

Office of Shaktisinh Gohil
National Spokesperson, AICC & MLA, Abdasa

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Press Note

25th February, 2015

By amending the law giving protection to labourers and workers, Gujarat government has taken away the rights of workers. Congress party's national spokesperson and MLA Shaktisinh Gohil came down heavily on Gujarat government's decision to amend the Labour laws while speaking in the State Assembly today.

He said that amended law gives licence to the owners to break all laws and to get away by paying little fine. Till now owners used to be scared while violating labour laws as it invited criminal action against them. Unfortunately, now these offences have been made compoundable which means settle the violation by paying some money. He said that the anti poor government of Gujarat has made such provisions that there will be no criminal case against the offender managements whether they exploit labour, do injustice or violate the law. This will lead to exploitation of the labourers, Gohil said.

He said that BJP has insulted Pt. Ravishanker Maharaj by bringing this amendment on his birth anniversary. Ravishanker fought for the interests of labourers.

1. Minimum wages is the basic right of every worker. In Asiad case the Supreme Court has clearly stated that if an industrialist is not able to pay minimum wages to workers then he has no right to run his industry. Under provisions 13 and 14 of the amended law there is a move to charge Rs.21,000 penalty from an industrialist not giving minimum wages to his worker. He said that that under no circumstances provision of criminal proceedings should be dropped.

2. In the pre and post independence era the labour organizations in the country fought for welfare of labourers due to which laws protecting labourers interests were made. But by amendments to these laws there will be exploitation of workers.

Provision of disposal of such cases only by charging few thousand rupees penalty means that Factory Law, Minimum Wages Law, Equal Wages Law, Contract Labour Act etc will become

useless and only for name sake. By ensuring that no criminal proceedings shall be initiated in case of violation the BJP government has provided free hand to industrialists to exploit workers. If such amendment is made it will create worse situation which was before setting up of ILO and during World War II.

3. In ID Act's provision 31-K in the column number 4 for waiving it is mentioned that for illegal strike no action would be initiated against the worker if he pays Rs.150 per day but not more than Rs. 3,000. This provision is to keep workers under constant fear so that they do not raise their voice against exploitation. This is move by the state government to destroy the labour organizations which had played an important role in freedom struggle and Mahagujarat movement.

4. The state government cannot take the authority to give financial relief to industrialists for violation of labour laws. This authority is with the Courts and no change is acceptable, he said.

5. Industrial accidents are increasing in the state. There are many harmful chemical industries in the state which pose health hazards to workers. Accidents are increasing and in such cases no criminal proceedings against the management would make industrialists shirk responsibility of safety of workers.

Citing the reasons for proposed amendments in labour laws the Labour Minister has said that it is to create balance in relations between workers and industrialists. But the amendments would destroy industrial peace in the state. Industrial development cannot be done at the cost of welfare of workers. If workers do not get justice they would be force to agitate.

He said that we must remember the fact that Industrial development of the country is due to the labour laws.

Before making any amendment to the law the state government must discuss it with all major labour organizations and the draft should also be put for discussion. Gohil said that the minister has also mentioned that this would give equal rights to workers and owners in the painful journey of development and productivity. There is no mention in the amendment about the powers given to labour organizations. There should not only be hefty compensation but also criminal action against management in cases endangering life of labourer. By making a

provision of payment of salary of 60 days while retrenching an employee permission has been given to retrench employees in establishments in 100 per cent EOU, SIR and NIMZ, he said.

Justifying the amendment it is said that self certification, audit, assessment and compounding of offenses will bring transparency and objectivity. Government has already experimented with self certification, it should table the results of this initiative before the House. We have to instill a sense of fear for the implementation of law. Passing of these amendments will be a black day for the labourers, he said

To,
The Editor,

Request to kindly publish this press note in your esteemed newspaper.

(Sunil Rami)
Personal Assistant