of Indian economy and society. The first Prime Minister of independent India, Jawaharlal Nehru, called these structures '*The Temples of Modern India*'. It is ironical that those who have laboured to build these '*temples*' are treated as outcasts by the society. Once the buildings are completed, they are no longer welcome into them. It is the opportunism of the elites, planners and policy-makers, politicians, bureaucrats, industrialists and contractors that the real builders of modern India are marginalised. The majority of the construction workers are without houses. Many thousands of construction workers live on the city pavements. The oft repeated argument is that the construction workers, many of whom have links with their villages, are '*footloose*'. This actually places the burden of finding a home on the workers themselves. In the eyes of the planners and policy-makers, this section of workers have no permanent residence and therefore their housing is not considered to be an important issue.

However, for construction workers, housing is closely linked to their livelihoods. Proximity to the source of income is essential for their survival. In fact, it is the physical space they occupy that really describes the economic space that these workers occupy in cities and towns. Housing and provision for basic amenities are grossly inadequate and unsatisfactory. This takes a toll on the health of workers and their abilities to sustain and continue to work.

Housing has been one of the most important demands of the Union since its inception. In every agitation housing has been high on the Union's list of demands. A demand found practically on every memorandum submitted to the government was: 'twenty-five per cent reservation in all government housing projects for Economically Weaker Sections (EWS) of construction workers.' The government tended to ignore this demand, saying that it was looking into the matter. Then, after years of agitation and struggle, the Secretary of Housing and Urban Development, gave a written reply to the Union. His letter dated 18 August 1992 quotes from G.O. No. 1183 of H&UD dated 9 September 1991 giving a long list of already reserved categories. It explains that only 37 per cent of the government housing are 'open' or in the general category, implying that given the structure of reservation it would 'in these circumstances not be possible for separate reservation for construction workers.'

In response to the bureaucratic reply of the government the Union decided to form a co-operative society to house the houseless workers in Chennai and Chingleput districts. This was to be an experiment which could then be implemented in other towns and panchayats. It was decided to register the co-operative society to enable it to get 'ceiling lands'. To begin with, one hundred workers joined together to form a society called the 'Chennai-Chengai MGR District Construction Workers Co-operative Housing Society'. The process of

applying for registration was long and tedious, with the registrar setting preconditions to making an application. He demanded assurances from the following:

- the land reforms commissioner that land under the Land Ceiling Act was available
- the society that it would not seek assistance from the Govt. of TN and the TN Co-operative Housing Federation, and
- HUDCO that it would provide assistance to the society

On the Issue of Caste

Caste is not an issue that is discussed openly or even on the side in the Union. Right from the beginning, the Union has stood against caste discrimination. When a member introduces the Union to another worker he says, “the Union is irrespective of skill, caste, gender and political affiliation”. Has the leadership of the union at all levels taken a stand against casteism? Has this had an impact on the Union’s membership?

In Chennai and many big towns, caste barriers are not so sharp. Perumal, a stone breaker, observed, “in the city, caste divides are less visible than in the village. Here we are recognised by the nature of work and housing. We cannot make a fuss when standing in the queue for water, standing in the market place for work or drinking tea at the local shop. Similarly, it is somewhat easier for a *dalit* to become a skilled worker in Chennai than it would be for him in a small town. There are a few *dalit* workers who have become *maistris*, as well”.

An 80-year old Union activist from Vedaranyam, Veddaaiyyan, when asked, said, “in my area the Union has been instrumental in breaking traditional attitudes and caste barriers. In our union no one asks which caste you belong to. They ask you where you come from or what trade or work you do. In our village, there used to be separate tea shops for different castes. When the union was started, we ignored these differences. As the Secretary of the branch Union, I had to meet SC workers, so I would drink tea at their shop. Gradually, they also started drinking tea at the tea shop which was meant for the ‘upper castes’. Now there are no separate tea shops or tea cups in our village”.

An activist from Kazhagamalai village in Nellai-Kattabomman district said, “when our branch unit was formally inaugurated by the District Secretary, he hoisted the flag and distributed identity cards to the members. There were speeches and this was followed by sitting together for a meal. We had pooled in and cooked for about a 100 people. We were so excited about forming the Union that we forgot our differences of caste and creed and ate together. This was not only a symbolic act, but something which most of us felt was the right step. Thus, coming into the Union was a step forward in breaking caste barriers.

