

**GOVERNMENT OF INDIA**  
**MINISTRY OF COMMUNICATION AND INFORMATION TECHNOLOGY**  
**RAJYA SABHA**  
**QUESTION NO 18.11.2010**  
**ANSWERED ON**  
**IT ENGINEERS IN IT COMPANIES**

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Shri Rama Chandra Khuntia

Will the Minister of COMMUNICATION AND INFORMATION TECHNOLOGY be pleased to state :-

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(a) whether Government is aware of the fact that IT Engineers working in different IT Companies are working more than twelve hours in a day and not getting the increment every year although IT companies are earning more profit and getting all support and co-operation from Government;

(b) whether IT Engineers, MBA Professionals have the right to form unions or Associations; and

(c) if not, the reasons therefor?

**ANSWER**

MINISTER OF STATE FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY

(SHRI SACHIN PILOT)

(a): The labour legislations pertaining to working hours, leave holidays, overtime wages, night shifts etc. in the IT sector are largely governed by State Legislations. As such, State Governments are the appropriate Government under labour laws and legally vested with power to deal with violations of labour laws in the IT industry. In case, specific complaints are received, the matter will be taken up with the appropriate authority. As per the National Association of Software and Services Companies (NASSCOM), no specific instance, either from employees or from employers, has been brought to the notice. Increments in the IT industry, as in most of the private sector industry, are based on performance of an individual employee.

(b) and (c): As per the Ministry of Labour & Employment, the Right to form Associations is a fundamental right which is mentioned in the part (III) in the Article 19 (1) under Right to Freedom of Speech.

Workmen, who can form trade union under Trade Union Act 1926 is defined under Section 2 (g) as all persons in trade or industry whether or not in the employment of the employer with whom the trade dispute arises. However, Trade Union Act is being administered by respective State Governments. Apparently if the byelaws containing the inclusion of above category are approved by the concerned Registrar of Trade Union, there should not be any objection to the formation of such unions.