

INDIA (2000-2017)¹

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING

REPORTING	Fulfillment of Government's reporting obligations	YES , since the start of the Annual Reviews (ARs) in 2000, but no change reports in 2009, 2011 and 2015 ARs.
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the employers' (the All India Association of Industries (AIAI), the PHD Chambers of Commerce and Industries (PHDCCI), the Council of Indian Employers (CIE); the Employers' Federation of India (EFI); the All India Organisation of Employers (AIOE); the Standing Conference of Public Enterprises (SCOPE); the All India Manufacturers' Organisation - Lagdhu Udyog Bharati (AIMO)) and workers' organizations (Bharatiya Mazdoor Sangh (BMS); the Indian National Trade Union Congress (INTUC); the Centre of Indian Trade Unions (CITU); Hind Mazdoor Sabha (HMS); the All India Trade Union Congress (AITUC); Labour Progressive Union (LPF); and National Front of Indian Trade Unions (NFTI)) through communication of the Government's reports.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	<p>2015 AR: Observations by the CIE.</p> <p>2014 AR: Observations by the CIE.</p> <p>2012 AR: Observations by the CIE. Observations by the SCOPE.</p> <p>2011 AR: Observations by the AIOE and the CIE.</p> <p>2010 AR: Observations by the PHDCCI.</p> <p>2009 AR: Observation by the AIAI. Observation by the PHDCCI.</p> <p>2008 AR: Observations by the CIE comprised of 81 federations.</p> <p>2007 AR: Observations by the AIMO.</p> <p>2003 AR: Observations by the AIMO.</p>
	Workers' organizations	<p>2015 AR: Observations by the CITU.</p> <p>2014 AR: Observations by the BMS.</p> <p>2013 AR: Observations by the AITUC. Observations by the INTUC Observations by the LPF.</p> <p>2012 AR: Observations by the BMS. Observations by the CITU.</p> <p>2011 AR: Observations by the INTUC.</p> <p>2010 AR: Observations by the INTUC.</p> <p>2009 AR: Observations by the INTUC. Observations by the International Trade Union Confederation (ITUC).</p> <p>2008 AR: Observations by the AITUC. Observations by the BMS.</p>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>.

		<p>Observations by the ITUC.</p> <p>2007 AR: Observations by the AITUC. Observations by the HMS. Observations by the INTUC. Observations by the International Confederation of Free Trade Unions (ICFTU).</p> <p>2006 AR: Observations by the ICFTU.</p> <p>2005 AR: Observations by the AITUC. Observations by the ICFTU. Observation by the HMS.</p> <p>2004 AR: Observations by the AITUC. Observations by the HMS. Observations by the ICFTU.</p> <p>2003 AR: Observations by the AITUC. Observations by the HMS. Observations by the ICFTU.</p> <p>2002 AR: Observations by the ICFTU.</p> <p>2001 AR: Observations by the ICFTU.</p>	
<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Ratification</p>	<p>Ratification status</p>	<p>India has ratified neither the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (C.87), nor the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (C.98).</p>

		<p>Ratification intention</p>	<p>Unable to ratify C.87 and C.98 at the current stage. However, according to the Government: national laws are moving towards ratification of C.87 and C.98 and tripartite consultations and negotiations are taking place on this issue.</p> <p>2016 - 2017 AR: The Government reported that there is “no change” in its basic policy in relation to the ratification of C.87 and C.98 and reiterated that ratification is possible only when national laws and practices are in full compliance with the provisions of the Conventions.</p> <p>2015 AR: According to the Government: The Government reiterated the statement it made under the previous review.</p> <p>CIE reiterated its support for the ratification of C.87 and C.98.</p> <p>According to the CITU there is no political will to ratify C.87 and C.98.</p> <p>2014 AR: According to the Government: The Government remains unable to ratify C.87 and C.98 as national laws and practices are yet to be harmonized with the provisions of the conventions.</p> <p>The CIE expressed its support for the ratification of C.87 and C.98.</p> <p>According to the BMS: Ratification of C.87 and C.98 is expected to be finalized in 2014, but the upcoming elections may cause delay.</p> <p>2013 AR: According to the Government: No change has taken place in the Government’s policy in relation to C.87 and C.98 over the last year. The Government of India applies the principle of ratifying an ILO Convention only when national legislation and practices are in full compliance with the provisions of the Convention. Therefore, ratification of C.87 and C.98 is not possible at the current stage.</p> <p>The AITUC, INTUC and LPF expressed their full support for the ratification of all core Conventions, including C.87 and C.98 as the principle and right (PR) is already provided for in the Constitution and national legislation.</p> <p>2012 AR: According to the Government: National laws are moving towards ratification of C.87 and C.98 and tripartite consultations and negotiations are taking place on this issue.</p> <p>The CIE expressed its support for this ratification, adding that there were provisions for freedom of association and effective recognition of the right to collective bargaining in the Indian Constitution, such as: (i) the Trade Union Act (1926) which recognizes that 7 per cent of the workforce in an enterprise can form a trade union; and (ii) the Industrial Dispute Act (1947) which recognizes collective bargaining (sections 12&18).</p> <p>According to the SCOPE: Freedom of association and recognition of the right to collective bargaining are already provided for by the Indian Constitution.</p>
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	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES. Under article 19(1)(c), the 1950 Constitution provides that: “All citizens have the right to form associations or unions”.	
