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From Director's Desk
Protecting the Unprotected

In the recent past, a lot of debate has taken place to formulate and design policy and programmes to protect the interests of the unorganised workers in the country. The unorganised workers are highly heterogeneous in terms of their occupations and activities they are engaged in and also in terms of their working and living conditions. While some sections of the unorganised workers are well off, the vast majority of them is highly disadvantaged. More often, they work in adverse conditions, and their remuneration is also sometimes abysmally low. This eventually exacerbates their poverty leading to low skill development opportunities, poor access to health services, social security measures and educational opportunities. All this has serious ramifications for both the society and the country.

In this backdrop, the Institute has been making various endeavours to create awareness about the problems encountered by different segments of the unorganised workers. The Institute is organising several programmes for various stakeholders to explore issues, identify problems and suggest appropriate measures for redressal of the problems of different categories of unorganised workers.

The current issue of the 'Indradhanush', highlights some of the issues and problems faced by the contract labour in the country. The issue also focuses on the problems of cine and television workers in the country. It is hoped that suggestions, which reflect the growing anxiety of the stakeholders, may help policy makers design policy and programmes which may alleviate the conditions of the unorganised workers in general and contract labour, and cine and television workers in particular.

V.P. Yajurvedi
Promotion of Labour Welfare & Social Dialogue

V. V. Giri National Labour Institute conducted a 5-day training programme for officers of the Central Labour Service, Ministry of Labour & Employment Government of India, on "Promotion of Labour Welfare & Social Dialogue" from 8th to 12th November, 2010 at Goa. The programme was attended by Deputy Labour Welfare Commissioners (C), Asstt. Labour Commissioners (C) and Asstt. Welfare Commissioners (C). The topics covered during the programme were functiong of JCM and Work & Committee, Contract Labour (R&A) Act, Duties of Welfare Office, CPWD Fair Wage Clause, BOCW (RE&CS) Act & BOCW Welfare Cess Act, ESI Act, Employees’ Compensation Act and MB Act, Making Conciliation Effective, Wage Laws, Inculcating Values, EPF Act, Factories Act and Emerging Trends in I.R.

Dr. Onkar Sharma, Fellow was the Course Director. The Programme was highly appreciated by the participants.


V. V. Giri National Labour Institute organised a five Day training programme for officers of the Central Labour Service, Ministry of Labour & Employment Government of India, on "Effective Implementation of Labour Welfare Fund Acts and Schemes" from 13th to 17th December, 2010, at Jodhpur. The programme was inaugurated by Shri V.P. Yajurvedi Director, V.V. Giri National Labour Institute. The programme was attended by Welfare Commissioners (C), Dy. Labour Welfare Commissioners (C), Asstt. Welfare Commissioners (C) and Labour Welfare Commissioners posted in various Central Government establishments. The topics covered during the programme were: Unorganized Workers’ Social Security Act, Effective Implementation of Welfare Schemes, Procedure of Assessment and Recovery of Cess, DFPR & Role of HOD and DDO, Conciliation and Mediation, Wage Laws & Social Security Laws, recent amendments in Labour Laws, Rashtriya Swasthya Bima Yojana and Inculcating Values.

Dr. Onkar Sharma, Fellow, was the Course Director. The programme was highly appreciated by the participants.
The seminar was organised on 27th January, 2011 at the Auditorium of the Western Regional Instrumentation Centre in Mumbai University Campus at Santacruz, Mumbai. More than 30 prominent persons having rich experience in the field of the trade union movement, production process (employers and their organisations), labour law implementation at the State and the central level and academicians participated in the Seminar.

The day’s proceedings were conducted under the chairmanship of Dr. Shanti Patel, a senior trade union leader and a prominent social activist. Dr. Onkar Sharma, Fellow, VVGNLI, opened the session by welcoming the participants and explaining the background of organising the seminar in Mumbai. Mr. Pravin Rao welcomed the participants on behalf of the ILRN.

In the introductory address Dr. Sharad I. Swant, Advisor, AILS, mentioned that contract labour has been prevalent in India for a very long time, due to various reasons and further added that with globalisation the competition in the product market has become quite fierce. The ‘flexibility’ relating to labour, capital and bureaucratic procedures became essential so as to adapt to the fast changing market scenario and to stay ahead in the competition. As a result, the industrial and other related policies were gradually getting reframed.

