WORKERS RESISTANCE

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RESIST ALL ATTEMPTS TO DILUTE EPF RIGHTS

THROUGH ALTERNATE DISPUTE RESOLUTION AND BY WEAKENING OF PENAL PROVISIONS FOR THE EMPLOYER!

As part of the present government's attempts to dilute all existing legal rights of the working class and clear the path for employers to refuse workers their legal rights, the Employees' Provident Fund Organisation (EPFO) has proposed major changes in the enforcement mechanism of EPF. While the implementation of the labour Codes is still pending, there are consistent attempts to introduce the anti-worker provisions of the Codes through back door methods. The EPFO called for a meeting of Central Trade Unions in April to introduce its proposal for an Alternate Dispute Resolution mechanism for disputes arising out of the course of implementation of EPF and to dilute the penal provision for employers in case of violations.

AICCTU submitted a memorandum with following contents to the Provident Fund Commissioner demanding immediate withdrawal of ADR Mechanism and of the proposed dilution of penal provision.

We are submitting this representation to record our strong opposition to the proposed introduction of Alternative Dispute Resolution (ADR) mechanisms for the enforcement of the EPF Act; and the proposal to reduce penal damages from the current 5–25% to a flat 1%.

These proposed changes amount to a serious dilution of the legal protections guaranteed to workers, undermine the statutory enforcement framework, and violate India's obligations under international labour laws — particularly the International Labour Organization's Convention No. 81 (Labour Inspection Convention, 1947), ratified by India in 1949.

The EPF Act is a mandatory social security legislation that seeks to ensure social security to workers. Non-compliance with such obligations is a statutory offence, not a private dispute. Introducing ADR mechanisms such as mediation, arbitration, or conciliation in this context undermines

the very premise of the law — that EPF contributions are non-negotiable legal entitlements of workers.

ADR processes are voluntary, non-binding, and based on mutual agreement — a model completely inappropriate for adjudicating violations of a statutory obligation. Permitting employers to "settle" such violations through out-of-court or non-statutory channels will only encourage systematic non-compliance, legal evasion, and denial of workers' dues.

It is necessary to point out that India has ratified the ILO Labour Inspection Convention, 1947 (No. 81), which imposes a binding obligation on the State to ensure that labour laws are enforced through a strong, independent, and effective inspection system. Article 3 of the Convention requires that the labour inspection system ensure the enforcement of legal provisions relating to conditions of work and the protection of workers. Article 18 mandates that adequate penalties for violations of legal provisions enforceable by labour inspectors shall be provided for by national laws or regulations and effectively enforced.

Introducing ADR mechanism in enforcement processes would violate India's obligations under Convention No. 81, weaken the authority of labour inspectors, and transform them into facilitators of settlement — which is contrary to their mandated role as enforcers of workers' rights.

We are equally concerned by the proposal to reduce penal damages to a uniform 1% from the existing 5% to 25% depending on the number of months. These penalties are meant to serve as a deterrent and are essential to ensure timely compliance. Reducing penalties to a nominal 1% effectively renders violations inconsequential for employers, especially those who chronically default. Such a step would erode the intent and spirit of the law and signal a shift in favour of employers impunity over worker protection. In fact, appropriate step would have been to increase the penalty in order to ensure proper compliance and to act as a deterrent.

REDUCING PENALTIES TO A NOMINAL 1% EFFECTIVELY RENDERS VIOLATIONS INCONSEQUENTIAL FOR EMPLOYERS, ESPECIALLY THOSE WHO CHRONICALLY DEFAULT

Above changes, in the name of reforms, appear to be part of a larger policy trend, reflected in the Labour Codes, where enforcement mechanisms are being weakened, penalties diluted, and employers offered excessive leeway, while attacking the rights of workers.

The Supreme Court while upholding the provisions of Section 14-B of the Act in Organo Chemical Industries and Ors. vs. Union of India (UOI) and Ors. had held:

"2...the scheme of the Act is that each employer and employee in every 'establishment' falling within the Act do contribute into a statutory fund a title , viz. 6 1/4% of the wages to swell into a large Fund wherewith the workers who toil to produce the nation's wealth during their physically fit span of life may be provided some retiral benefit which will 'keep the pot boiling' and some source where-from loans to face unforeseen needs may be obtained. This social security measure is a humane homage the State pays to Articles 39 and 41 of the Constitution. The viability of the project depends on the employer duly deducting the workers' contribution from their wages, adding his own little and promptly depositing the nickel into the chest constituted by the Act. The mechanics of the system will suffer paralysis if the employer fails to perform his function. The dynamics of this beneficial statute derives its locomotive power from the funds regularly flowing into the statutory till.

3. The pragmatics of the situation is that if the stream of contributions were frozen by employers' defaults after due deduction from the wages and diversion for their own purposes, the scheme would be damnified by

traumatic starvation of the Fund, public frustration from the failure of the project and psychic demoralisation of the miserable beneficiaries when they find their wages deducted and the employer get away with it even after default in his own contribution and malversation of the workers' share. 'Damages' have a wider socially semantic connotation of pecuniary loss of interest on non-payment when a social welfare scheme suffers mayhem on account of the injury. Law expands concepts to embrace social needs so as to become functionally effectual.

The attempts of the EPFO is an attempt to paralyse this statute. This is completely unacceptable and we express our strong opposition to them.

We demand -

- Immediate withdrawal of any proposal to introduce ADR mechanisms for enforcement under the EPF Act.
- Increase of the existing penal damages structure to ensure proper compliance

We urge the EPFO to remember and to uphold its statutory duty to enforce compliance, protect workers' rights, and maintain the integrity of India's social security framework. ■

The Karnataka Platform based Gig Workers (Social Security and Welfare) Act, 2025: Precarity Unaddressed!

★ MADHULIKA T AND AVANI CHOKSHI

On 27th May 2025, the Karnataka Platform-Based Gig Workers (Social Security and Welfare) Ordinance, 2025 was promulgated by the Governor of Karnataka and published in the Extraordinary Gazette, making it the second state in India to pass a legislation in the interests of gig and platform workers.

Karnataka's efforts to legislate on gig and platform work comes against the backdrop of a shift in the global employment model where work has increasingly shifted to digital pastures and towards insecure gig work. As per a NITI Ayog report, gig and platform work in India is expected to rise to a formidable 23.5 million workers by 2029-30, constituting almost 6.7% of India's non-agricultural workforce. A 2023 World Bank report estimated that world-wide gig and platform workers numbered anywhere between 154 million to 435 million, accounting to 12% of the global labour force.

In India, to date, there is no central legislation that specifically speaks to, or attends to the woes of gig and platform workers. Though reference is made to the gig and platform workers in the yet to be implemented Social Security Code, 2020, (SS Code), the protections available to this workforce is minimal. The SS Code neither recognises gig and platform workers as 'workman' who are entitled to the whole gamut of labour protections that labour law offers in India, nor does it spell out the social security rights workers are entitled to, instead merely offering a future promise of social security rights through schemes that the central government may choose to notify.

In light of the lack of any central legislation and mechanism to protect the rights of gig and platform workers, state governments have led the charge to pass legislations for their benefit, beginning with passage of the Rajasthan Government's legislation

in 2023. Karnataka has now become the second state with a gig workers law, whereas in Jharkhand, and Telangana, the legislation continues to be in a bill format and in other states, its still awaiting passage. Notably, following a change of power in Rajasthan from the Congress to the BJP, the latter has failed to notify rules to activate the legislation, leaving the bill in cold storage.

While various state government efforts must be commended for moving the needle on gig and platform workers' rights, these legislations can at best be called as a mixed bag. Though this article will focus its critique on the Karnataka Ordinance, it must be noted that all proposed state legislations to date including the Rajasthan legislation sidestep the issue of 'misclassification' of gig and platform workers'.

Misclassification and International Laws

A central debate that dominated labour and employment laws since its inception has been whether a category of workers can be classified as independent contractors or whether they can be removed from the purview of traditional labour laws. This is the case with platform and gig workers too.

While platform companies have categorised gig and platform workers as independent contractors who fall outside the realm of labour law protections, many gig workers and their unions around the world argue that the nature of their work is nothing but traditional employment relationships. They argue that their work is doused in precarity and exploitation, and in urgent need of protection.