		Policy/Legislation and/or regulations	<ul style="list-style-type: none"> ▪ Policy: 2015 AR: According to the Government: The 2013-2017 Decent Work Country Programme (DWCP) contains the intention to ratify C. 87 and C. 98. • Legislation: 2012 AR: The National Rural Employment Guarantee Act 2006. 2000-2005 ARs: The Trade Unions Act, 1926, allows industrial workers to form trade unions. The Industrial Disputes Act, 1947, recognizes agreements between employers and workers. 2002 AR: The Trade Unions Act was amended in 2002 to authorize a trade union to register only if there is a minimum of 100 members or 10 per cent of the workforce, subject to a minimum of 7 workers members, whichever is less, per establishment or industry. 	
		Basic legal provisions	(i) The 1950 Constitution, article 19(1)(c); (ii) the 2002 Trade Unions Act, 2002; (iii) the Trade Unions Act, 1926; and (iv) the Industrial Disputes Act, 1947.	
		Judicial decisions	<p>2012 AR: According to the BMS: Trade union rights are being challenged by the Government. There is a new Supreme Court decision prohibiting strike.</p> <p>2000 AR: According to the Government: The highest courts of India and the courts have upheld the constitutionality and reasonableness of the restrictions imposed on freedom of association for government officials.</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Employers	<p>2012 AR: According to CIE: There are 35 Tripartite Committees in India that negotiate on various levels since 1942.</p> <p>2003 AR: Government authorization/approval is not required to establish an employers’ organization, or to conclude collective agreements. Freedom of association and the right to collective bargaining can be exercised at enterprise, sector/industry, national and international levels by all categories of employers. However, there is as yet no central law that enables trade unions a regular recognition, but many state governments have enacted such laws, in the context of the multiplicity of trade unions or for the purpose of collective bargaining.</p>

			<p>For Workers</p>	<p>2006 AR: According to the Government: The workers in India enjoy the rights and protection envisaged under C.87 and C.98.</p> <p>However, government servants are treated as a separate category and they have an exceptionally high degree of job security flowing from article 311 of the Constitution. However, they are not allowed to form trade unions.</p> <p>2003 AR: Government authorization/approval is not required to establish a workers' organization, or to conclude collective agreements.</p> <p>Freedom of association and the right to collective bargaining can be exercised at enterprise, sector/industry, national and international levels by the following categories of persons: medical professionals; teachers; agricultural workers; workers engaged in domestic work; workers in export processing zones (EPZs) or enterprises/industries with EPZ status; migrant workers; workers of all ages; and workers in the informal economy.</p> <p>However, persons employed in the armed forces, paramilitary forces, police service and prison, cannot exercise this principle and right (PR). Nonetheless, there is as yet no central law that enables trade unions a regular recognition, but many state governments have enacted such laws, in the context of the multiplicity of trade unions or for the purpose of collective bargaining.</p>
			<p>Special attention to particular situations</p>	<p>2014 AR: The BMS expressed its intention to give special attention to ensuring realization of the PR in rural areas.</p>
			<p>Information/ Data collection and dissemination</p>	<p>2003 AR: According to the Government: Data are available on the number and membership of registered employers' and workers' organizations (not disaggregated by sex), and on the numbers of disputes received</p>

				by, disposed of and or pending before the Industrial Tribunals.