From the beginning, the Union has had a principled and uncompromising position on caste. The leadership’s approach has been to encourage practical and workable methods of breaking caste barriers. At all meetings of the Executive Committee and the General Council, there is community cooking and eating. Unlike in political parties, where decisions are made on caste consideration, in the Union, its individual commitment, responsibility and willingness to take up a challenge that has been given importance. Union leaders have also assisted in conducting inter-caste marriages. In fact, they have always emphasised on work or occupation identity which is the basis of the trade union consciousness in the Union. All these have made it possible for the union to break caste barriers.

Even though all these preconditions were satisfied, the registrar refused to register the housing co-operative society. His reasons reflect the apathy of the government to unorganised workers, and to construction workers in particular. The letter stated, '...Co-operative Housing Societies may be organised exclusively for the employees of the LIC, nationalised banks or corporate bodies, industrial and commercial organisations, where the employers are themselves financing the co-operatives. Further, when proposals are made by persons with fixed income groups, employees in public sector, joint sector, government departments and companies registered under the Companies Act and also Income Tax assesses who could raise certain funds by their status, may also be considered. But, the members of the proposed society are construction workers who do not come under the above category. They do not have fixed income. They do not have the facility to raise funds.' This is how far the Union has been able to get in convincing the government to provide housing for construction workers.

Solidarity with Other Workers' Struggles

The TMKTS has always come out in support of other working class struggles and people's issues. It has been the Union's experience that while the unorganised sector workers identify strongly with all worker's issues and spontaneously come forward to support worker's issues. This is not always true of the organised sector. In 1982, when the Binny Mills declared a lock-out and retrenched its workforce, construction workers in Chennai city joined in a procession, demanding that the mill be opened even without an invitation.

In 1985, the construction workers' Union supported the issues of the Ennore Thermal Power Station (ETPS) workers. Six workers were instantly burnt alive when huge smoldering cinders fell on them. The General Workers' Union took up the issue and fought and got the government to compensate their families. In 1988, the Union supported the fishermen in Nochikuppam and Ayodhyakuppam whose boats had been confiscated in a drive to beautify the Marina beach. There was police firing in which several fishermen were killed. The Union supported the struggle, in which the boats were returned and the government compensated the families of those bailed and those, whose boats had been damaged.

The late 1980s saw the heroic struggle of the TVS workers who fought for the right to form a union of their choice and against discrimination of their independent union by the management. A protracted agitation over years in its last phase, the DMK government had 202 workers including M Subbu, the TVS Employees Federation's Vice President and General Secretary of the TMKTS arrested in June 1990. The struggle continued with a massive protest demonstration on 25 June, in front of the Secretariat, on 27 June outside the official residence of the Labour Minister. All through this period, the Union office saw hectic activity and offered full support to the TVS workers. The Union condemned the anti-labour attitude of the government. A pamphlet to this effect was brought out by the Nagaipattinam taluka and town workers, "We condemn the government's anti-worker attitude; we demand that the government takes legal action against the TVS management, that it permits the TVS workers to struggle for their democratic rights unfettered, we demand the release of Subbu and the 202 imprisoned TVS workers." The construction workers all over the state including Nagapattinam, Madurai and Chennai participated and supported this struggle. Finally, after two months, the government released the workers.

The TVS workers have continued their struggle through legal battles in the labour courts. Despite their own difficulties, they have at all times, come forward to support the struggles of the construction workers and other unorganised workers in different parts of the state.

In 1990s the Union without reservation, took up the issue of occupational safety of the workers in the match and firework factories in Sivakasi. In July 1991, there was a huge accident in Sun Fireworks killing over 40 workers. The Union investigated the matter and took this up with the Labour Commissioner and the ESI Department. Finally, all workers were compensated and a Burns Ward was opened in the local ESI Hospital. Similarly, the Union reacted with alertness to the issue of refugees who poured into TN from Karnataka in the wake of the Cauvery Dispute riots in December 1991. The Union coordinated with the Karnataka State Construction Workers' Union to assist the Peoples' Human Rights Tribunal under Justice Potti and Justice Suresh to conduct an inquiry in Gobichettipalayam, Dharmapuri and Dharapuram. Finally, the Collector of Chennai was forced to allot houses and compensation to some of the poorest families who refused to go back.