Several courts and governments have answered the call of gig and platform workers by taking cognizance of the issue of misclassification, and have evolved appropriate legal and jurisprudential tests in response. In 2019, the California state passed the Assembly Bill (AB-5) codifying the ABC Test which established a presumption of employee status unless the employer is able to meet the 3 factors of the ABC test and prove that a worker is in fact an independent contractor. The 3 factors test involves the employer proving in the affirmative if 1) the work is done without the direction and control of the employer 2) The work is performed outside the usual course of the employer's business and 3) The work is done by someone who has their own, independent business or trade doing that kind of work. Using AB5, several government functionaries

including the California attorney general and the California labor commissioner were able to successfully sue Uber and Lyft for misclassifying drivers as independent contractors. Though eventually, Uber and Lyft were able to use their extensive lobbying power to undercut the success of AB5 by carving out exceptions for themselves, this law marked an important watershed in categorising gig and platform workers under the law, and in protecting their rights.

Halfway across the ocean from California, the European Union introduced a comparable approach with the adoption of the EU Platform Work Directive in 2024. This directive establishes a rebuttable legal presumption regarding the employment status of gig and platform workers. Under the directive, all EU member states are required to implement national legislation by 2026 that meets the directive's minimum standards, including this presumption test. As a result, the burden of proof now shifts to employers, who must demonstrate that a worker is not in an employment relationship, rather than placing that responsibility on the workers themselves.

Indian Laws and Gig Workers

In India too, courts have evolved tests to determine whether someone is an 'independent contractor' or an employee. Though these tests are not applicable for workers of gig economy in India today, it holds huge significance to evaluate the form and nature of employment.

The tests that have been developed by the Supreme Court to look at whether work is controlled and supervised by the employer, whether the employer can control the manner of doing work and take disciplinary action etc, whether the work in perennial in nature and incidental to the process of the company, etc. In fact, in one case in 1974, the Supreme Court noted that "A person can be a servant of more than one employer. A servant need not be under the exclusive control of one master... There is of course no reason why a person who is only employed part time, should not be a servant and it is doubtful whether regular part time service can be considered even prima facie to suggest anything other than a contract of service" [Silver Jubilee Tailoring House and Ors. v Chief Inspector of Shops and Establishments, AIR 1974 SC 37].

The courts have also held that the real employer cannot escape from liability. In Hussainbhai, Calicut v. The Alath Factory Thezhilali Union, Kozhikode and Ors [AIR1978SC 1410], the Supreme Court held as follows:

"5. The true test may, with brevity, be indicated once again. Where a worker or group of workers labours to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employer. He has economic control over the workers' subsistence, skill, and continued employment. If he, for any reason, chokes off, the worker is, virtually, laid off."

If these tests were to be fairly applied to the gig and platform economy, a substantial proportion of gig and platform workers would be entitled to be recognised as workers and granted protections under labour laws. The scope of existing labour laws would be broad enough to impose substantial liability on the platforms. However, the structural vulnerability of gig work makes a long legal battle impossible for workers. Ultimately, on the ground, there is a total lack of regulation of the rights of gig and platform workers and the liabilities of the platforms towards them. In this context, bringing in a labour legislation to specifically protect the welfare of such workers and grant social security is welcome but not sufficient because employers are being relieved of their responsibility of providing welfare and social security to their own workforce.

The Law in Karnataka

In Karnataka, a Draft Karnataka Platform Based Gig Workers (Social Security and Welfare) Bill, 2024 was circulated by the labour department on June 29, 2024 calling for comments, and was reportedly likely to be tabled in the Monsoon session 2024. The Joint Committee of Trade Unions (JCTU), which includes

AICCTU, submitted their objections and suggestions to the Bill, noting that "the proposed bill provides an opportunity to fix accountability and to provide a form of economic and social security to the workforce in the platform economy. The government and the labour department must look at the opportunity to regulate the sector and provide succour to the workers and in the case of all labour legislation, welfare of the workers must trump all other considerations." JCTU also pointed out various shortcomings in the Bill and gave its suggestions. While the 2024 Bill contained certain commendable clauses, it fell short of recognising any relationship of employment between workers and the platforms. On the other hand, platform and aggregator lobbies strongly opposed the law. National Association of Software and Service Companies (Nasscom) opposed the Bill on grounds that it lays down onerous and prescriptive obligations on aggregators like (indicative) minimum notice period for termination, algorithmic disclosures, monitoring and tracking mechanism. Due to strong opposition and lobby from NASSCOM and other platforms, the 2024 Bill was never introduced.

Thereafter, in April 2025, the Karnataka Cabinet suddenly approved an amended version of the 2024 Draft Bill, and now, the same has been promulgated as an Ordinance.

Ordinances Are Undemocratic

At the outset, the move to pass the law by promulgating an Ordinance is a serious problem, and one for which there is no justification. By bypassing legislative approval, which would ensure sanctity and continuance of the law, the Karnataka Congress government has only taken approval of the Karnataka Cabinet for the 2025 Bill. This mode is subject to Constitutional limitations under Article 213. The Constitution empowers the Governor to promulgate ordinances when the legislature is not in session, however, circumstances must necessitate immediate action. Not only this, but Ordinances, by nature, are of limited duration. They must be laid before the legislative assembly and council and would cease to operate if they are either disapproved by the legislature or on the expiration of 6 weeks from the reassembly of the legislature. Repeated repromulgation of ordinances has also failed constitutional scrutiny.

Certain Features of the Ordinance

The 2025 Ordinance Bill has some provisions that appear to be welcome provisions whose evaluation needs to be seen in a process. Some of them include:

1. Though the law does not recognise gig workers as 'workers', it specifies in Section 26 that its provisions are in addition and not in derogation of any other law for the time being in force. Effectively, this law does not close the doors for a gig worker to claim relief under the ID Act, 1947 or any other existing labour law.
2. The law requires algorithmic transparency in respect of all decisions that impact the working conditions on the gig workers. This is vital, since algorithms have become nothing more than an obscure tool used to perpetuate unfair labour practices and discrimination on gig workers. For example, currently, many workers speak to the fact that if a bonus would be payable to them for completing a certain number of tasks, the last task would not be allotted Moreover, different workers receive different pay for the same duties with no clarity on the reason. The law also terms these algorithms as 'Automated Monitoring and Decision making systems, and broadly defines this to allow for decisions made by automated means with or without human intervention. Now, for all such algorithms, the aggregator/platform is required to inform the worker the procedure to seek the information in respect of all algorithms that impact their working conditions.
3. The law also imposes an obligation on the aggregator to enter into fair contracts which must be transparent, comply with fair rates, and would explicitly allow for the right of the worker to refuse tasks offered.
4. Since this law addresses new and developing

forms of employment relations, it defines 'termination' in broadest terms, including any material restriction to access of digital platforms by the gig worker. This will accommodate the new forms of punishment imposed on workers who no longer receive dismissal orders. Moreover, compliance of principles of natural justice have been brought into the termination clause, requiring the platforms to give the worker an opportunity to place his case before unilateral termination.

5. The law provides for registration of workers and platforms, which will enable imposition of fair liability on the platforms.

6. Importantly, the law requires all workers to be provided with a human point of contact for all clarifications, in Kannada, English or any other vernacular language. One of the main complaints of workers is that in case of any grievances, they are faced with opaque algorithms and Bot replies to questions. The Ordinance also creates a grievance redressal mechanism and appellate mechanism through the labour department for grievances of gig workers. Initially, the aggregator would constitute an internal Dispute resolution committee, and thereafter, the Appellate authority as prescribed by the Government could hear appeals.

7. The Ordinance creates a Welfare fund for Gig workers, and requires aggregators and platforms to pay a transaction based Welfare Fee as notified by the government. This imposes limited financial liability on the aggregators towards the gig workers, though it may be argued that it relieves the management of real responsibility for their welfare

8. The Ordinance mandates provision of a safe working environment 'as far as it is reasonably practicable, including adequate periods of rest, access to sanitary and rest facilities and reasonable travel time to such facilities.

9. The Ordinance creates a Payment and Welfare Fee Verification System (PWFVS) to be administered by the State government that will monitor all payments made by the platforms to workers for each transaction and the welfare fee deducted towards such transaction. The form for this would be prescribed in the Rules.

On the other hand, the Ordinance also fails to adequately protect the rights of gig workers in a number of ways:

1. Of course, in terms of the larger picture, passing of a welfare law that fails to recognise platforms as the employer at all is contrary to our understanding of the evolving nature of the gig economy, where the largest workforce is controlled, supervised and employed by the platform. Importantly, even a provision in the 2024 Bill that safeguarded the right to gig workers to seek resolution of disputes through the Industrial Disputes Act mechanism has been dropped.