Dr. S.K.S. Sundaram, former Professor of SNDT University gave a brief overview of the present contract system as prevalent in India. In his presentation, he pointed out that contract labour is now present in all industries. Earlier, it was seen mainly in industrial sector, agriculture, and least of all in services. Now the barriers have broken, and contract labour is rampant in all sectors and occupations, among the high-skilled as well as low-skilled.

Dr. Onkar Sharma, briefly narrated the genesis of the Contract Labour (R&A) Act 1970 and presented the salient features of the Act. He spoke about the various court judgements that have impacted the working of the Act. He emphasized the fact that the liabilities towards contract labour are on the principal employer. Whether it is to do with EPF, Pension, ESI, the responsibility of depositing contribution, etc. is on the principal employer, though the amount can be recovered from the contractor. Lack of awareness of the provisions effective enforcement in the letter and spirit of the Act is the real problem, and not the Act by itself.

Mr. P.M. Mantri reiterated the sentiments expressed by Dr. Sharma, and said that fifty percent of problems would be over if the present laws are implemented effectively and awareness of the laws is created.

Following these presentations in the initial sessions each one of the participants presented their views on the adequacy or otherwise of the provisions of the Act in the present economic situation with worldwide competition and in the back-drop of the deteriorating working conditions across the economy.

Suggestions from Participants

- Contract labour will continue to be exploited as long as trade unions are not strong. On the other hand, it is difficult for trade unions to deal with the contract labour which is dispersed all over industries and occupations. A suggestion made based on the experience in the textile industry was that of the decasualisation scheme—this was officially valid procedure, though not a legal one. Similarly, an agency can be created by trade union/NGO, which will create a pool of workers (industry-wise), functioning like an employment exchange for the contract labour market.

- Employers should ensure that contract labour also have a system that gives them basic welfare facilities, as well as training for skill up-gradation. It has to be admitted that we do have a dearth of skilled workers.

- Entrepreneurs may consider an
’internal flexibility model’ for labour wherein employees are retained at a less working hours with commensurate wages in times of the slack season and further the labour is compensated by a suitable social security scheme that can be tied up with the government policies in this respect, till they can be given full-time work.

- Research has shown that contract labour is a phenomenon widely seen in mofussil areas, which is a practice followed by big industries when they shift out of metro cities. One way of managing contract labour would be to ensure that core labour be permanent, while non-core industries/occupations can be with contract labour. But this is to be defined amicably.
- There must be an exhaustive analysis of contract labour in industries, as it exists in every sector today—banking, teaching and service industries as well. A pressure group must be created to get trade union suggestions implemented.
- Contract workers have to be protected, but at the same time, organised workers job also needs to be protected.
- Contract labour must get benefits similar to permanent workers. They must be paid through cheques, and be provided with I-cards.
- At the earliest Contract Labour Act must be amended, e.g., Section 6, on constitution of board, Section 10, Section 2, etc. Section 10 should be amended to either go under Industrial Disputes Act or CL Act.
- There is a need for better regulations; just de-regulation will not serve any purpose. Improvements have to be effected in the present legislation.
- The need for abolition of contract labour be by making permanent. Without employment security there will not be any compliances with the statue.
- Outsourcing of labour—by definition, should also be included as being in the purview of Contract Labour Act.
- Situations differ from state to state. In A.P. changes to Contract Labour Act has been cleared, according to which, some activities were included in non-core sector. In garment manufacturing, in times of fulfilling urgent orders, contract labour is permitted in core functions as well. Similarly, in times of emergency, e.g., transport strike, etc. contract work will be allowed. It was noted that in Maharashtra, the Amendment to the Law was stalled before going to the assembly and is yet to be cleared.
- In the provision of basic amenities like water, sanitation, training for health and safety, there should be no difference between regular and contract workers.
- Many workers are also unaware of their rights; they have to be educated by the unions on those rights.
- Employer needs flexibility in the deployment of people, to meet the peaks and lows of the supply cycle. Some anomalies that take place in the process need to be corrected so as to ensure fair treatment to contract labour in the process.
- Some corpus must be created so that workers whose services are terminated, permanent or contract, can be retrained and re-employed.
- Boards like Dock Labour Board can be set up to regulate contract labour.
- In many laws, enforcement personnel include trade unions and/or NGOs, who are given powers to regulate the conditions, but have not used it. This aspect also needs to be kept in mind.

The programme was coordinated by

Dr. Onkar Sharma.