	Monitoring, enforcement and sanctions mechanisms	<p>2011 AR: According to the AIOE and the CIE: Freedom of association is a fundamental right enshrined in the Constitution and fully enjoyed in India.</p> <p>2006 AR: According to the Government: Government servants have the facility of negotiation machinery under the Joint Consultative Machinery and Administrative Tribunals for the recovery of their grievances.</p> <p>2003-2005 ARs: According to the Government: The following measures have been implemented or are envisaged to promote the PR: (i) legal reform; (ii) inspection/monitoring mechanisms; (iii) penal sanctions; (iv) civil or administrative sanctions; and (v) special institutional machinery.</p> <p>2001 AR: According to the Government: A joint team, comprising State Labour Departments, the Central Government’s Labour Ministry and representatives of trade unions of the EPZs, has been inspecting the industrial units in EPZs regularly to assess and improve the conditions of workers. A special task force and crash programmes of inspection have been established by the Government to implement the labour laws in the unorganized sectors.</p> <p>2000 AR: According to the Government: The legislation provides for dispute settlements before conciliation officers.</p>		
	Involvement of the social partners	<p>2014 AR: The BMS indicated that tripartite meetings were held on a regular basis.</p> <p>2012 AR: The Government mentioned employers’ and workers’ organizations involvement through the social security tripartite system.</p> <p>2009 AR: The INTUC mentioned that it had concluded bipartite and tripartite agreements with key stakeholders.</p> <p>2005 AR: According to the Government: A meeting of the tripartite Indian Labour Conference was convened in October 2003.</p> <p>2003 AR: According to the Government: A meeting of the tripartite Standing Labour Committee (SLC) was convened in May 2002.</p>		
	Promotional activities	<p>2014 AR: According to the BMS: Promotional activities, including awareness raising campaigns and tripartite meetings are conducted on a regular basis with a view to move forward in the ratification process of C.87 and C.98. The efforts typically target the South Asian regional level aiming at reaching a comprehensive regional approach towards realizing the FPRW.</p> <p>2013 AR: The AITUC mentioned that it had organized seminars and workshops on the fundamental principles and rights at work (FPRW) including C.87 and C.98 along with other trade unions.</p> <p>2012 AR: According to the Government: There is training, monitoring, inspection and promotion of tripartite dialogue.</p> <p>The BMS indicated that it was planning to organise a rally in Delhi on July 26, 2011, before Parliament for the recognition of trade unions rights (strike, pension).</p> <p>The CITU stated that it had organized independent and joint activities with other central trade unions and also with the ILO to promote freedom of association and the right collective bargaining and ratification of C.87 and C.98 by India.</p> <p>2009 AR: The PHDCCI indicated that it had strengthened the capacity of its members through newsletters and publications.</p> <p>2008 AR: The CIE indicated that it had been organizing regional tripartite consultations on the Declaration Follow-up since 2003.</p> <p>2003 and 2005 ARs: According to the Government: The following measures have been implemented or are envisaged to promote the PR:</p>		

		<p>(i) capacity building of responsible government officials; and (ii) capacity building for employers' and workers' organizations.</p> <p>2000 AR: According to the Government: Efforts are underway to educate and motivate employers and workers to have a collective approach to dispute settlements and differences.</p>	
	Special initiatives/Progress	<p>2013 AR: According to the AITUC, INTUC, LPF: A tripartite watchdog committee meets every six months to discuss the implementation, promotion and ratifications of ILO core Conventions, including C.87 and C.98.</p> <p>2012 AR: The Government indicated that tripartite consultations and negotiations were taking place concerning ratification of C.87 and C.98.</p> <p>According to the BMS: All sectors and national level confederations (civil servants, GENC-Central Government and State Government Employees) affiliated to the BMS are being organized.</p> <p>2003 AR: According to the Government: In the coal industry, subsequently to a strike notice given by many representatives of the CTUOs, the conciliation machinery invited the trade unions for conciliatory talks. A settlement was reached and the strike was averted.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2014–2015 ARs: According to the CIE: Major challenges exist in ensuring enforcement of legislation related to the PR.</p> <p>2012 AR: According to the SCOPE: The main challenge in ratifying C.87 and C.98 is that the conventions are not suitable for all regions as they do not transcend to the local practices in labour relations in some parts of the country.</p> <p>2010 AR: According to the PHDCCI: There is a challenge to implement the PR in the army.</p> <p>2008 AR: According to the CIE: About 90 per cent of workers are in the informal economy and need to be organized and integrated in the formal economy.</p> <p>2003 AR: According to the AIMO: The establishment of an employers' organization is subject to the Labour Department's scrutiny.</p>