2. The Ordinance effectively mirrors the format of the Unorganised Workers (Social Security) Act 2008, wherein a Board is created, workers are registered and are entitled to social security through schemes that would be implemented by the Board. These schemes are also made contributory in nature. On one hand, this means that the law itself does not provide any social security in itself. On the other, this may further the stance of the Platforms/managements that gig workers form part of the unorganised sector workforce and as such are not entitled to benefits from the platforms. Importantly, older laws that followed this model, such as the Building and Other Construction Workers Act, 1996, include important statutory protections by referencing provision for ailment, loan, maternity benefit, pension, education etc.

3. The Board itself lacks representative character. Of the 15 members that compose the Board, only 4 are representatives of gig and platform workers. These representatives too are not democratically elected, but are appointees of the government. This creates the danger of fermenting a situation where unions are forced into patron - client relations with the government. Since it is unlikely that the government will appoint union members genuinely agitating for workers' rights but it is most likely that management sponsored union members would be appointed. The past experience of boards is instructive in this regard - especially BOCW board etc, where decisions taken are taken not in the interests of workers.

4. Another problem is the failure of the government to publish a note outlining the financial and other implications of the law, as required in the Pre legislative consultation policy put out by the Legislative Department of the Ministry of Law and Justice. The Congress government has a history of implementing welfare measures without proper budgeting, which have resulted in diversion of other funds.

5. The Ordinance also leaves the content of most rights to the whims of the bureaucracy and the ruling classes. This includes the percentage of cess to be collected under the law to fund social security measures for workers. The ordinance states that a welfare fee known as the Platform Based Gig Workers Welfare Fee will be charged, which will be not less than 1% but not more than 5% of the payout to the platform based Gig worker of each transaction, leaving the decision on the exact percentage of cess to the whims of the state government. In fact, the words 'as may be prescribed' have been used as many as 20 times, and delegate power to the government to decide, amongst others:

a. Occupational safety and health standards
b. Manner of utilisation and management of welfare Fund
c. Manner of publishing disclosure obligations
d. Manner for providing database of gig workers by platform/aggregator
e. Procedure of disposal of petition and appeal
f. Manner of registration of aggregators in the Board
g. Information pertaining to automated monitoring and decision making systems in respect of which transparency is required

As a result, the exact nature of obligations and duties of the platforms and rights of the workers are neither statutorily comprehensive nor clear.

6. The law in section 12(3) allows for unilateral change in contract terms by the platform, at the cost of the worker by merely imposing notice requirements.

7. In Section 14(2), the Ordinance permits termination of a worker without notice in 'cases of bodily harm' without prescribing how this harm is to be made out and what opportunity would be given to the worker to make out his case.

8. Most egregiously, the Section titled 'Income security' does provide for any income security at all. Rather it states that contractual payment must be made and deductions must be justified with reasons. However, the law falls short of recognising minimum wages for gig workers, though as early as 1948 the legislature in the Minimum Wages Act recognised piece rate minimum wages.

The real working conditions of gig and platform workers have been in free fall for the past couple of years as evidenced by several reports that have been released, notably a 2024 report titled 'Prisoners on Wheels', which found cab and food delivery workers earning poverty wages and working overtime as a structural necessity to make ends meet. It was found that 43.10% of cab drivers earned less than Rs 500 per day, and 32% of food delivery workers earned between Rs 200-400 per day after deducting costs such as food and fuel while over 60% of surveyed cab drivers worked over 12 hours a day, and 55% of food delivery workers worked at least 10 to 12 hours a day.

In sum, while bringing in legislation for the protection of gig and platform workers' rights is absolutely crucial - especially given the burgeoning numbers of workers turning to gig and platform work everyday - half-baked measures like the Karnataka Ordinance will not be the panacea it hopes to be. Though the law, by appearance, offers certain provisions that may aid workers, it does not address the root of their precarity. Genuine progress requires the unambiguous legal recognition of gig and platform workers as workers - which can act as a gateway for these workers to demand for better wages and protection of working conditions - and thereby a better life. This crucial step is certainly within the reach, and the Karnataka Government can pave the way by passing fresh legislation accordingly. ■

Remove the Wage Ceiling for the Applicability of ESI

We are writing to you in regard to the exclusionary criteria in Employees' State Insurance Scheme (ESIS) resulting in lakhs of workers being excluded from the Scheme.

The Employees' State Insurance Corporation (ESIC) was constituted with the objective of providing social security to workers, through benefits such as medical care, cash compensation during sickness and maternity, disability benefits, and dependents' benefits in case of death due to employment injury. While the scheme was envisioned as a pillar of workers' welfare in India, the current implementation falls short of this goal due to an outdated and exclusionary wage ceiling.

The salary threshold for coverage under ESIS was last revised in the year 2016, increasing the limit from Rs. 15,000/- to Rs. 21,000/- per month. However, over the past eight years, there has been a significant rise in the cost of living, inflation has eroded real value of wages despite increase in quantum. In spite of such a fall in real wages, the wage ceiling for the applicability of ESI, has remained static, effectively excluding millions of workers who were under the purview of ESI in the past and who are still languishing in vulnerable employment situations.

Workers who earn above Rs. 21,000/- are ineligible for ESIC benefits, despite the fact that their earnings are insufficient to afford quality private healthcare or financial protection in times of medical emergencies. These workers and their families are thus left in a precarious situation with no access to affordable healthcare, undermining both their right to health and economic security.

Based on prevailing costs of housing, food, transportation, education, healthcare, and other basic needs, it is evident that Rs. 21,000/- per month does not compensate the skyrocketing inflation and price rise. The calculation as per the SC judgment in Raptakos Brett case, would show that a worker must earn not less than Rs. 42,000/- per month in order to meet basic family needs and to maintain a dignified life in urban areas. The current wage ceiling is thus not only unrealistic but also unjust in its consequences.

AICCTU SUBMITTED A MEMORANDUM ON 29 APRIL 2025 TO THE MINISTER OF LABOUR AND EMPLOYMENT DEMANDING REMOVAL OF WAGE CEILING FOR ESI AND GUARANTEE UNIVERSAL ACCESS TO SOCIAL SECURITY. SOME MAJOR POINTS OF THE MEMORANDUM ARE GIVEN HERE

Healthcare and social security are not privileges to be enjoyed only by a few but are fundamental rights that must be universally accessible, particularly in a welfare state. The conditionality imposed by the wage ceiling undermines the principle of universality and social justice.

In view of the above, we urge the ESIC and the Ministry of Labour and Employment to take immediate steps to correct this systemic exclusion and abolish the wage ceiling under the Employees' State Insurance Act, thereby making all workers—irrespective of income levels—eligible for ESIC benefits. ■

SANITATION WORKERS OF CHENNAI CORPORATION MARCH AHEAD

Demanding Regularisation & Against Outsourcing

★ DHINAKARAN

Chennai corporation is divided into 20 zones and sanitation workers are employed under National Urban Livelihood Mission (NULM). The Left Trade Union Centre (LTUC, recently affiliated to AICCTU) has been working among NULM workers for years and took up their cause for minimum wages, regularisation and social dignity.

The ruling dispensation which claims to be the flag bearer of social justice in Tamil Nadu not only failed to implement minimum wages to the most marginalised section of sanitation workers, but also released a new GO 36, reducing their Dearness Allowance component. LTUC relentlessly fought it in the streets and also in the court to ensure that minimum wages as per original Government Order (GO) 62 is complied with. Even after the implementation of minimum wages as per GO 62 in Chennai Corporation, adjoining Tambaram and Avadi corporations have so far not implemented the same. The Government Orders are meant to be implemented in all local bodies all over Tamil Nadu. Comrade Barathi of LTUC, filed a Public Interest Litigation at the High court of Madras for the implementation of minimum wages for sanitation workers in all local bodies in the state and it is pending now. LTUC also got a directive from the High court of Madras to refer the issue of regularisation of Chennai corporation workers to the Tribunal.

The Chief Minister of Tamil Nadu, Mr M K Stalin, when he was in the opposition, had written a letter dated 19.1.2021 to the then AIADMK government demanding regularisation of NULM workers without waiting for a court verdict. DMK had also promised implementation of minimum wages to the sanitation workers in its election manifesto. But it has thrown its own promises to the wind after being elected to power.

In this background, sanitation workers of zone 7 of Chennai Corporation raised an Industrial Dispute with the labour department for permanency. In the conciliation proceedings, the State Government refused to regularise the services of sanitation

workers while the union refused to accept anything less than regularisation. Hence, the conciliation efforts failed and the labour department submitted a failure report to the state government. The government refused to refer the dispute to the Tribunal and has violated its duty. The Union took up the matter to the High court of Madras vide WP 1333/2024. The High court of Madras in turn directed the State government to refer the matter of regularisation to the Tribunal.