A view of the participants
The Workshop was held on 28th February, 2011 at the auditorium of the Western Regional Instrumentation Centre at Mumbai University Campus, Kalina, Mumbai. The workshop drew tremendous response from the cine workers trade unions, as 45 delegates attended the proceedings and took active part in the discussions.

The workshop was chaired by Dr. S.T. Sawant, Advisor and ex-Director of the Ambedkar Institute for Labour Studies. Dr. M.M. Rehman, Senior Fellow, VVGNLI, while welcoming the delegates stated that this is the 100th year of the Indian Film Industry. He also said that the Industry is the biggest university in the world. In his opening remarks Dr. Sawant said that media has the maximum impact on society, as it has the power to reflect on social conditions and bring about social change. Under the beauty and glitz of the film industry, lies a dark underbelly of truth, that of millions of workers who work behind the scenes and are denied their just dues and recognition. He exhorted the participants to speak out frankly, so that their voices get acknowledgement, and their grievances find redress.

Dr. Onkar Sharma provided an overview of the Indian cinema industry workers. He said that over 5 lakhs of workers are involved in the film industry in India, apart from the actors. 95% of them are unorganised workers who have no regular work and get no statutory benefits at all. This is a paradoxical situation, as there are 44 Central laws, of which 36 laws are applicable to film industry workers by the context/situation. However, due to the fact that the workers as well as their trade unions are unaware of this fact, they have not been able to avail benefits for their members.

Dr. Sawant stated that economic development depends on entertainment and education to a great extent, as human beings seek entertainment as a means of relaxation, and are willing to spend a good proportion of their income on it. Therefore, the amount of money spent on entertainment is set to grow along with the growth of the country’s economy, and as basic needs of people are met. According to official estimates, there are 70,000 workers in film industry; the number may be 5 lakhs unofficially. This is a huge number that needs to be highlighted for attention to the specific challenges facing them.

This was followed by an open discussion among the participants from which following comments and suggestions emerged:

- The medical reimbursement system is very bureaucratic, with the result that workers do not get the required benefit. The system has to be simplified and made more user-friendly.
- Medical reimbursement must be made immediately, and from any hospital. It was explained by the participants that shooting schedules take place at any location, and hence they always do not have the option of locating a ministry recognised hospital, nor are they financially sound enough to afford the medical treatment and claim reimbursement later.
- The process for getting an Identity Card is very cumbersome and long drawn one. The Associations with whom the workers are registered do their own due diligence before admitting their members. Therefore, a letter from the Association should be sufficient proof for the I-card to be issued automatically. The process should be simplified so that the members can avail of the services due to them without delay.
- With the advent of electronics, as well as the 10 pm deadline for performances,
musicians in the industry have become unemployed or under-employed. They have no job security or income security, and neither can they claim any kind of welfare or insurance benefits. Even in the income received from shows, 50% has to be given to the employer/contractor.

- Another issue that has been faced by musicians in the industry is the threat of HIV/AIDS, contracted by members when they go abroad on shows, etc. Private Medical Insurance is being availed of for musicians by the Musicians Federation of India, but they have no other source of assistance or support.

To this Mr More, Director CBWE, who was in the discussion at the time, announced that CBWE can conduct any number of training programme on HIV/AIDS awareness, free of cost. Pamphlets on the subjects can be provided free of cost, to the association for distribution to members. CBWE was willing to undertake programme on any subject of their choice, as a joint programme; even if they wished to conduct their own workshop for members, etc. hall/auditorium can be availed of free of cost from CBWE.

Dr. Onkar Sharma too explained the various schemes that can be availed of by the cine workers, such as the New Pension Scheme (Swalamban), Rashtriya Swasthya Bima Yojna, etc. Employees Provident Fund. Employees State Insurance Schemes and schemes framed under the Unorganised Workers Social Security Act. He clarified the issues raised by the participant on the concept 'industry' and, Contract Labour (R&A) and other labour laws.

- The union in Cinema industry has been in operation for the last 22 years. A survey was done by VVGNLI on the industry 15 years ago. Taxes are being collected from the industry. Yet, Government has still to recognise the cinema and television work as an industry, and give them their due status. Once this is achieved, everything else would become easier to deal with.