		<p>Workers' organizations</p>	<p>2015 AR: CITU indicated that there were no measures taken by the Government in order to move forward in ratification process. It further mentioned that the main challenge is how to raise awareness of the Government and employers on the country's legal gaps relating to the PR,</p> <p>2014 AR: According to the BMS: The main challenge hampering the realization of the PR is lack of law enforcement.</p> <p>2013 AR: According to the AITUC, the INTUC and the LPF: Trade unions' rights are facing many setbacks. The PR is not respected and implemented by local governments despite the central Government's recommendations. Some workers' organizations linked with political parties prevent unions from efficiently protecting workers' right in the country. In addition, there is a substantive lack of social dialogue and tripartism in the country.</p> <p>2012 AR: According to the BMS: Trade union rights are being challenged by the Government. There is a new Supreme Court decision prohibiting strike, and the Government has indicated that it is planning to take back pension rights with a Bill pending before Parliament.</p> <p>According to the CITU: Most of the multinational companies that recently have been established in India do not follow national laws, or the Trade Union Act (1926). Since there are no laws for mandatory recognition of trade unions, these companies are able to deny trade union rights. The CITU has therefore demanded for trade union recognition to be made compulsory throughout the country. Although some states, such as West Bengal and Kerala, have laws for trade union recognition, this is not the case for major industrial states like Gujarat, Haryana, Punjab and Karnataka.</p> <p>2010 AR: The INTUC reiterated the same challenges it mentioned under the 2009 AR and added that more social dialogue would be needed between the tripartite partners in India.</p> <p>2009 AR: According to the INTUC: The armed forces, the police officials and the teachers were not allowed to participate in trade union activities.</p> <p>The ITUC reiterated most of the challenges it mentioned under the 2008 ARs, and added that: (i) there are moves to exempt export processing zones (EPZs) from the application of labour laws, and some states, such as Andhra Pradesh, have even dissuaded labour departments from conducting inspections in these zones; and (ii) in the Santacruz Electronics Export Processing Zone (SEEPZ) near Mumbai, 90 per cent of the workers are women who are generally young and too frightened to form unions.</p> <p>2008 AR: According to the AITUC: The main difficulty lies in the informal economy and poverty is still the prevailing problem in India.</p> <p>The ITUC reiterated the same challenges mentioned under the 2007 AR. It added that barriers to the</p>
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		<p>Workers’ organizations</p>	<p>2006 and 2007 ARs: The ICFTU reiterated the challenges it raised in its earlier observations: (i) concerning freedom of association, there are legal and practical barriers to the setting-up of trade unions (informal economy, agricultural sector...) and strong restrictions on the right to strike (especially in Tamil Nadu), which is forbidden to government employees following a High Court Ruling; (ii) concerning the right to collective bargaining, there is no legal obligation for an employer to recognize a union or engage in collective bargaining. In the absence of a statutory right to collective bargaining, employers are frequently reluctant to negotiate, and in particular refuse to negotiate with the unions of the workers’ choice. Many restrictions on the exercise of this right are imposed in the public service, the construction and ship breaking industries and Export-Processing Zones (EPZs).</p> <p>2005 AR: According to the ICFTU: Severe restrictions on trade union rights exist in the construction and ship-breaking industries. In the State of Tamil Nadu, a large number of public services are included in the legislative definition of “essential services”, hence severely limiting the right to strike.</p> <p>2003 and 2005 ARs: According to the ICFTU: (i) trade unions experience considerable challenges in organizing the vast majority of workers (93 per cent) that operate in the informal economy; (ii) particular problems exist among workers in the public sector, millions of home-based workers (especially women) and among workers in Export-Processing Zones (EPZs); tea plantations and in the State of Sikkim; (iii) trade unions are pressured to enter into 10-year collective agreements, rather than the usual 5 years; and (iv) many labour disputes are unresolved.</p> <p>2003 AR: According to the HMS: (i) the right to collective bargaining does not exist, in practice in the informal economy where the relationships between employer and worker is difficult and where only individual bargaining exists; (ii) EPZs are exempted from labour laws; (iii) in practice, workers in EPZs do not enjoy the right to organize and to bargain collectively.</p> <p>2003 AR: According to the AITUC: The main difficulties encountered in the realization of the PR are: (i) lack of public awareness/support; (ii) social and economic circumstances; (iii) legal provisions in some cases; (iv) prevailing employment practices; (v) lack of capacity of employers’ and workers’ organizations and (vi) lack of social dialogue on this PR. The AITUC further observes that certain States (e.g. Tamil Nadu and Kerala) have enacted legislation to prohibit strikes by government employees.</p>