The workers of zone 5 and 6 also raised disputes and the High court of Madras by its order in the WPs 420 & 1856/2025 directed the state government to refer the matter to the Tribunal. But, the state govt has not yet complied with the court direction.

The union, Uzhaippor Urimai Iyakkam (UUI - Workers Rights Movement) announced a protest of forming human chain in front of the Chennai Corporation headquarters. Afraid of huge mobilisation, the police insisted on changing the venue of the protest. Top police officials spoke to comrade Suresh. But the workers and the union persisted on their right to protest in front of the office of the employer, the Chennai Corporation which is responsible for outsourcing of their jobs and the police was forced to allocate a place for protest in front of the Corporation Headquarters. More than 1000 workers of zone 5 ,6 and 7 formed a human chain and raised slogans against outsourcing of their jobs and for regularisation.

In the meantime, a delegation led by Comrade Mohan met the Corporation Commissioner while another delegation led by comrade Suresh met the Joint secretary of the labour department to apprise them of their demands.

Finally, the Corporation Commissioner ruled out any move for outsourcing for now and suggested to approach the government for the matter of regularisation as it is related to a policy decision of the state government.

Workers are determined to continue their struggle to protect their livelihood and for permanency and against privatization. They demand that the state government should not allow private players like Urbesar, Enviro to reap profits by outsourcing the Corporation's responsibility of sanitation and Solid Waste Management in the city. Comrade Barathi, the president of the Union, declared that workers will protest in front of the Chief Minister's House if the government unrelented.

The sanitation workers of Coimbatore, Salem, Cuddalore, Thanjavur, Tuticorin, Tenkasi and Kanyakumari districts also have organised themselves under the banner of AICCTU and are fighting for regularisation and minimum wages. The united movement of sanitation workers shall ensure that the systemic exploitation of outsourcing and denial of minimum wages and basic rights do not continue anymore. ■

Intensifying Bulldozer Rampage under the BJP Government of Delhi

Madrasi Camp, Taimur Nagar, Okhla Vihar to Wazirpur – the Anti-Poor Bulldozer Drive Must Stop NOW!

★ SHWETA RAJ

The BJP government in Delhi, led by the Chief Minister Rekha Gupta, has begun a major demolition drive targeting working-class localities and JJ colonies. As part of this rampant bulldozer campaign, the DDA demolished Madrasi Camp in Jangpura on 1st June 2025. More than 300 homes were razed to the ground, rendering thousands homeless. This was carried out in blatant violation of existing DUSIB (Delhi Urban Slum Improvement Board) norms, which clearly mandated against demolition of existing slums without proper in-situ rehabilitation.

The habitual pre-election slogan of "Jahan Jhuggi, Wahan Makan" (Where the Slums, There the Houses), touted by none other than the Prime Minister himself, has become yet another tragic mockery of the condition of the working-class poor in cities like Delhi. Just days ago, CM Rekha Gupta claimed that all JJ colonies and slums in the national capital were safe from demolition, and that the government was working toward improving civic amenities while eviction notices were simultaneously being served across multiple localities, and bulldozers continued destroying the shelters of the urban poor.

On 1st June, hundreds of workers homes were demolished in Madrasi Camp. The very next day, over 100 houses were destroyed in Wazirpur under the pretext of clearing the railway land. In Wazirpur, demolition notices were issued for floors above the ground floor—but actually, full houses were razed to the ground. It is important to note that in 2024,

the Supreme Court, while hearing petitions on "bulldozer justice" by BJP governments in various states, categorically stated that due process must be followed by all government agencies. The demolition of entire buildings in Wazirpur, in contravention of notices and the law, is a clear violation of the Supreme Court's verdict.

These recent demolition drives targeting working-class settlements like Madrasi Camp, Taimur Nagar, and Wazirpur are a brutal assault on the urban poor and expose the BJP government's utter disregard for the rights and dignity of marginalized communities. These demolitions—conducted without proper rehabilitation or due process—are not about removing "illegal encroachments" but about displacing the poor to benefit real estate mafia and political elites.

The residents of Madrasi Camp, most of whom are Dalit and Tamil-speaking migrants, have lived in these neighbourhoods for over 60 years, contributing to Delhi's economy as domestic workers, street vendors, and labourers. Yet, instead of providing them with secure housing, the BJP-led administration has bulldozed their homes, rendering them homeless overnight. This is not urban development—it is social cleansing: a deliberate attempt to push the poor out of the city to make way for corporate land grabs.

The residents sought relief from the Supreme Court but petitions were dismissed. DDA officials claim that demolitions are part of the Delhi High Court-ordered clearance under the Barapullah Drain Decongestion Project, a civic initiative aimed at preventing monsoon waterlogging. But the government must be held accountable: why should the urban poor bear the consequences of the administration's failure? The MCD—governed by the BJP for over 15 years until 2022, and now under AAP—has failed to manage monsoon flooding in

Delhi. Instead of fixing these systemic failures, the government has shifted the burden onto the most vulnerable.

Even DUSIB, the agency tasked with rehabilitating JJ colony residents, is complicit in this inhumane penalization of the poor. Of the 370 households razed in Madrasi Camp, more than 150 have been deemed ineligible for rehabilitation. The future of these families are snatched away. Their homes—built through decades of hard-earned sweat and small savings — are now reduced to dust. And the agency responsible for their relief is busy using technical loopholes to exclude them from the rehabilitation process.

The fate of those who were deemed eligible is hardly better. They are being forcibly relocated to flats in Narela, nearly 40 km from their original locality. This is nothing but a displacement and loss of livelihood. Domestic workers fear loss of employment, as there is no demand for household work in the new area. Children's education is disrupted—many are enrolled in a nearby Tamil Nadu government-aided school with Tamil-speaking teachers, which they will now be forced to vacate.

The flats offered in Narela, for which families must pay approximately ₹1.5 lakh, are uninhabitable—lacking basic amenities like electricity, water, and plumbing. DUSIB is openly violating its own policy of ensuring in-situ, affordable, and functional housing.

It is time to ask: Why are slums inhabited by working-class communities deemed 'illegal', while elite encroachments go untouched? Why is there no proper rehabilitation plan? The answer is clear: this is a politically motivated move to punish the poor and reward the BJP's wealthy backers.

We unwaveringly stand in solidarity with the displaced families and demand -

- Immediate compensation and dignified resettlement for all affected families.
- Accountability from the responsible agencies
- Urgent rectification of current housing policies to ensure dignified, affordable, and in-situ rehabilitation.
- Update cut off date for eligible slums for rehabilitation to 2025.

The BJP's politics of bulldozer will not go unchallenged. We call upon all democratic forces, activists, and working-class organizations to resist this anti-poor agenda and to fight for a Delhi where housing is a right for all, not a privilege for the rich. ■

Dhanbad

MAY 20th PROTEST BY AICCTU

Patna

Ranchi

Rudrapur, Uttarakhand


Kanyakumari


Bhubaneswar
केन्द्रीय श्रमिक संगठन मानङ्क पक्षरु विक्षोभ
INTUC, AITUC, HMS, CITU, AIUTUC, AICCTU, TUCC, LPF, UTUC, SEWA & INDEPENDENT FEDERATIONS


Bhagalpur, Bihar
उपश्रमायुक्त के समक्ष प्रदर्शन


Delhi
AICCTU
AICCTU


Tirunelveli


Raebareli, UP
आल इंडिया सेंट्रल काउंसिल ऑफ ट्रेड यूनियन्स
जनपद–रायबरेली

BOOK REVIEW

DECODING THE LABOUR CODES: A Handbook for Workers

★ AVANI CHOKSI

Though working people constitute a vast majority of the country, the issues of the working class and labour legislation is often neglected in the public imagination. The slow and steady erosion of strong labour law protections through anti-worker Courts and the breakdown of several strong trade unions and movements have gone hand-in-hand with increasing precarity and uncertainty in the lives of workers. Mainstream media no longer sees labour issues as worthy of regular coverage. Against this backdrop, the Union government has passed four new Labour Codes, which change the objective of labour laws from workers welfare to employers' welfare and ease of doing business. Though all Central trade Unions have vehemently opposed the enactment of these Codes, they could be implemented any day, with an executive notification.

It is in this context that the Centre for Workers' Management has recently released a Handbook on the labour Codes. The publication gives a background on the origin of the Codes, goes in-depth into each of the four Codes by discussing the changes in law in question-and-answer format. There is no doubt that mainstreaming the discussion around the Codes is more relevant now than ever. The Handbook takes a clear stance by finding the labour Codes to be totally against the interest of the working class and by finding that key labour law protections have been deliberately obliterated to benefit the interests of the corporates.