The programme was coordinated by Dr. M.M. Rehman, Senior Fellow and Professor S.T. Sawant, Adviser, AILS, Mumbai.
V.V. Giri National Labour Institute organized a two-days training programme on the ‘Role of Social Partners in Prevention of HIV/AIDS in the World of Work’ in collaboration with the Maharashtra Institute of Labour Studies during January 27-28, 2011 at the MILS campus. A total of 37 participants participated in the training programme. The training programme was coordinated by Dr. Ruma Ghosh, Fellow, VVGNLI.

The objectives of the training were (1) to enhance knowledge on the basic issues pertaining to HIV/AIDS such as magnitude, trends, transmission, tests and prevention; (2) Enable participants to understand the relevance of prevention of HIV/AIDS in the world of work and understand the components of prevention programme; (3) Discuss the National Policy on HIV/AIDS and the world of work and its relevance for workers.

The programme was inaugurated by Dr. Rajan Tungare, Director, Late Narayan Meghaji Lokhande Maharashtra Institute of Labour Studies, Mumbai in which he explained the relevance of sensitizing different social partners for prevention of HIV/AIDS. This was followed by a discussion on the relevance of prevention of HIV/AIDS among the workforce and government initiatives with special reference to the National Policy on HIV/AIDS and the world of work, was discussed in detail. The day ended with an interaction with Ms. Shabana, member of Maharashtra Network of Positive People, in order to highlight the stigma and discrimination faced by people living with HIV/AIDS (PLHAs).

On the second day, Dr. Dilip Deshmukh, Additional Project Director, Maharashtra State AIDS Control Society was invited to explain the different services of State AIDS Control Society. This was a very useful interaction, as it helped the participants to get information regarding the services provided by the government for diagnosis and treatment of HIV/AIDS free of cost. Following this session Mr. Kunal Endait of Lawyers Collective, Mumbai, explained the legal and ethical issues attached with HIV/AIDS and discussed several judgements given in favour of those discriminated because of HIV/AIDS, particularly at the workplace. As the participants of the training programme were mainly from the trade unions, therefore the last session was devoted to a presentation by Mr. Vinod Bhat of Nirman Mazdoor Sanghatan, Mumbai, in which the participants were explained as to how the trade unions can get involved in the prevention of HIV/AIDS.

The programme ended discussing the feedback of the participants and understanding their action plan.
## Training Programmes During January and February 2011

**January, 2011**

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<td>Leadership Development Programme for Rural Trade Union Leaders, January 03-07, 2011 <em>(Course Director: Dr. Anoop Satpathy)</em></td>
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<td>Training Programme on Gender Issues in Labour, January 10-14, 2010 <em>(Course Director: Dr. P.S. Chauhan)</em></td>
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<td>Mainstreaming Gender Equality in the World of Work: A Gender Perspective, January 17-20, 2011 <em>(Course Director: Dr. Shashi Bala)</em></td>
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## COLLABORATIVE PROGRAMME

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<td>16</td>
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HEALTH ISSUES PROGRAMMES

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<td>12</td>
<td>Sensitisation Programme on Prevention of HIV/AIDS in the World of Work for Ministry of Labour &amp; Employment February 04, 2011 <em>(Course Director: Dr. Ruma Ghosh)</em></td>
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COLLABORATIVE PROGRAMMES

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<td>13</td>
<td>Developing Social Security (WBSLI) February 24-25, 2011 <em>(Course Director: Dr. M.M. Rehman)</em></td>
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Other Professional Engagements of Director & Faculty

**Shri V.P. Yajurvedi, Director**

- Attended the 43rd Session of Indian Labour Conference on November 23-24, 2010, inaugurated by Hon’ble Prime Minister of India.
- Attended a meeting of the Project Monitoring Committee of HIV/AIDS in the Ministry of Labour and Employment.
- Attended a Meeting of the Parliamentary Consultative Committee on Rashtriya Swasthya Bima Yojana at Parliament Annexe on December 8, 2010.
- Attended a workshop on: Global Clusters Experience-Sharing, held at India Habitat Centre, New Delhi, on December 14, 2010.
- Attended a meeting of Trade Committee to discuss the syllabus and implementation strategy of employability skills on December 24, 2010, held at MOLE.