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	<p>According to the Government</p>	<p>2015 AR: The two major acts on Trade Unions and Industrial Disputes are in many aspects in compliance with the Conventions, however further clarification is needed.</p> <p>2012 AR: The Government indicated that resources and sustainability are the main concerns towards ratification of C.87 and C.98.</p> <p>2009 AR: In response to the ITUC’s observations, the Government indicated in particular that in India: (i) under the Trade Union Act, 1926, workers are free to form and join unions; (ii) given that many of the central trade unions have affiliation/sympathy for particular political party, some reasonable restrictions have been imposed to civil servants to ensure impartiality and political neutrality; (iii) if an employer refuses to recognize a particular union, a tripartite State Evaluation and Implementation Committee can, through assessment and verification of records, recommend to that employer to recognize the said union or one of the unions; (iv) the amendment of 2001 to the Trade Union Act, 1926, was brought about to reduce multiplicity of trade unions, orderly growth of trade unions and to promote industrial democracy and collective bargaining; (v) the right to strike is dealt with in section 22 of the Industrial Dispute Act, 1947; (vi) explanation and application of the Essential Services Maintenance Act (ESMA) varies from state to state in accordance with the government deliberate flexibility for application based on the needs to maintain basic minimum public services by states and maintain public order; (vii) the Supreme Court of India has further ruled in favour of the provisions of the Central Civil Services (Conduct) Rules, 1964, that prohibit the government servants from resorting to strike; (viii) the Trade Union Act, 1926, has not been extended to the State of Sikkim despite that Union Government has consistently impressed upon the State of Sikkim to make provision for the application of this Act. The State Government of Sikkim has expressed its inability in extending and enforcing the Trade Union Act, 1926, for the time being keeping in view the present level of industrial and economic growth of the State that is still industrially backward and at early stage of industrial development with only a few industrial establishments – which makes it superfluous at this stage to extend and enforce of all the labour laws at a time. However, the Union Government is constant dialogue with the State Government of Sikkim in this regard; (ix) The Government has been making efforts to ensure the enhanced bargaining power to the workers in the informal economy by encouraging the formation of cooperatives, and excellent examples exist such as the Self-Employed Women’s Association (SEWA) that participates in all tripartite national level meetings; (x) in certain instances, the ITUC’s observations concerning employers hostile to trade union membership, formation or activities may be true. However, as and when such incidents are reported, appropriate action as per the provisions of the criminal and labour laws, is taken; and (xi) concerning EPZs, the Special Economic Zones (SEZs) Act, 2005, provides for the simplification of procedures with objectives to attract investment, generation of economic activities, promotion of exports and creates more employment opportunities. However, it does not preclude the applicability of labour laws in SEZs. Rather, section 49(1), which deals with the power to modify different Acts, specially states that such modifications should not apply to the matters related to trade unions, industrial relations and labour disputes and welfare of labour applicable in any SEZs.</p> <p>2006 AR: According to the Government: Unionization of government servants in India, as provided for in the Conventions, is not possible because of the highly politicized trade union system of the country.</p> <p>2005 AR: According to the Government: The main difficulties encountered in realizing the PR in India are as follows: (i) lack of public awareness and/or support; (ii) lack of data; social and economic circumstances; (iii) political situation; (iv) prevailing employment practices and (v) lack of capacity of employers’ and workers’ organizations.</p>