A foreword by Senior Advocate Indira Jaising discusses the development of trade union movement and the current labour laws. She notes how in the context of strikes of workers of textile industry, the Trade Unions Act, 1926 was enacted giving immunity to workers from prosecution for resorting to a strike, while remanding registration of workers. She outlines the enactment of the Industrial Disputes Act, 1947 to give an alternative recourse of courts to workers to avoid strikes. Initially, progressive interpretation of law gave power to the courts over what was specifically provided in law, such as the power to grant reinstatement. However, with liberalisation and privatisation, the Courts started restrictively interpreting various labour laws. By 2014, the objective of the law had changed from fair work conditions to 'ease of doing business, culminating in the labour Codes. Ultimately, she notes that litigation under labour laws themselves is a function of power, which results in under-litigation of some laws such as the Equal Remuneration Act, 1976.

Goutam Mody's preface discusses how strong unionisation through the twentieth century led to progressive interpretation of labour law by the courts, leading to labour laws being read closely in conjunction with case laws. However, he also traces changing power equations since the 1990s and impunity to employers caused by the executive and judiciary. These trends ultimately resulted in the Labour Codes, which he terms 'a codification of these employment practices that are violative of basic labour rights.' He points out to various overarching principles of labour law that the Labour Codes will undermine. Trade Unions are placed on an unequal footing with employers and companies, since the Codes allow for cancellation of Trade

Union registration for any violation though there is no similar provision for cancellation of registration of companies. In fact, penal provisions for violations by employers in existing laws have been removed in the Codes. Moreover, the Codes sanctify the gap between formal and informal workers by statutorily placing informal workers beyond the scope of rights-based law, and making them entitled to only what the government may choose to grant through non-justiciable schemes. The Codes also attack the federal character of labour law, which is a concurrent subject, but open up a race to the bottom. Through excessive delegated legislation, the rights of workers are moved from statutory protection to the whims of the executive. He argues that the Codes exclude agricultural workers, domestic workers, as well as the Shops and Commercial establishment Act, the POSH Act, and the Child Labour (Prohibition and Regulation) Act 1986. He points out that the Codes are violative of international labour standards and eliminate punitive measures against the management.

The Handbook traces the origin of the Labour Codes to the Second National Commission on Labour, constituted by the NDA government in 1999 to suggest rationalisation of labour laws in the organised sector and to suggest umbrella legislation for ensuring minimum protections to the unorganised sector. Its report in 2002 was opposed by all the Central Trade Unions, which called the proposed reforms: Anti People, Anti- Labour and Anti-National. Finally, with the UPA coming into power in 2004, the reforms were placed on hold. From 2014, the BJP government in Rajasthan started implementing a number of changes in labour laws that now form part of the proposed labour Codes. The BJP government's manifesto promised to undertake labour reforms to increase ease of doing business. The Handbook points out that key workers' protections have been deleted in the so-called Codification process. The Codes were also passed in Parliament without significant discussion, with all except the Wage Code being introduced while the opposition was on boycott.

The handbook points out how the components of minimum wage have been severely diluted, especially by leaving the fixation process to Rules. The Rules make the rent component only 10% of food and shelter, which is absurd. Moreover, the requirement for provision of a balanced diet as per previous standards has been removed. Similarly, the Codes grant legislative sanctity to 'floor wage', which is illegal, and contrary to judgments that hold that non-payment of minimum wages amounts to bonded labour.

The Handbook notes how penalties for breach have been substantially diluted. It points to a diluted standard of maintenance of crèche whereby the government is now taking on responsibilities of private employers. The Codes also effectively entrench contract work by enabling contract work in a number of core areas and defining core work in a highly restrictive way to absolve principal employer of any liability.

The Codes also remove core safety standards of the Factories Act and Building and other Construction Workers Act, and leave the safety standards to the discretion of the government. The book points out how the social security provisions are actually diluted and widen the gap between the formal and informal sector. Interestingly, by applying inflation rates, the Handbook points out that though the government has boasted of increasing fine rates, their real value has decreased substantially.

The Codes provide for deemed certification of the Standing Orders, and do not provide for adequate consultation with unions as previously required. It no longer mandates display of Standing Orders. Moreover, increasing threshold limits put a large number of workers in smaller establishments out of the purview of labour law protections.

Overall, the Handbook discusses the proposed anti-worker Codes in great detail and simple language. It will be a helpful tool for developing public pressure against the Codes. ■

THE REAL COST OF INDIA-PAKISTAN MILITARY CONFLICT
Lives and Livelihood of People

★ ATANU CHAKRAVARTY

The strength of a civilization is not measured by its ability to fight wars, but rather by its ability to prevent them

— Gene Roddenberry

The Indo-Pak military conflict, following horrific killings of 27 tourists at Pahalgam by terrorists — who are yet to be brought to justice—has left the region in turmoil. In a dramatic turn of events, India agreed to a ceasefire after three days of growing concern over the consequences of a full-scale war between two nuclear-armed, hostile nations. This agreement came after 'a long night of American mediation,' with the ceasefire announcement made not by Indian or Pakistani officials, but by the American President Donald Trump himself.

The Prime Minister, however, has described this as merely a pause in the conflict, with the potential for hostilities to resume depending on Pakistan's military actions. What remains concerning is the Prime Minister's failure to assure the nation for a durable and sustainable peace, or to pursue a proactive and diplomatic offensive to bring perpetrators to justice and resolve all bilateral issues with Pakistan—overcoming American diktats.

Goebbelsian Frenzy

More disturbing is the spectacle currently engulfing the nation: heinous trolling and abusive attacks by rabid warmongers. The Monsters raised and groomed by the Sangh Parivar is playing havoc. Their main target was Himanshi Narwal who lost her husband, a serving Indian Navy officer, in the Pahalgam attack, the Foreign Secretary Vikram Misri and his family. The trolling was so heinous that Vikram Misri was forced to block his X (formerly Twitter) handle. A BJP minister from Madhya Pradesh even referred to Col. Qureshi as a "sister of a terrorist," a remark that drew admonishment from the High Court of Madhya Pradesh.

Amidst this onslaught of false claims, misinformation, and disinformation, the bogey of ultra-nationalist sentiment conceals the true cost of war—death, destruction, and the suffering of ordinary people. As the old adage goes: Truth is the first casualty of war.

An examination of the so-called "news events" debunked by fact-checkers following Operation Sindoor reveals the scale of fake narratives during the conflict. One glaring example was a viral fake post about the "destruction of Karachi port," which garnered over 2.5 million views. The image was actually from an Israeli airstrike on Rafah in Gaza. Another inflammatory post falsely claimed that an Indian drone had struck an area near a mosque in Islamabad; in reality, it was a fire accident from the previous year. A search on Alt News, a fact-checking platform, reveals an inundation of ultra-nationalist content circulated widely on social media in both India and Pakistan.

The Loss of Lives

But beneath this wave of war frenzy lies the harshest reality—its toll on human lives.

The Hindu (What war hysteria hides: deaths, destruction, disinformation, 16 May)published data

revealing that over 13,140 defence personnel have died in major military operations: the J&K Operation (1947–48), the India-China War (1962), the Indo-Pak Wars (1965 and 1971), the Kargil War (1999), and Operation Pawan (undertaken by Indian peacekeeping forces for LTTE disarmament). Additionally, over 26,500 personnel were wounded in these conflicts.

Prolonged tension along the border and hostile relations with neighbors—issues that could have been defused through sustained diplomatic engagement—have placed a massive burden on the national exchequer. Over the past three decades, India has consistently ranked among the world's top arms importers.