In September 1991, Comrade Shankar Guha Neogi, the leader of the mine workers in Chattisgarh, became a victim of a devious conspiracy hatched by the management of Simplex Industries in Bhilai. In Bhilai, the contract workers were struggling for equal rights, fair and just wages. The Union immediately called for a condolence meeting and condemned the cowardly act by the management. It campaigned in Tamil Nadu on the issue to create an awareness of the problems faced by the Chattisgarh Mukti Morcha and brought all unions to a common platform for solidarity action.

Towards Building Solidarity Among Unorganised Workers

National Federation of Construction Labour (NFCL)

In 1991, the TMKTS along with the Karnataka State Construction Workers' Central Union and the Cochin Building Construction Workers' Union formed the National Federation of Construction Labour (NFCL). The need for an independent industry-wide trade organisation representing construction workers at the national level was felt in the context of set-backs in the efforts of the National Campaign Committee to wrest a central legislation. The independent unions felt the need to strengthen and expand the workers' movement in other states. The lack of support of the central trade unions to the construction workers' cause was also a factor in the formation of the NFCL. The first President of NFCL, N. P. Samy, Vice President, Paul Parakal and General Secretary, M. Subbu made enormous efforts in assisting unions in other states and bringing them into the NFCL's fold unions from Maharashtra, Punjab, Bihar, Andhra Pradesh, Rajasthan and Pondicherry. The NFCL continued to strive for a central legislation. In 1996, NFCL led the struggle to press for amendment to the 'Building and other Construction Workers' Bills' and staged demonstrations in front of the Parliament, lobbied MPs and held consultations with the then Prime Minister.

National Centre for Labour (NCL)

In 1994, as a culmination of years of efforts, the leaders of NFCL, Self Employed Women's Association (SEWA), National Fishworkers' Federation (NFF) and forest workers' unions, the National Centre for Labour (NCL) was formally launched. The NCL was constituted as a trade union federation exclusively for unorganised workers to represent workers' interests in tripartite bodies such as the Indian Labour conference. The NCL was started with a

number of interesting features unique to it as a trade union federation. These included a 33 percent representation in all decision-making bodies and a committee functioning even at its apex decision-making level. The federation is not affiliated to any political party.

In its initial years, NCL actively undertook a number of solidarity actions in support of the struggles of their constituent members. These included solidarity action in support of the struggle of SEWA for an ILO Convention for home-based workers; the struggle of NFF against mechanized fishing along the Indian coasts; and the campaign of NFCL for a central legislation for regulation and social security measures for construction workers. The NCL also reached out to independent unions of forest workers and agricultural workers.

Training and the CWBC

The Construction Workers Building Centre (CWBC) was established in 1991 with the objective of educating construction workers and imparting them with skills in a systematic and scientific method, upgrading the skills of skilled workers, creating an opportunity for women workers to acquire skills in building and construction trades and generating a scientific spirit among the workers.

In the construction industry in our country, there is no systematic and scientific method of transferring knowledge and skills to workers. The builders and contractors, who exploit the labour of the skilled workers, play no part in their training and development. Workers acquire skills on the job, by apprenticing with a senior and more experienced worker. Therefore, skills are passed on from one generation to the next, and not through technical schools or ITIs. Workers continue to be trained and also gain experience in a traditional method, reminiscent of the old guild system. This has been one of the causes for social barriers of caste and gender in the building sector. Government and large building and construction firms have made no efforts to educate construction workers or create institutions where workers can learn and acquire skills and knowledge of modern technologies. It is with the view to create a scientific temper among the workers, so that they may know the how and why of practices they have acquired through experience and intuition. It is to give opportunity to those who have been denied, as well as to play a catalyst to changing attitudes of construction labour that the CWBC was formed. Another important objective is to promote cost-effective and environment-friendly technologies. The CWBC has also been contributing to the goal of housing the houseless and the poor through the development and promotion of appropriate technology and building materials.

At the CWBC, unskilled men and women workers have been trained in masonry skills and making of low-cost sanitation units. Trainings have also been conducted for skilled master masons in cost-effective and environment-friendly techniques. These training programmes have generated a lot of heat and debate in the Union. Now, there is awareness among workers that they must learn and acquire skills that are practical and appropriate to our society. The setting up of the CWBC has given workers a hope that some day they would be able to understand the work they do better and have a say in what is being built and the techniques being used. It is hoped that through such efforts, the differences between manual and intellectual labour would eventually be bridged.

Afterword

The foregoing history of the TMKTS which was written in the period 1995-96, addresses the events that shaped the union until then. There have been several events subsequently, which have an immediate relevance in understanding the present situation of the union.