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		<p>In response to the ICFTU’s observations, the Government made the following comments: (i) the unions agreed to a ten-year collective agreement because the terms were beneficial to them; (ii) increasing number of cases reflects the transparent nature of the labour dispute settlement system and efforts are being made to avoid delay in backlog of unresolved cases in the specialized labour courts; (iii) the amended 2001 Trade Union Act provides that a union has to represent a minimum of hundred (100) workers or ten (10) per cent of the workforce in order to be registered, which is quite reasonable in the Indian context; (iv) the Government is currently carrying out a proposal for the amendment of the 1970 Contract Labour (Regulation and Abolition) Act; (v) the law on trade unions does not apply in the State of Sikkim; (vi) there is no restriction on the Export-Processing Zones (EPZs)/Special Economic Zones (SEZs), which are considered as essential services by certain State government; (vii) the right to strike is defined under the 1981 Essential Services Maintenance Act (ESMA); (vi) registered trade unions are recognized under the Code of Discipline; (vii) the Government appreciates the ICFTU’s conclusion that India has a reasonable record of trade union rights in the formal economy and that trade unions can generally operate in a non-hostile environment.</p> <p>2000 and 2003 ARs: In response to the ICFTU’s observations, the Government made the following comments: (i) the 1950 Constitution (article 19 (1)), the national laws and practices are by and large in conformity with ILO Convention No. 87 and No. 98; (ii) however, India could not ratify these two Conventions due to a problem of a “technical nature” related to restrictions on the rights of freedom of association and collective bargaining for government officials.</p>
<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2015 – 2017 AR: According to the Government: there are specific technical assistance requests to further discuss and clarify the issue of compliance between national laws and certain provisions of C.87 and C.98.</p> <p>According to the CIE: ILO technical cooperation is needed to promote social dialogue and support tripartite discussions on the ratification of C.87 and C.98.</p> <p>According to the CITU, there is a need for technical assistance from ILO in supporting awareness-raising campaigns and organizing workshops at provincial and regional levels.</p> <p>2014 AR: According to the CIE: ILO technical cooperation is needed to promote social dialogue and support tripartite discussions on the ratification of C.87 and C.98.</p> <p>According to the BMS: ILO technical cooperation is requested to: (i) conduct a study on the role of multinational companies in the ratification process of C.87 and C.98, as they are suspected to hamper the ratification process; and (ii) support the BMS’s efforts to realize the FPRW in rural areas.</p> <p>2013 AR: According to the AITUC, INTUC and LPF: ILO’s technical assistance is requested to promote the PR in the country through awareness-raising campaigns, dissemination of information on the core Conventions in local languages and strengthening social dialogue in the country. For the sake of efficiency, this assistance should be provided directly to workers’ organizations without using government institutions.</p> <p>2012 AR: According to the Government: There is a need for ILO to develop in house capacities (monitoring, training, inspections, etc.).</p> <p>According to the BMS: There is a need for ILO technical cooperation to facilitate the realization of freedom of association and effective recognition of the right to collective bargaining in India, in particular in the following</p>

		<p>areas: awareness-raising; sharing experiences across countries/regions and training.</p> <p>The CITU requested ILO technical assistance to support its campaign for ratification of C.87 and C.98 and for the establishment of mandatory recognition of trade unions in India.</p> <p>2009 AR: According to the INTUC: ILO’s technical cooperation is requested to promote the PR in the country.</p> <p>2008 AR: According to the CIE: ILO technical cooperation is required for the integration of workers from the informal economy to the organized economy.</p> <p>The AITUC requested ILO assistance to fight against poverty.</p> <p>The BMS stated that a country assessment was needed on the Declaration Follow-up.</p> <p>2007 AR: According to the AITUC: ILO technical cooperation is required in cooperation with the Government with a view to strengthen the capacity building of the government and the employers’ and workers’ organizations in promoting and realizing the PR, rather than supporting the NGOs.</p>
		<p>2005 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of this PR in India, in particular in the following areas in order of priority: (i) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; sharing of experiences across countries/regions; capacity building of responsible government institutions; training of other officials (police, judiciary, social workers, teachers); strengthening tripartite social dialogue; training of officials dealing with labour law enforcement/administrative; (ii) strengthening capacity of workers’ and employers’ organizations; legal reform (labour law and other relevant legislation); awareness-raising/advocacy activities and legal literacy and (iii) strengthening data collection and capacity for statistical analysis.</p> <p>2000 AR: In response to the ICFTU’s observations, the Government made the following comments: (i) agricultural and contractual workers have the right to organize and bargain collectively in India; (ii) however, there are major obstacles as to their effective unionization due to the fact that most operate in the informal economy; (iii) the Labour Laws neither make any distinction between Export-Processing Zones (EPZs) and other areas nor between workers in these zones and other sectors.</p>
	Offer	NIL.