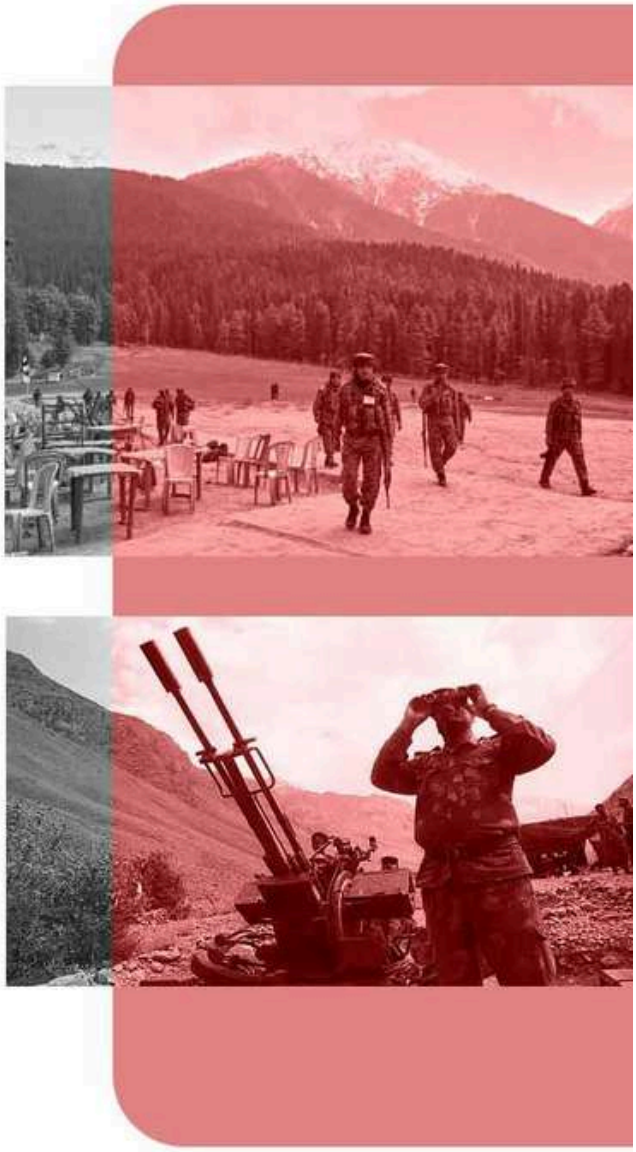
A study of nearly 400 wars over the past 200 years shows that conflicts within national borders reduce per capita income by at least 7 percent. Even when a country wins a war on its own territory, per capita income still drops by about 5 percent. In the case of civil wars, the decline is even steeper—typically around 10 percent below what it would have been under normal conditions.

Traditionally, a conflict is classified as a war if it causes at least 1,000 deaths in a year. However, according to Uppsala University in Sweden, any conflict resulting in at least 25 deaths annually qualifies as a war. By this definition, even the limited Indo-Pak conflict qualifies as a war.

Just like earthquakes are measured by magnitude, wars too can be quantified. In the past five years alone, the number of armed conflicts has doubled: 45 in West Asia and North Africa, over 35 in Africa, 21 in Asia, and 7 in Europe—many of them ongoing.

The Conflict, the Economy and the Livelihood

Given the current geopolitical and economic climate, the United Nations has revised India's economic growth forecast downward. Similar downgrades have been issued by the IMF, World Bank, RBI, and credit rating agencies like Moody's and S&P.



War is synonymous with death, destruction, and misery. It also creates opportunities for profiteering by hoarders and black marketeers. The Indian government must immediately convene a parliamentary session, release data on the total number of civilian casualties, the extent of damage to public and private property, and declare compensation for the victims of this conflict.

All trolls and hate mongers—regardless of political or ideological affiliation—must be dealt with according to the law. Migrant workers harassed and victimised in BJP-ruled states must be protected and reinstated in their jobs if wrongfully deported. Strong class unity is the only effective and lasting response to these vicious communal atrocities. ■

AICCTU AMONG WORKERS

Hundreds of Scheme Workers observed the May 20th protest call of Central Trade Unions and demanded - increase in honorarium to Rs, 21,000 per month, increase retirement age to 65 years, retirement Package of Rs 10 Lakhs, post-retirement pension, disbursal of payment pending for last 8 months. ASHA Workers and Facilitators Started Their 5 Day Long Strike from 20th to 24th May All Over Bihar!

Paschimbanga Sangrami Randhan Kormi Union, affiliated to AICCTU held its third state conference in Maulali Yuva Kendra, Kolkata on 29th May. Recognise Mid Day Meal Workers as Government Employees! Stop Imposing Forced Work on Mid Day Meal Workers!

MAHARASHTRA SPECIAL PUBLIC SECURITY ACT, 2024: Another Tool in the Hands of the Government to Criminalise Dissent?

An in-depth analysis of the Maharashtra Public Security Act, 2024 by Samarthan Advocacy Group was carried in a Marathi magazine "Lal Nishan" in May 2025. Following is the translation

The Maharashtra Special Public Security Bill, 2024, has been proposed by the Maharashtra government with the stated aim of curbing urban Naxalism. The draft of the Bill was first introduced in the monsoon session of the Legislative Assembly on July 11, 2024. However, it was not passed and became defunct after the session ended. It was reintroduced during the winter session in December and has since been sent to a Joint Committee for review. The Bill has been opened to the public for feedback.

Responses have been pouring in from all levels and sectors, and numerous objections have been raised regarding the Bill.

To help the general public understand the provisions of this Bill, we present section-wise observations and explanations. These observations are based on the draft text of the Bill and focus on its major provisions.

Government's Objective Behind the Bill

The stated aim of the Bill is to curb "urban Naxalism" and the unlawful activities of Naxalite organizations. According to the government, existing laws such as the Unlawful Activities (Prevention) Act (UAPA), 2019, and the Maharashtra Control of Organized Crime Act (MCOCA), 1999, are either insufficient or ineffective. Therefore, a new law is deemed necessary.

The government argues that the new law is required to tackle the changing form of Naxalism, particularly its spread in urban areas. Hence, the Special Public Security Law proposed by the state is considered crucial for internal national security.

The Chief Minister has assured that this law is not intended to harass journalists or ordinary citizens, nor will it infringe on freedom of expression. According to the CM, the law targets organizations engaged in anti-national activities—not individuals. To maintain transparency, the government has sent the Bill to a Joint Committee and committed to hold public hearings. The Chief Minister has also assured that further clarifications will be made in the provisions, if necessary.

The Reality of Urban Naxalism

Whether there is a concrete evidence of presence of urban Naxalism in Maharashtra is difficult to confirm definitively, as such information tends to be sensitive and often classified. However, based on available data and government claims, a few points can be noted.

In rural areas like Gadchiroli, the presence of Naxalism is well established. For example, in 2019, Gadchiroli police arrested two senior Naxal leaders —Narmada and Kiran. Narmada was known to have been active for 25–30 years and was considered a key leader in the Gadchiroli Naxalite movement. This incident clearly demonstrated rural Naxalism, but there is no equivalent public evidence available regarding urban Naxalism.

Mentions of urban Naxalism often appear in political and intelligence agency reports, but official documents or publicly available proof are lacking. Some experts and analysts believe that urban Naxalism may be an invisible network that supports rural Naxal movements ideologically or logistically. However, concrete evidence substantiating these claims is usually kept confidential or remains vague. In summary, the existence of urban Naxalism is claimed by the government and some security agencies, but publicly verifiable evidence to support these claims is not available.

Role of Journalists and Civil Society Organizations

Due to its broad and vague definitions, the potential for misuse of power, and its impact on fundamental rights (freedom of expression, association, and protest), the Bill has become highly controversial.

The Bill refers to concepts such as "urban Naxalism," but these terms are not clearly defined. Because of this, journalists could be wrongfully targeted for writing critically against the government. This threatens constitutional rights such as freedom of expression, freedom to assemble, and the right to protest - rights guaranteed by the Indian Constitution.

Because bail is likely to be denied under this law, civil society organizations and journalists fear that ordinary citizens, activists, journalists, and protestors could be unjustly targeted and criminalized.

The Bill also mentions strict action against activities that "disrupt public order." This opens the possibility of suppressing movements related to social justice, environmental issues, or labor rights. For this reason, civil society groups consider this legislation to be anti-democratic.

Furthermore, the terms "terrorist activity" or "threat to public security" are not clearly defined. This lack of clarity allows the administration to act arbitrarily. According to civil society, this could lead to activists, journalists, and common citizens being wrongly treated as criminals.

Several organizations have alleged that the Bill could be used to target social activists, particularly those fighting for tribal rights, Dalit rights, and environmental justice. Such actions could weaken movements working toward social equity and justice. Many civil society organizations have also raised the concern that the Bill was drafted without proper public consultation or adequate discussion. On such a sensitive issue, they argue, it was essential to consider broad public opinion.

Because of these concerns, numerous civil society groups, activists, journalists, and members of the public have expressed strong opposition to the Bill. They argue that under the guise of national security, this Bill could undermine democratic values.
This issue has sparked intense public debate both within the state and across the country, and many organizations are demanding that the Bill be withdrawn.