In early 1996, the then General Secretary of the Union, M. Subbu, stepped down from his post after occupying the position for nearly 15 years, since the inception of the union. He felt the need to concentrate on developing unionisation among other sections of unorganised workers in the state, and to reduce the dependence of the union on his leadership. Another Union activist from one of the districts in Tamil Nadu was nominated to the position. This arrangement did not work well and there were a number of allegations of mismanagement of union affairs. Finally, as a result of pressure from various district level Union leaders, and responding to a need to help the Union to correct various mistakes, Subbu stood for elections and was re-elected as the General Secretary in the Union elections held in April 2000. While the experiment of 1996 to change the General Secretary was not successful, it did help the Union in reaffirming its internal democracy. Over the last three years, a need for a change in leadership was intensively discussed, campaigned for and effected democratically. The events also helped affirm and strengthen the federal structure of the Union. It was ultimately the verdict of the district level Union leaders, and the rank and file Union representatives, that prevailed over the efforts of the central leadership to retain their position. This struggle initiated a serious debate within the Union for a change in the structure of the central leadership to a more decentralised form. The debate looked at the need for district level leadership to play a more direct part in the activities left till now to the central leadership, including negotiating with the government on issues of the Welfare Board. It examined the difficulties faced by district leaders in leaving their work and means of livelihood and spending time at the central office at Chennai. The union plans to explore all these issues further.

During 1996, the Union affiliated itself to the International Federation of Building and Wood Workers (IFBWW). This affiliation allowed representatives of the Union to participate in debates at an international forum, and to discuss specific problems faced by the Indian construction workers. It has created the preconditions for the Union to use international solidarity in its struggles around various issues of construction workers in India. This association also helped the Union to forge some joint projects with IFBWW, including a

programme of running crèches for women construction workers. The possibility for further linkages could not be explored because of the internal problems within the union during 1997-2000. The Union is now actively following up these ties, including reviving the crèche programme.

The Construction Workers' Building Centre (CWBC) was set up in 1991 with the help of TMKTS, as an autonomous agency to help train workers in alternate building technologies, and impart skill and political education to activists in various categories of the unorganised sector. This activity was discontinued in the early nineties, primarily because the efforts of the activists were concentrated on the struggle of TMKTS for a comprehensive legislation for construction workers. In 1996, with Subbu temporarily withdrawing from Union activities, efforts turned to reviving the Building Centre. With financial assistance from an aid agency, CWBC was able to start an intensive programme of skill training and activist education, and to build an infrastructure for carrying on these activities. It was able to get assistance from a number of professionals in planning its activities and serving as an advisory group. The CWBC now plans to follow up on its skill training efforts with a concentrated programme for integrating these skilled workers to a market for alternate building technology. It proposes to set up co-operatives of workers to aid this process of integration. It shall also serve as a resource centre to TMKTS in its efforts to network across trade unions in the unorganised sector. The Union in this link sees a potential to draw outside professional support for its activities.

The period from 1995, with the coming into force of the comprehensive legislation on social security for construction workers, was one of consolidation of the Union. The need for direct action was comparatively less, and the Union could concentrate efforts on building its membership. The membership grew rapidly from around 35,000 in 1996 to over 63,000 in the year 2000. Now, it is one of the largest single trade organisations in the unorganised sector in Tamil Nadu. It has in the process, further built on the credibility it enjoys, both with the government as a formidable agency to champion the cause of workers and with other trade unions as a union with strong internal strength and sustained commitment to external solidarity with other workers' struggles.

The state of Tamil Nadu has recently issued a notification covering 63 categories of work under a comprehensive legislation for welfare measures. The legislation is modeled after the legislation for construction workers. This can provide a strong impetus for extensive unionisation among other sections of unorganised work. The leadership of TMKTS visualises this as the next logical step in its unionisation activities. It has always recognised solidarity across various sections of unorganised workers as the only means for creating a sufficiently powerful and sustained struggle for their rights.

Here, briefly, we have outlined the changed context of TMKTS since 1996. The Union has all the preconditions for consolidating its internal strengths and regaining the vibrancy that characterised its period of struggle in the late eighties and early nineties. It has in the last four years built some external institutional support, through reviving the CWBC and through its affiliation with the IFBWW. The turn of the century sees it well positioned to take on the challenge of providing guidance and leadership to a process of bringing together other sectors of unorganised work in the state.