<p>EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) were concerned that the Government of India (and three other governments) had indicated the current impossibility to ratify C.87 and C.98 without further justification. They encouraged the Government of India to (and some other governments) to initiate the necessary labour law reforms to remove the obstacles to the ratification of these two Conventions. They also noted that restrictions on the right to organize of certain categories of workers in India (and some other countries), such as workers in the public service and workers in the informal economy, were not compatible with the realization of this principle and right (cf. paragraphs 29, 32 and 38 of the 2003 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs listed India among the four countries in which 52 per cent of the total labour force of ILO member States live and which have not yet ratified C.87 and C.98. This leaves many millions of workers and employers without the protection offered by these instruments in international law, even if the governments concerned may consider that their law and practice are sufficient. Furthermore, the IDEAs observed that with a view to giving full effect to this principle and right, the Government should be able to offer to all workers the opportunity to exercise their rights, and not have restrictions on the right to organize for workers in the public service (cf. paragraphs 32 and 37 of the 2003 Annual Review Introduction – ILO: GB.298/3).</p> <p>2005 AR: The IDEAs listed India among the countries where some efforts were being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive,</p>	

	<p>enforcement and sanctions mechanisms and/or ratification (cf. paragraph 13 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2003 AR: The IDEAs were encouraged to see the Government of India pointing out the needs in this country to strengthen the capacity building of workers’ and employers’ organizations and that it turned to the ILO for help. In light of requests by India for ILO cooperation in assessing the difficulties and implications for realizing the principle and right, they called upon the Governing Body to request that high-level contacts be made straight away between the Office and two or three countries not yet served by ILO technical projects in this field (cf. paragraphs 73 and 74 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2015 AR: At its March 2014 Session, the Governing Body invited the Director-General to: (a) take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work; and (b) take account of this goal in the Office’s resource mobilization initiatives.</p> <p>2013 AR: At its November 2012 Session, the Governing Body requested the Director-General to take full account of the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-2016) and allocate the necessary resources for its implementation. This plan of action is anchored in the universal nature of the fundamental principles and rights at work (FPRW), their inseparable, interrelated and mutually reinforcing qualities and the reaffirmation of their particular importance, both as human rights and enabling conditions. It reflects an integrated approach, which addresses both the linkages among the categories of FPRW and between them, and the other ILO strategic objectives in order to enhance their synergy, efficiency and impact. In this regard, freedom of association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives.</p> <p>2011 AR: At its March 2010 Session, the Governing Body decided that the recurrent item on the agenda of the 101st Session (2012) of the International Labour Conference should address the ILO strategic objective of promoting and realizing fundamental principles and rights.</p> <p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2013 AR: In June 2012, following the recurrent item discussion on fundamental principles and rights at work, under the ILO declaration on Social Justice for a Fair Globalization, 2008 and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the International Labour Conference adopted the Resolution concerning the recurrent discussion on fundamental principles and rights at work. This resolution includes a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012-16. It calls for the Director- General to prepare a plan of action incorporating the priorities laid out in this framework for action for the consideration of the Governing Body at its 316th Session in November 2012.</p> <p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>