Observations Based on Key Sections of the Bill

Section 2 – Definition of "Unlawful Organization"

- **Sub-section (ch):** Includes acts that pose a threat to public order, peace, or administration. This covers violence, vandalism, creating fear, disrespecting legal institutions, or campaigning against them.
- **Interpretation:** The definition is highly vague, which could result in peaceful protests or expressing anti-government opinions being labelled as unlawful.

- **Sub-section (chh):** An "Unlawful Organization" includes any person or group directly or indirectly involved in, or promoting, unlawful acts.
- **Interpretation:** This gives the government broad authority to declare any group "unlawful," with a high risk of misuse.

Section 3 – Declaring an Organization as Unlawful

- **Sub-section (1):** Grants the government power to declare an organization unlawful.
- **Interpretation:** There is a strong possibility of misuse of power by the government.

- **Sub-section (3):** If the government deems it necessary to immediately declare an organization unlawful, it may do so without needing the Advisory Board's report. The notification becomes effective upon publication.
- **Interpretation:** This effectively means the final decision lies with the government, not the Advisory Board. Hence, the Advisory Board becomes a rubber stamp.

- **Sub-section (6):** The state government may withdraw such a notification if the concerned organization or person files an appeal.
- **Interpretation:** The final authority to grant relief or exemption from action rests solely with the government.

Section 5 – Formation of Advisory Board

- **Sub-section (1):** The state government may form an Advisory Board whenever it deems necessary.
- **Interpretation:** The independence of the Advisory Board is questionable and doubtful.

- **Sub-section (2):** The Advisory Board will comprise 3 persons eligible to be High Court judges, all appointed by the state government.
- **Interpretation:** This raises questions about the board's autonomy, since appointments are made by the state. Impartiality cannot be assured.

Judge, Former Judge or Magistrate

Section (8): Crimes and Punishments

- **Sub-section (1):** If a person is a member of an unlawful organization or participates in its meetings/actions, they may face imprisonment for up to 3 years and a fine of up to 3 lakh rupees.
- **Meaning:** A person, whether a representative or member of the organization, can be arrested and punished; even if the person was not directly involved in the crime, action can be taken against them.

- **Sub-section (2):** If a person who is not a member provides financial or other assistance to an unlawful organization, they may face imprisonment for up to 2 years and a fine of up to 2 lakh rupees.
- **Meaning:** This provision can also target ordinary citizens who unintentionally provide some form of help.

- **Sub-section (3):** Those who manage or organize meetings of the unlawful organization may face imprisonment for up to 3 years and a fine of up to 3 lakh rupees.
- **Meaning:** Journalists, activists, or social groups that disseminate information related to the organization may also be punished under this clause.

- **Sub-section (4):** Planning or executing unlawful acts, encouraging such acts, or planning them can result in imprisonment for up to 7 years and a fine of up to 5 lakh rupees.
- **Meaning:** This is the most severe punishment, but the vague definition of "unlawful acts" creates confusion.

Section 9: No Appeal in Court

- **Sub-section (1):** District Magistrates or Police Commissioners have the authority to seize property used for unlawful activities and to evict residents from such premises.
- **Meaning:** This could affect the property of innocent individuals as well, and they will not have the right to prior notice or a hearing.

Section 10: Powers of District Magistrate and Police Commissioner

- **Sub-section (1):** The District Magistrate or Police Commissioner will have the authority to seize property and cash.

- **Meaning:** This grants excessive powers to the District Magistrate or Police Commissioner, which could lead to arbitrary actions.

- **Sub-section (8):** The District Magistrate or Police Commissioner will have the authority to dispose off property.
- **Meaning:** The power to dispose of assets and property is excessive; this raises a high possibility of irregularities and corruption.

Section 11: Power to Seize Funds of Unlawful Organizations

- **Sub-section (3):** The District Magistrate or Police Commissioner may issue orders to seize money, bonds, and property.
- **Meaning:** This grants excessive authority to seize money, bonds, and property, increasing the likelihood of irregularities and corruption.

- **Sub-section (5):** The government may send an officer selected by it to conduct a search at the office or residence of the organization, along with a copy of the order; such an order will itself serve as a warrant.
- **Meaning:** This gives police or administrative officers excessive authority to enter offices or homes and conduct searches.

- **Sub-section (6):** Summons will be issued to corporations, companies, banks, or organizational secretaries, directors, or other key persons in the same manner as per the Indian Civil Code, 2023.
- **Meaning:** Corporations, companies, private banks, or people's organizations may face serious harassment. This provision could also violate the Companies Act and Banking laws.

- **Sub-section (8):** The government shall have the authority to recover penalty amounts at market value in the same manner as recovery of land revenue arrears.
- **Meaning:** The government will gain excessive powers to seize and recover movable property from individuals and organizations.

- **Sub-section 12:** Under this law, legal challenges can only be filed in the High Court or Supreme Court. Not in lower (subordinate) courts.
- **Meaning:** This will make it difficult and expensive for ordinary citizens to seek justice, violating the constitutional principle of equality.

- **Sub-section 13:** Entry into government offices or notified areas without the permission of a government officer is prohibited.
- **Meaning:** If a person enters a government office or notified area without permission while conducting a protest or rally, a criminal case may be filed. For example: Tehsil office, Mantralaya, etc.

Sections 14–15: The Offense is Cognizable and Non-Bailable

- Authorized officers acting on behalf of the District Magistrate and Police Commissioner are granted protection and unchecked powers.
- Officers acting under this law will be immune from any legal proceedings, and the offense will be cognizable and non-bailable.
- **Meaning:** This grants officials unaccountable and excessive powers, increasing the potential for misuse and making it difficult to seek legal redress.

Section 17: Protection for Acts Done in Good Faith by Officers

- No civil or criminal case may be filed against any government officer for any damage or harm caused to a person's or organization's property while carrying out actions under this law.
- Such acts will be considered as having been done in "good faith."
- **Meaning:** Even if an officer knowingly damages the property of a person or organization, it will still be deemed an act of good faith and the officer will be immune from prosecution.

Section 18: Power to Make Rules

- Every rule made under this Act shall, as soon as possible, be laid before both Houses of the Legislature during the session.
- If both Houses agree before the end of the session to amend or reject any rule, then the decision shall be published in the Government Gazette accordingly.
- **Meaning:** Members of the Legislative Assembly and Legislative Council have the right to discuss, amend, improve, or repeal provisions of this law during the legislative session.

Summary

- This bill grants sweeping powers to the government — such as declaring any organization unlawful, seizing property, and punishing individuals.
- It allows for arrests without a warrant and designates such offenses as cognizable and non-bailable.
- As a result, in the future, this law may adversely affect heads of institutions, organizations, companies, banks, corporations, journalists, and even ordinary citizens.

Can this law be misused?

There are several examples from Maharashtra that show how laws similar to the Maharashtra Special Public Security Act have been misused. The following are specific incidents that provide a glimpse into how such laws can be abused:

Examples of misuse of such laws in Maharashtra

Bhima Koregaon Violence, 2018

- After the violence at Bhima Koregaon in Pune in 2018, police arrested several social activists, lawyers, and writers like Sudha Bharadwaj, Varavara Rao, and Gautam Navlakha, accusing them of having links with Maoists.
- In this case, the Unlawful Activities Prevention Act (UAPA) and other security laws were invoked.
- Human rights activists claimed that these laws were used to target those critical of the government.
- Many of the accused were granted bail due to lack of evidence, leading to widespread criticism of the misuse of these laws.
- **Nature of misuse:** Accusing individuals of Maoist or terrorist activity without solid proof.

Arrest and Death of Stan Swamy

- Jesuit priest and tribal rights activist Stan Swamy was arrested under UAPA in the Bhima Koregaon case.
- He was accused of having links with Maoist activities, but no concrete evidence was presented.
- Despite his age and health conditions, he was denied bail, and he died in prison in 2021.
- This incident raised serious questions about the misuse of UAPA and the trend of targeting activists.

Suppression of Peaceful Protests (CAA-NRC), 2019

- In Maharashtra, there have been several complaints about the use of police laws to suppress peaceful protests and marches.
- For example, during anti-CAA-NRC protests in 2019, some protestors in Mumbai and Pune were accused of rioting.
- In some cases, police used lathicharge or detained protestors, raising questions about the right to freedom of expression.

Threats and False Cases Against RTI Activists

- RTI (Right to Information) activists in Maharashtra have faced threats, attacks, and false legal cases.
- For instance, in Pune and Mumbai, some activists who exposed corruption were falsely charged or intimidated.
- Though RTI is meant to promote transparency, in some instances local authorities misused other laws (like defamation or criminal codes) to target whistle-blowers.