**Shri Otojit Kshetrimayum, Associate Fellow**

- Presented a paper on "Women as "Business": Reading Images of Women in Advertisements" in the two days Seminar on "Partrayal of Women in Contemporary Media: A curse Or A Boon" organised by Bhim Rao Ambedkar College, University of Delhi on 24th and 25th January 2011.
Over the years the unorganized sector has become the important focus of research and discussion by various commissions and committees. The studies have projected the plight of the workers and suggested measures to improve their conditions; and provide them protection. The unorganized sector workers suffer from various problems like seasonality of employment, lack of formal employer employee relationship and lack from social security protection. The enforcement machinery is working under the pressure and trade unions have little knowledge about the applicability of various laws to the unorganized sector. This adds to further deteriorating conditions of the unorganized workers. In this backdrop, Ambekar Institute of Labour Studies, Mumbai, in collaboration with V.V. Giri National Labour Institute, NOIDA, organised a two day workshop for the middle level trade union activists on January 27-28, 2011. A total 33 delegates participated in the programme.

In this workshop an effort was made to identify major problems which the unorganised workers face. The following problems emerged from the discussion:

- Wage discrimination, lower wages than the minimum wage.
- Lack of social safety net, fringe benefits and no welfare facilities.
- Duty hours are not fixed and working hours are long (10 to 12 hours).
- No proper care is taken on health and safety of the workers at workplace. Work they mostly in unhygienic conditions.
- No fixed weekly holiday/rest day.
- Absence of job guarantee.
- No remuneration for overtime work.
- No medical facilities at workplace.
- No maternity leave for women workers.
- Existence of child labour.
- Wages are not paid in time.

Eminent guest academicians and trade union leaders, namely Dr. Vibhuti Patel, Head of Dept. of Economics, SNDT Women’s university, Mr. P.R. Kinare, President Hind Mazdoor Sabha and others interacted with the delegates.

The last session was devoted to formulating strategies for organising the unorganised. Mr. G.B. Gawde, conducted this session. He said that workers education plays an important role in the success of the trade union movement. Therefore, the trade unions should take interest in educating their members and create training infrastructures for the same. He further said that team work is also essential in trade union functioning. He said it is not possible to find the solution to every problem within the boundaries. Sometimes the solutions are available outside the boundaries. The use of games and quiz made in this session created interest in the participants and they actively participated in the session.

The chief guests in the valedictory session included Dr. S.T. Sawant, Advisor of the AILS. Dr. M.M. Rehman and Dr. Onkar Sharma of VVGNLI. Mr. G.B. Gawde (AILS) and Dr. Poonam S. Chauhan (VVGNLI) were the course directors.

 Readers are requested to send their comments and suggestions on the materials published in the Indradhanush. The comments and suggestions will be highly appreciated and be published in the news letter.

 – Editor-in-Chief
V. V. Giri National Labour Institute organised an International Training Programme on Research Methods on Labour Studies under the auspices of the ITEC/SCAAP Scheme of the Ministry of External Affairs, during February 7-25, 2011 at the Institute's Campus. The programme was attended by 28 researchers and policy makers dealing with labour and related issues from 20 countries, namely, Afghanistan, Armenia, Botswana, Bulgaria, Brazil, Bangladesh, Ecuador, Indonesia, Kenya, Kazakhstan, Kyrgyzstan, Myanmar, Mongolia, Malawi, Nepal, Nigeria, Sudan, Vietnam, Uzbekistan and Zimbabwe.

The specific objectives of the programme were: (i) Understand various concepts and theories related to labour; (ii) Provide an overview of the labour scenario of the world in general and developing countries in particular; (iii) Obtain deeper understanding of the emerging issues in employment and labour in the context of globalization, (iv) Understand and apply various research methods and techniques relevant to labour studies; and (v) Acquire knowledge about different sources of data on labour.

The programme was inaugurated by Prof. Ravi Srivastava, Jawaharlal Nehru University. Dr. Ashok Sahu, Principal Advisor Advisor, Planning Commission delivered the Valedictory Address and presented the certificates to the participants. Dr. S.K. Sasikumar, Senior Fellow was the Course Director.

Films and Television Workers

The Film Studios Setting and Allied Majdoor Union organised a programme for its members on January 26, 2011. In this programme faculty members, namely, Dr. Poonam S. Chauhan, Dr. Ruma Ghosh, Dr. Onkar Sharma and Dr. M.M. Rehman were present. Dr. Onkar Sharma addressed the memebers of the union and expressed that films and television workers require social security protection like the organised sector workers. He also provided an overview of social security programmes which are available for cine workers at present and said that awareness on the part of the workers is a pre-requisite for availing benefit from different programme.