Examples of Misuse of Laws in Other States

Laws such as the Unlawful Activities Prevention Act (UAPA), the Armed Forces Special Powers Act (AFSPA), and certain state-level public security laws have often been used in controversial ways. The following examples illustrate how these laws have allegedly been misused:

Jammu & Kashmir – Misuse of AFSPA (Since 1990)

- In Jammu and Kashmir, security forces have been granted extensive powers under AFSPA, leading to numerous allegations of human rights violations.
- Example: Pathribal Incident (2010) – In Pathribal, Kupwara district, the Army killed five local residents labeling them as "terrorists." Later investigations revealed they were innocent civilians, and the encounter was fake. This incident sparked massive outrage and highlighted the potential for misuse of AFSPA against ordinary citizens.

Chhattisgarh – Misuse of UAPA and Local Laws

- In anti-Naxal operations, UAPA and state-level laws have allegedly been used against tribal people and activists.
- Example: Soni Sori Case (2011) – A tribal teacher and activist Soni Sori was arrested under UAPA, accused of supporting Naxalites. She was reportedly subjected to severe custodial torture. Investigations revealed no concrete evidence against her, and the case was widely believed to have been filed under political pressure.
- Additionally, several journalists in Chhattisgarh have been jailed under UAPA based on false allegations of Maoist links.

Jharkhand – Misuse of UAPA

- Example: Father Stan Swamy Case (2020–2021) – A prominent 83-year-old tribal rights activist, Father Stan Swamy, was arrested under UAPA in connection with the Bhima Koregaon case.
- He was accused of Maoist links, but no solid evidence was presented.
- ·He was denied adequate medical care in prison and died in custody in 2021. The incident sparked sharp criticism of how UAPA was being used to target activists.

Manipur – AFSPA and Local Incidents

- AFSPA has often been a source of major controversy in Manipur.
- Example: Thangjam Manorama Case (1996) – Near Thangal Bazar, Imphal, the Army shot dead 10 civilians, branding them as "terrorists." Later, it was revealed that all were ordinary citizens.
- The incident raised serious concerns about the sweeping powers under AFSPA.
- Additionally, activist Irom Sharmila fasted for 16 years (2000–2016) to protest against AFSPA, citing the law's role in causing suffering to countless innocent people.

Tamil Nadu – Misuse of Goondas Act

- In Tamil Nadu, the Goondas Act (Preventive Detention Law) has allegedly been used to target political activists.
- Example: Thirumurugan Gandhi Case (2017) – Leader of the "May 17 Movement," Thirumurugan Gandhi, along with colleagues, was arrested under the Goondas Act for holding peaceful protests in support of Sri Lankan Tamils.
- This was criticized as a misuse of the law to suppress political dissent, since there was no clear criminal evidence against them.

Conclusion

- These examples show that laws like UAPA, AFSPA, and other public security acts have sometimes been used against innocent individuals, activists, journalists, and tribals.
- The broad and vague definitions within these laws increase the risk of misuse, leading to human rights violations and social injustice.
- These cases underline the urgent need for

transparency and accountability in the implementation of such laws.

Key Observations

- Vague definitions and sweeping powers in laws like UAPA and MSPSA (Maharashtra Special Public Security Act) create scope for misuse by authorities.
- There are repeated allegations of targeting social activists, journalists, and those who express dissent against the government through the misuse of these laws.
- Abuse of judicial process: Long-term incarceration, denial of bail, and prolonged trials often lead to undue harassment of innocent individuals.

Major Recommendations

- Ensure transparency and accountability in the implementation of such laws.
- Revise ambiguous provisions and implement strict guidelines to prevent misuse.
- Take preventive measures in consultation with human rights organizations, opposition parties, and journalists to avoid misuse of security laws. ■

OBITUARY

RED SALUTE TO COMRADE KEDAR PRADHAN!

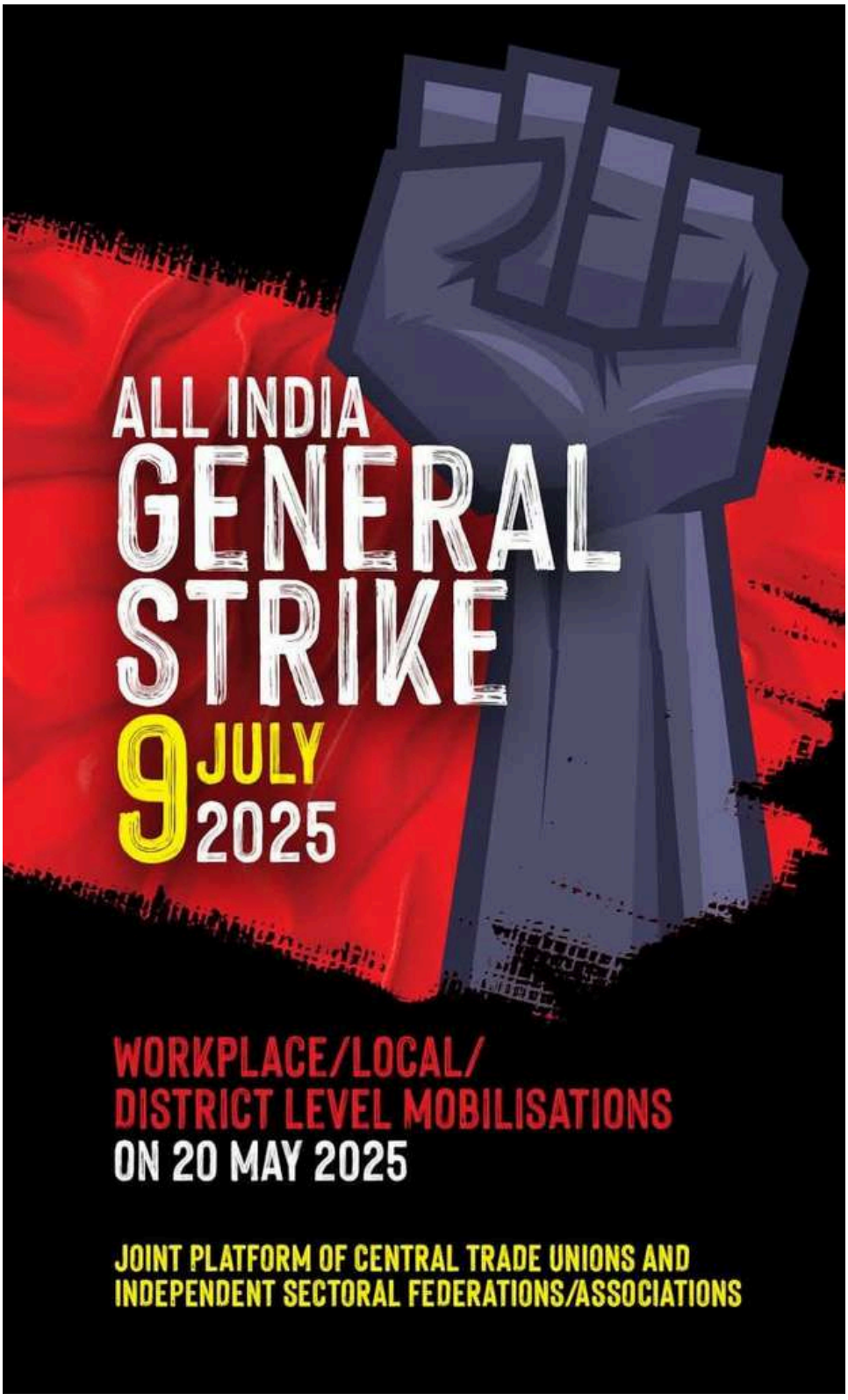
Comrade Kedar Pradhan is no more with us. He passed away on 29th May 2025. He was 71 years old. Comrade Pradhan was Vice President of AICCTU, Odisha and former General Secretary of Ispat Shramik Sangh in Rourkela Steel Plant (RSP). He was also a former State Committee Member of CPI-ML.

He was very dedicated towards the rights of workers and used to fight for all the workers including contract workers in RSP. He took the initiative of forming the party in Rourkela in the 80s.

We express our deepest condolences to his bereaved family. His fighting legacy will continue to inspire our struggle.

Red Salute to Comrade Kedar Pradhan!

NATION-WIDE GENERAL STRIKE
OF CENTRAL TRADE UNIONS



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Rajiv Dimri, General Secretary
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All India Central Council of Trade Unions (AICCTU)
Head Office: U-90, Shakarpur, Delhi 110092.
Phone: +91-9205642035

Contact:
editor.workersresistance@gmail.com
aicctu@gmail.com